CCSSO

Council of Chief State School Officers

CCSSO English Learners with Disabilities Guide

A Guide for States Creating Policies on the Identification of and Service Provision for English Learners with Disabilities

THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

COUNCIL OF CHIEF STATE SCHOOL OFFICERS
Melody Schopp (South Dakota), President
Chris Minnich, Executive Director

CONTENTS

The Council of Chief State School Officers

**A Guide for States Creating Policies on the Identification of and
Service Provision for English Learners with Disabilities**

Project Leaders and Primary Authors

Soyoung Park, Stanford Graduate School of Education

Martha I. Martinez, Oregon Department of Education

Fen Chou, Council of Chief State School Officers

Planning Team Members

Magda Chia (Stanford University/Understanding Language), Kenji Hakuta (Stanford University/
Understanding Language), Kristin Liu (NCEO), Martha Thurlow (NCEO), Sandra Warren (East Carolina
University)

Research Team

Soyoung Park (Stanford University), Martha Martinez (Oregon Department of Education), and Deb Albus
(NCEO)

Research States and Districts

California Department of Education

Colorado Department of Education

David Douglas School District

Eagle County School District

Grand Rapids School District

Harrison School District

Michigan Department of Education

Oregon Department of Education

San Diego Unified School District

National Working Group Members

Veronica Aguila, California Department of Education

Helene Becker, Norwalk Public Schools

Millie Bentley-Memon, U.S. Department of Education, Office of State Support

Kristen Brown, California Department of Education

Tara Courchaine, U.S. Department of Education, OSEP

Morgan Cox, Colorado Department of Education

Patty Finnegan, Washington State, Assessment and Student Information

Melissa Gholson, West Virginia Department of Education

Theresa Hawk, California Department of Education

Brikena Haxhiraj, Corvallis School District

Fran Hernandez-Herbert, Colorado Department of Education

Andrew Hinkle, Ohio Department of Education

Lynda Idle, Harrison School District

Angelica Infante-Green, New York State Department of Education

Tricia Kerr, Arkansas Department of Education

Emily Klein, Rhode Island Department of Education

Paulina Larenas, Bilingual Family Resource Coordinator and parent

Jobi Lawrence, Iowa Department of Education

Audrey Lesondak, Wisconsin Department of Public Instruction

Mike Middleton, Washington Office of Superintendent of Public Instruction

Sara Nino, Massachusetts Department of Elementary and Secondary Education

Justin Porter, Texas Education Agency

Judy Radford, Virginia Department of Education

Claudia Rinaldi, Lasell College

Joanne Runion, Tennessee Department of Education

Karen Thompson, Oregon State University

Tim Tipton, San Diego Unified School District

Danielle Uttley, San Francisco Unified School District

Aqila Waheed, Department of Defense Education Activity

Elizabeth Watkins, Minnesota Department of Education

Grace Zamora Duran, U.S. Department of Education, OSEP

CCSSO Advisors

Johnny Collett, Clayton Hollingshead, Scott Norton, English Learner National Assessment Task Force, Students with Disabilities National Assessment Task Force

Guide Document Reviewers

Review conducted by representatives from the following groups:

Planning Team Members

Research States and Districts

National Working Group

English Learner SCASS

Assessing Special Education Students SCASS

English Learner National Assessment Task Force

Students with Disabilities National Assessment Task Force

Parent representative

Council of the Great City Schools

John Hoover (University of Colorado Boulder)

Note: *The ideas and information contained herein are those of the authors. Though there were many who contributed to the document, the authors take full responsibility for its content.*

ENGLISH LEARNERS WITH DISABILITIES: A NEED FOR GUIDANCE

English learners with disabilities are a diverse group of students with unique educational needs. The proper identification of and service provision for this heterogeneous group is both complex and necessary for maintaining civil rights. The 2015 "Dear Colleague" letter released by the U.S. Departments of Education and Justice emphasizes that state and local education agencies "must ensure that all [English learner] students who may have a disability, like all other students who may have a disability and need services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner" (p. 24). Once appropriately identified, English learners with disabilities must receive the specific language and disability-related services that meet the student's individual needs.

Identifying and serving English learners with disabilities is no simple task. For years, the Council of Chief State School Officers (hereafter CCSSO, or the Council) has facilitated conversations within its English Learner (EL) and Assessing Special Education Students (ASES) State Collaboratives on Assessment and Student Standards (SCASS) groups on this topic. The SCASS groups consist of state education leaders and national experts. Since October 2014, CCSSO organized regular joint EL and ASES SCASS meetings to discuss concerns related to the appropriate identification of and service provision for ELs with disabilities. In December 2014, CCSSO commissioned a white paper providing a literature review on this topic (Park, 2014). Then, the Council published a [policy paper on English learners with disabilities](#) in June 2016 (Park, Magee, Martinez, Willner, & Paul, 2016).

The activities listed above generated rich discussion between the EL and ASES SCASS that identified a need for additional research and policy guidance on identifying and serving English learners with disabilities. CCSSO responded by launching a project to develop an *English Learners with Disabilities Guide* (hereafter the Guide) for states. The Guide has been created in partnership with representatives from over 20 state and local education agencies, as well as in consultation with national experts and federal representatives. A small-scale research study involving four states (described in the appendix) was also conducted to support the development of the Guide.

The purpose of the Guide is to offer recommendations to states developing policies and procedures on 1) the identification of English learners with disabilities, and 2) Individualized Education Program (IEP) development for English learners with disabilities. The Guide focuses on English learners with disabilities whose language proficiency and disability may be related within an educational context. For some English learners with disabilities, English language proficiency is unrelated to their disabilities (e.g., a student may be an English learner and have a physical disability for which they receive special education services). Furthermore, the Guide identifies specific areas in need of additional research to inform state policy and procedures.

Although this Guide addresses English learners with language-related disabilities, it does not address the subset of these students who have the most significant cognitive disabilities. Nevertheless, state policymakers should give special consideration to English learners with the most significant cognitive disabilities as they develop or revise their policies and procedures.

It is important to note that English learners with disabilities are a heterogeneous group of students. Before using the recommendations presented here to develop policies and procedures, state education leaders should first collect and analyze data that would help them better understand

who the English learners with disabilities in their state are, as well as what current needs exist for these students. Data that states might review include a) descriptive statistics of English learners with disabilities broken down by disability type, home language, English language proficiency, grade level, and other characteristics; b) disproportionate representation of English learners in special education, including both over and underrepresentation; c) existing policies related to English learners who are suspected of and who have disabilities; and d) areas in need of further guidance as reported by district and school level practitioners. This needs assessment will identify current challenges that the recommendations in the Guide can help state policymakers address.

This Guide is not official federal or state policy, but rather a set of recommendations for state policymakers to consider when creating guidance and supporting research on topics related to English learners with disabilities.

Organization of the Guide

The Guide is divided into three sections:

1. Developing a Framework for Identifying English Learners with Disabilities

2. Individualized Education Program (IEP) Development for English Learners with Disabilities

3. Policy and Research Needs for English Learners with Disabilities

The first section focuses on students who are already identified as English learners and are considered for special education eligibility. The recommendations in the second section are focused on students who are dually identified as being both English learners and students with disabilities. The final section describes policy and research needs for both English learners suspected of having disabilities and dually identified students.

The recommendations in the first two sections highlight key elements for state education leaders to consider when developing policies and procedures. Following each set of recommendations is a list of resources and tools that serve two purposes: 1) they offer concrete examples of the recommended policies and procedures, and 2) they can be used as potential models for states wanting to develop similar tools tailored to fit their specific contexts. Links to the original documents are embedded in the text as hyperlinks. *As of October 2017, these links are operating and available.*

The policy and research needs identified in the final section of the Guide were derived from research and meeting activities that led to the development of this document. Information on how this Guide was created, including the research, meeting, and review processes, is presented in the appendix. The concluding section highlights some of the most pressing areas where future resources and attention should be directed. Of note is the issue of exiting English learners with disabilities from English learner status. All stakeholders involved in the creation and review of this document expressed that this is an area of deep concern among state, district, and school educators. Due to limited existing policies and practices in this area, as well as limited research on how specific disabilities interact with English language proficiency, this document does not include specific recommendations on this topic. The goal of this Guide is to offer recommendations based on existing policy and practice related to English learners with or suspected to have disabilities.

DEVELOPING A FRAMEWORK FOR IDENTIFYING ENGLISH LEARNERS WITH DISABILITIES

We recommend that states create a framework for identifying English learners with disabilities that districts can use as a guide when developing district-level identification processes. These frameworks should address collaboration, intervention, and evaluation when identifying English learners with disabilities. [Note: Although we recommend the creation of frameworks, processes for identifying English learners with disabilities will not be uniform given the individual needs and characteristics of students.] States may include any or all of the following recommendations.

RECOMMENDATION 1: State frameworks for identifying English learners with disabilities should be created through and should highlight collaboration between English learner, special education, and general education personnel.

The identification of English learners with disabilities is a complex endeavor, as educators are faced with multiple challenges when trying to distinguish whether English learners' academic difficulties stem from language proficiency issues or the presence of disabilities (Case & Taylor, 2005; Chu & Flores, 2011; Klingner & Artiles, 2003). Federal law mandates that teams of general education personnel, special education personnel, additional specialists (as relevant), and parents/caregivers be responsible for making eligibility determinations for special education services (IDEA, 2004). Collaboration among various experts is especially important for English learners, as there are multiple sociocultural and sociolinguistic factors that may influence their performance in schools (Artiles & Ortiz, 2002). It is important that educators both avoid misinterpreting such factors for disabilities and simultaneously ensure that students with disabilities receive services.

Creating state frameworks through collaboration

The development and implementation of state frameworks for identifying English learners with disabilities should be a collaborative effort among state English learner, special education, and general education personnel. To institutionalize such collaboration, states may consider creating specific positions or work groups.

Specific Positions. State education agencies might include collaboration across departments (e.g., an EL leader collaborating with the Special Education Department, or a special education leader collaborating with the English Learner Department) in state leaders' job descriptions. These individuals could be responsible for assisting with the creation, implementation, and monitoring of district and school level processes for identifying English learners with disabilities, among other tasks. States might also consider creating single positions for individuals with expertise in English learners and special education. These individuals could facilitate collaboration at the state and district levels.

Work Groups. States could similarly develop teams of leaders that come together to create policies and procedures related to the identification of English learners with disabilities. These work groups may also plan joint symposia or training to support district and school level staff with the identification processes.

Highlighting collaboration in state frameworks

Multidisciplinary teams.[1] State frameworks for identifying English learners with disabilities should recommend that districts institutionalize collaboration among English learner, special education, and general education personnel when creating and implementing district identification processes. States may guide districts to form multidisciplinary teams that are responsible for developing and implementing district processes for identification. They might also recommend that district processes include the creation of multidisciplinary teams at the school level. State collaborative teams can offer technical assistance to district-level multidisciplinary teams, who would then support school-level multidisciplinary teams. Below is a list of the expertise and individuals who may be included on multidisciplinary teams.

Examples from Our Research States

Below are examples of how three states who participated in the research phase of the Guide development (see appendix) approach collaboration through specific positions or work groups.

*Colorado Department of Education: "People in my office have it written into their **job description** to do this work in collaboration with special ed." (Interview)*

In the Colorado Department of Education, the Exceptional Student Services Unit (ESSU) funds a portion of salaries for individuals in the Culturally and Linguistically Diverse (CLD) Education Department. As a result, these individuals have incorporated collaboration with ESSU into their job descriptions. For example,

- "Collaborate with ESSU to develop, refine, and modify the CLD Toolkit for ESSU and ELD [English language development] directions;" and

- "Provide training through multiple modes in collaboration with ESSU on identification, instructional services and support, and exiting EL students on IEPs with disabilities."

California Department of Education: Joint Symposium

For the last few years, the English Learner Support Division and the Special Education Division of the California Department of Education have held a joint symposium on supporting English learners with disabilities. Leaders from the two divisions come together to plan the content of the symposium, which includes presentations from experts on English learners and special education and workshops run by districts doing work on English learners with disabilities.

Michigan Department of Education: Creating a Handbook

The Special Education Office and the Special Populations Unit worked together on the creation of the *Guidance Handbook for Educators of English Learners with Suspected Disabilities*. The primary authors for the handbook were from the Special Populations Unit as well as Great Lakes Comprehensive Center. The Special Populations author specializes in both bilingual and special education. This individual met regularly with leaders in the Special Education Office to gather input on the document.

---

1   We use the term "multidisciplinary" to signify the bringing together of different fields and expertise. We acknowledge that states and districts may use different terminology (e.g., transdisciplinary, interdisciplinary) to represent a similar concept.

Expertise to be included on multidisciplinary teams	Individuals to be included on multidisciplinary teams
• Second language acquisition, multilingualism, and English language development • Student's home language and culture • Culturally and linguistically responsive practices relevant to the linguistic and cultural needs of the student in question (see Recommendation 3) • Bilingual evaluation • Special education • Curriculum, general education content • Family and community engagement • Related services (as appropriate), such as speech-language pathology, occupational therapy, etc.	• Parents/family members • General education teachers • Special education teachers • English learner and bilingual education teachers/experts • Intervention specialists • Other service providers, especially speech-language pathologists who have expertise in language development • School administrators • School psychologists • Bilingual evaluators • Trained and qualified interpreters • Cultural liaisons • Student (when appropriate)

Note: Culture and language-related expertise may not be found solely among teachers formally responsible for English learner services. There may be other educators (e.g., bilingual speech-language pathologists, bilingual general education teachers) or community members who have knowledge of second language acquisition and culturally/linguistically responsive practices who may serve as members of the multidisciplinary team (with the appropriate training; see Recommendation 6).

These multidisciplinary teams are different from IEP (Individualized Education Program) teams, but there may be overlap across the two teams. Schools and districts may have different names for multidisciplinary teams, including Student Support Teams, Student Success Teams, Teacher Assistance Teams, among others. By calling them multidisciplinary teams, our goal is to emphasize the bringing together of diverse expertise when developing and implementing frameworks and processes for identifying English learners with disabilities.

Collaborating with parents and families. Parents/caregivers are particularly important members of multidisciplinary teams because they are experts on the child and bring critical knowledge to the special education identification process (González, Moll, & Amanti, 2005). State frameworks should recommend that districts and schools make

Example from San Diego Unified School District

Transdisciplinary Teams are an integral part of the San Diego Unified School District's (SDUSD) Comprehensive Evaluation Process for English Learners (CEP-EL). SDUSD has a district-level transdisciplinary team that develops and monitors the implementation of processes for identifying English learners with disabilities. They offer support to school transdisciplinary teams responsible for implementing the district-developed process. The CEP-EL relies on transdisciplinary teams sharing responsibility for the identification of English learners with disabilities.

"Transdisciplinary teams perform a range of important functions:

- Exchange information on a regular basis
- Coordinate planning, strategizing, and intervention
- Support each other in the face of potentially difficult problems
- Help share responsibility and accountability
- Pool resources and expertise
- Minimize duplication of effort
- Ensure more authentic assessment" (CEP-EL Manual, p. 5)

efforts to ensure that parents/caregivers can fully engage in the teams as they develop and implement processes for identifying English learners with disabilities. For example, states might recommend including interpreters and cultural liaisons on multidisciplinary teams (see note about interpreters under Recommendation 3). States can also support districts in the creation of 1-page descriptions of the identification process that are accessible to parents/caregivers (e.g., written in jargon-free language and translated for English learner parents). Additionally, states can develop glossaries of English learner and special education terms for parents to use as a resource. In any glossaries used for parents/families and interpreters, there should be parity between English learner and special education terminology, and explanations of terminology should be easily accessible to a wide audience. Finally, states might consider engaging parents who have experience with and knowledge of the special education identification framework for English learners in trainings offered to state and district-level multidisciplinary teams.

How to collaborate. State guidelines for how multidisciplinary teams can collaborate when developing and implementing processes for identifying English learners with disabilities are critical. States might consider framing collaboration as a continuum, offering a range of examples for how to structure collaboration in addition to the examples for institutionalizing collaboration described above (Cook & Friend, 1991; Vangrieken, Dochy, Raes, & Kyndt, 2015). Another action states can take is to conduct a pilot study of a few district-level multidisciplinary teams to help identify characteristics of effective teams. San Diego Unified School District took this approach with a small subset of schools and found that common characteristics for effective school-based teams were as follows:

- Positive, open communication,
- Ability to meet together regularly (even if only for 30 minutes weekly),
- Respect for one another,
- Willingness to be flexible and open-minded,
- Shared responsibility and accountability,
- Expertise, competence, work ethic
- Site-level administrative support,
- General agreement on mission or role of team,
- On site together one day per week.

[(SDUSD Forming a Transdisciplinary Team: A Process Manual, p. 1-2)](#)

Resources and Tools Related to Recommendation 1
- [Sample Frameworks for Approaching Collaboration](#)
- [Sample Protocol to Structure Collaboration](#)
- [Sample State-Level Collaboration](#)
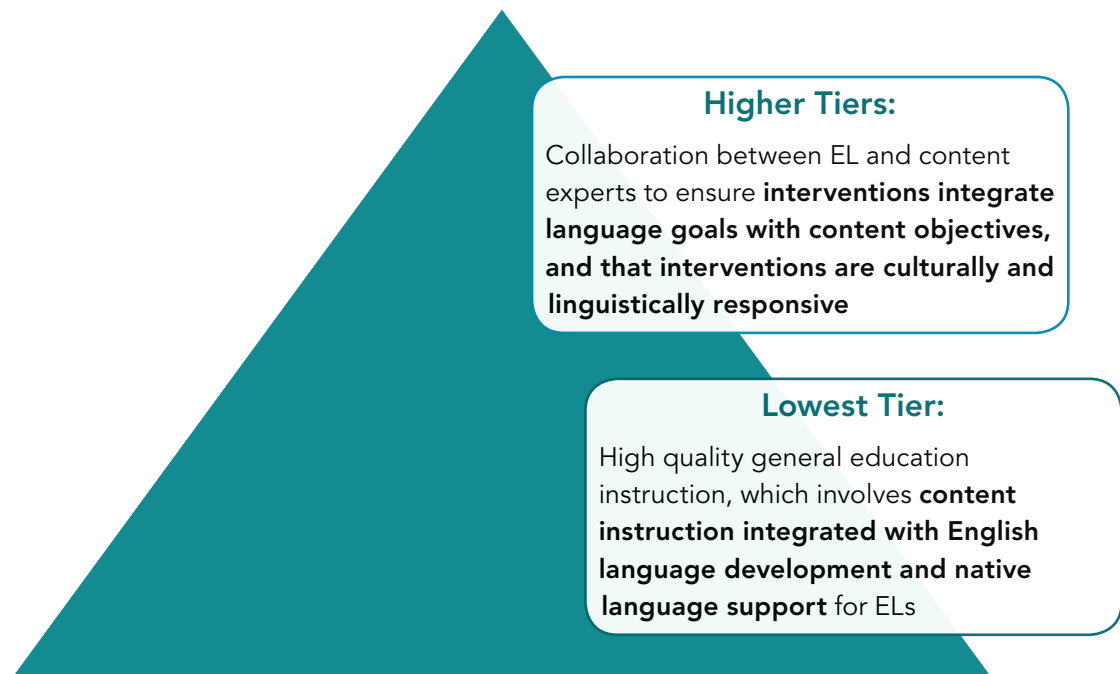- [Sample Glossaries for Parents/Caregivers and Interpreters](#)

RECOMMENDATION 2: State frameworks for identifying English learners with disabilities should emphasize interventions to prevent inappropriate special education referrals.

According to federal law, no student may be identified as eligible for special education if the root cause for their academic difficulties is lack of appropriate instruction (IDEA, 2004). Providing interventions to students suspected of disabilities ensures their access to adequate instruction (Fletcher & Vaughn, 2009; Fuchs & Fuchs, 2006). States might consider incorporating tiered intervention models, such as Multi-Tiered System of Supports (MTSS) or Response to Intervention (RTI), in their frameworks for identifying English learners with disabilities. [Note: Not all states or districts will use MTSS or RTI. We offer these as possible frameworks, as these were the approaches to tiered interventions that our research states and districts use.] State frameworks should clarify that providing interventions should not unduly delay the identification process, but should instead help facilitate appropriate identification (OSEP, 2011).

Tiered intervention models for English learners

If tiered models (see Figure 1) are included in state frameworks for identifying English learners with disabilities, high quality English language development instruction should be included in the lowest tier representing evidence-based general education instruction. It is important that English learners receive appropriate English language instruction tailored to their specific needs and integrated with content instruction. More intensive interventions in the higher tiers should be layered on top of this strong, high quality instruction. For the higher tiers, content interventions should integrate English language development and English learner supports to ensure students access content while also developing their English proficiency.

Figure 1. Considerations for English learners in tiered intervention models

Higher Tiers:

Collaboration between EL and content experts to ensure **interventions integrate language goals with content objectives, and that interventions are culturally and linguistically responsive**

Lowest Tier:

High quality general education instruction, which involves **content instruction integrated with English language development and native language support** for ELs

Intervention models should also incorporate principles of [Universal Design for Learning (UDL)](#), a framework for curriculum development and instruction that gives all students equal opportunities to learn. UDL "provides a blueprint for creating instructional goals, methods, materials, and assessments that work for everyone—not a single, one-size-fits-all solution but rather flexible approaches that can be customized and adjusted for individual needs" ([National Center on Universal Design for Learning](#)). The [principles of UDL](#) include a) providing multiple means of engagement, b) providing multiple means of representation, and c) providing multiple means of action and expression. UDL is especially important for ensuring that English learners have adequate access to general education instruction before determining whether and what types of interventions may be needed.

Progress monitoring considerations

Frameworks that include tiered intervention models should involve regular progress monitoring. Progress monitoring can take the form of analyzing performance data, formally and informally observing students on a regular basis, examining and intervening for language proficiency-related explanations for students' difficulties, and comparing English learners to peers with similar characteristics [Note: Although comparison to "true" English learner peers is extremely important, this may be challenging in smaller districts or for English learners with low incidence native languages, as well as those considered for the most significant cognitive disabilities or sensory disabilities (e.g., blind, low vision, deaf, hearing impairment, deafblind)].

When analyzing performance data, multiple measures and data sources should be examined, including local and curriculum-based assessments as well as any large-scale standardized assessment data that may be available (e.g., English Language Proficiency and content assessments required for accountability purposes). Further, progress monitoring should be of both English language development and achievement in the content areas. Any progress monitoring tools should be culturally and linguistically responsive to the particular needs of individual English learner students (see Recommendation 3). Staff interpreting the assessment results should have training on interpreting assessment results for culturally and linguistically diverse students. Staff with expertise in the culture and language of the student may be important resources for progress monitoring.

Given the challenges of regular progress monitoring, state frameworks for identifying English learners with disabilities should include explicit guidelines for what practitioners should look for when gathering data on interventions. Additionally, these guidelines should explicate how the practitioners might use the gathered data to inform next steps for individual students. A flowchart or a graphic organizer may be particularly helpful for schools and local education agencies (see Resources and Tools).

Note: For English learners who are recently arrived students or students with limited or interrupted formal education (SLIFE), it may be particularly challenging to determine whether their difficulties stem from disabilities, lack of appropriate instruction, or the impact of previous life experiences. State guidance should recommend that English learner, special education, and general education experts collaborate to collectively analyze intervention data and consider the potential role of disabilities in students' difficulties. Parents and families/caretakers may be particularly important resources for these educators when gathering information on previous life and schooling experiences. States may also recommend that practitioners use native language screening tools or assessments for progress monitoring when possible.

Resources and Tools Related to Recommendation 2

- [Resources for RTI/MTSS Frameworks](#)
- [Sample Protocols for Monitoring Tiered Interventions for English Learners](#)

RECOMMENDATION 3: State frameworks for identifying English learners with disabilities should include culturally and linguistically responsive practices.

The identification of English learners with disabilities is a complex endeavor because of the variety of social, linguistic, and cultural factors that inform English learners' experience in schools (Shifrer, Muller, & Callahan, 2011; Wagner, Francis, & Morris, 2005). To avoid the conflation of such factors with disabilities, it is important that the identification process involve culturally and linguistically responsive practices (Artiles & Ortiz, 2002; Hoover & deBettencourt, 2017; Ortiz, Wilkinson, Robertson-Courtney, & Kushner, 2006; Rueda & Ragusa, 2010). In other words, educators should consider the sociocultural, linguistic, racial/ethnic, cultural, and other relevant background characteristics at every stage in the process of identifying English learners with disabilities (Artiles & Ortiz, 2002; García & Ortiz, 2006).

What is culturally and linguistically responsive practice?

Cultural and linguistic responsivity should begin with the instruction and interventions that English learners receive in general education (Rueda & Ragusa, 2010). Incorporating culturally and linguistically responsive pedagogy in such instruction and interventions means beginning 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" (Klingner et al., 2005, p. 8). Culturally and linguistically relevant pedagogy involves accommodating and integrating students' cultural and linguistic backgrounds into the classroom curriculum and community, while also guiding students to adapt to the norms of school (Gay, 2000; Klingner & Edwards, 2006; Ladson-Billings, 1995).

Instruction and interventions included in state frameworks for identifying English learners with disabilities should therefore include learning that is rigorous and challenging, as well as culturally responsive.

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; Utley, Obiakor, & Bakken, 2011)

Language proficiency considerations in tiered intervention models

State frameworks should explicate that when implementing culturally and linguistically responsive tiered intervention models with English learners, each tier should be differentiated to support

students' individual academic and English language proficiency needs. Such differentiation would facilitate both second language acquisition and content learning. Students with lower language proficiency levels should not automatically receive the highest tiers of interventions; rather, differentiation should occur *within* each tier to address the language proficiency needs of individual students. Similarly, progress monitoring data gathered in each tier should be gathered in the students' proficient languages when appropriate and possible. States may offer guidance on considering the role of language and culture when reviewing these assessment data.

Example from Harrison School District

To ensure that English language development needs of individual students are considered when monitoring tiers of intervention supports, Harrison School District uses an [intervention checklist specifically designed for English learners](). Culturally and linguistically diverse education (CLDE) teams are responsible for using these checklists so that students' English and home language proficiencies are appropriately considered both when implementing interventions and when analyzing data related to the interventions. Examples of the type of information that CLDE teams are to examine include

- The program goals, duration, frequency, and intensity of CLDE services (what the district calls EL services)
- Comparative data among English learner peers of similar home language, English language proficiency level, program plan, and grade
- CLDE language function has been identified and a scaffold aligned to the student's individual language proficiency level has been included in higher tier interventions
- Results from assessments of students' proficiencies in English and native languages

It is important to note that English language development instruction is not an intervention. It is an element of the research-based general education instruction that all English learners should receive. When English learners are suspected of having disabilities, however, a period of more intensive instruction or intervention in English language development may be appropriate to help practitioners distinguish second language acquisition from learning or language-related disabilities.

The critical role of parents/ caregivers on multidisciplinary teams when implementing culturally and linguistically responsive practice

Parents/caregivers are particularly important members of multidisciplinary teams, and may be especially useful for ensuring that the frameworks and processes for identifying English learners with disabilities are culturally and linguistically responsive. Parents/caregivers can provide much insight into the culture and language backgrounds of students. To the extent possible, they should be involved in every step of the identification of English learners with disabilities. For example, parents/caregivers might be asked to participate in interviews reviewing students' health history, previous school experience, home environment, and other factors (see Recommendation 4). Parents can also be engaged in the review of student data at all stages in the identification process. As mentioned in Recommendation 1, states might consider developing 1-page descriptions of the special education identification process in multiple languages for parents and families. States could offer these 1-pagers in a variety of accessible formats (e.g., audio and video) as well, which may be particularly helpful for families whose languages are not traditionally written.

States may also offer guidance to districts on referring parents/caregivers to existing resources in the community, including parent advocacy and information centers or community partners. Bilingual parent advocates or outreach workers may help parents/caregivers better participate in the special education identification process for their children.

State guidance should emphasize that when collaborating with parents/caregivers, educators should approach them with the same cultural and linguistic responsivity that they have toward their students. States might offer guidance to districts and schools on how to respect parents' cultures, as well as how to empower parents to advocate for their children. Such guidance might include recommendations for school and district personnel to connect parents with available parent advocacy resources. District and school staff might also call on parents who have previous experience with or are knowledgeable about the special education identification process to help increase capacity among parents of English learners who are learning how to navigate this process. State guidance should emphasize the importance of parents being regarded as partners in the identification process rather than solely as sources of information.

Considerations for Interpreters

Offering interpretation[2] for parents/caregivers at all steps in the identification process is important and necessary for their meaningful engagement in the identification of English learners with disabilities. States might develop policies around the types of qualifications interpreters should have. Such qualifications may include 1) training in the state framework and district process for identifying English learners with disabilities, 2) knowledge in rules and regulations for special education services and English learner language supports, and 3) ability to interpret language as well as culture for the parents/caregivers and school personnel. At a minimum, interpreters should be familiar with the educational terminology related to English learners and special education, and with parental rights. _Resources for states developing guidelines for interpreters_ are available in the appendix.

Resources and Tools Related to Recommendation 3

- Resources for Implementing Culturally and Linguistically Responsive Instruction and Interventions
- Sample Parent Interview Protocols
- Additional Resources for Engaging Families

---

2   Interpreters for English learners who are deaf require a different set of qualifications and professional certification. Here, we refer solely to language interpreters for individuals who speak a language other than English.

RECOMMENDATION 4: State frameworks for identifying English learners with disabilities should include practices that help educators distinguish between disabilities and sociocultural/sociolinguistic factors, as well as other exclusionary factors that might impact student performance and behavior.

In addition to ruling out lack of appropriate instruction as the determining factor for students' difficulties, federal law mandates that educators also eliminate limited English proficiency and other environmental factors as the root cause for students' academic struggles (IDEA, 2004). Distinguishing between disabilities and sociocultural/sociolinguistic factors has been found to be challenging for practitioners (Case & Taylor, 2005; Chu & Flores, 2011; Klingner & Artiles, 2003). States might institute collaboration between researchers and practitioners to design procedures for helping educators separate these factors from the presence of disabilities.

Figure 2. Sociocultural/sociolinguistic factors that might impact EL performance

Collecting data on sociocultural/sociolinguistic factors

State frameworks might recommend the creation of checklists or other protocols for collecting and analyzing data on such factors. These data should be collected across settings (home, school, community, etc.) and in partnership with various actors (parents, community members, school personnel, etc.). Again, parents/caregivers are particularly important resources for gathering data on these sociocultural/sociolinguistic factors. They are also assets in helping educators consider the potential impact of such factors on student learning.

Knowledge educators need to distinguish between sociocultural/sociolinguistic factors and potential disabilities

States may also offer guidance on the second language acquisition knowledge that members of multidisciplinary teams should have when identifying English learners with disabilities. This would help teams distinguish between linguistic behaviors common among English learners and behaviors indicative of potential disabilities. English learner peer comparisons could be recommended in the frameworks and processes for identifying English learners with disabilities to distinguish disabilities from sociocultural/sociolinguistic factors. Additionally, frameworks and processes could include recommendations on how to consider English language proficiency and language development factors, such as English learner services and native language proficiency. Speech and language experts (such as speech-language pathologists or other service providers) may be particularly helpful resources when developing these recommendations.

Finally, states should clarify in their frameworks for identifying English learners with disabilities that there is no minimum number of years that English learners suspected of having disabilities must be enrolled in U.S. schools before they can be referred for special education. **Waiting until English learners have received a minimum number of years of U.S. schooling is not an appropriate way to distinguish between sociocultural/sociolinguistic factors and disability, and is a violation of federal law** (Dear Colleague Letter, 2015).

Resources and Tools Related to Recommendation 4

- [Case Examples of Distinguishing Sociocultural/Sociolinguistic Factors from Disabilities](#)
- [Interviewing Parents/Caregivers to Gather Data on Sociocultural/Sociolinguistic Factors](#)
- [Sample Checklists for Gathering Data on Sociocultural/Sociolinguistic Factors](#)
- [Sample Guidance on Second Language Acquisition Knowledge Educators Should Have](#)
- [Sample Guidance and Tools for Considering English Language Proficiency and Language Development Factors](#)

RECOMMENDATION 5: State frameworks for identifying English learners with disabilities should include comprehensive evaluation measures.

State frameworks should recommend that comprehensive evaluations for special education eligibility involve multiple measures, which may include a combination or all of the following:

a. Information regarding health, attendance, and cultural/economic/social background from student records or gathered through parent interview

b. Data on students' access to and participation in research based grade-aligned general education curriculum, including English language development instruction

c. Evidence of any interventions and student response to these interventions

d. Evidence of any accessibility resources and/or accommodations during instruction and/or assessments

e. Observation of the student in multiple contexts (classes, home, community, etc.)

f. Student work samples (across contexts and in different modalities, for example, oral language, writing, reading, and behavior)

g. Interviews and consultation with teachers, including general education, English learner, special education and bilingual teachers and other bilingual staff

h. Interviews and consultation with parents/caregivers/family members

i. State standardized assessments, including content and ELP assessments

j. Local assessments, including district/local examinations, progress monitoring measures (e.g., MTSS/RTI data collection procedures), authentic assessments (e.g., portfolios, teacher-made, curriculum-based, rubrics), and dynamic assessments

k. Standardized tests of cognitive ability

l. Standardized tests of academic achievement

State frameworks should emphasize that assessments included in the comprehensive evaluation process *should be selected with the aim of trying to limit cultural and linguistic bias, or should be interpreted with bias in mind*. This means that when selecting assessments, practitioners should consider a) whether the measures have been normed on the English learner's population (note that very few tools will likely fit this criterion for individual English learner students); b) the language load (i.e., the complexity of the vocabulary, syntax, and discourse) of the assessment; c) the cultural load (i.e., the amount of cultural knowledge required to comprehend and participate) of the assessment; and d) whether there is any cultural bias embedded in the administration or scoring of the instrument as well as the interpretation of scores. English learner expertise should be included in the design and review of state and local assessments. These experts can help with determining the validity of assessment results for English learners, and can offer suggestions for minimizing cultural bias.

Furthermore, states should offer guidance consistent with IDEA 2004 recommending that **assessments and other evaluation materials "are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer"** (Section 1414.b.3.A.ii). State frameworks should include considerations of issues related to construct relevance and challenges to supporting measurement in students' proficient languages. Finally, accessibility supports that are appropriate for the individual student and for what the assessment is intended to measure should be made available.

Resources and Tools Related to Recommendation 5

- Sample Checklists and Protocols for Comprehensive Evaluation for English Learners
- Sample Tools for Gathering Information on Instruction and Interventions English Learners Receive
- Sample Tools for Observing English Learners in Multiple Contexts
- Sample Tools to Help with Determining Language Proficiencies
- Sample Tools for Interviewing Parents
- Lists of Assessment Measures States and Districts Might Include in Guidance Related to Comprehensive Evaluations for English Learners
- Resources for Considering Bias When Administering and Interpreting Assessments

RECOMMENDATION 6: Trainings offered on state frameworks for identifying English learners with disabilities should be given to district-level and school-level English learner, special education, and general education personnel who collaborate to develop district or school-specific processes.

For the development and implementation of state frameworks and district processes for identifying English learners with disabilities to be collaborative, it is important that all stakeholders receive professional development that supports long-term collaboration. These trainings might be a starting point for long-term collaboration across English learner, special education, and general education experts.

States might offer trainings where leadership teams with diverse expertise create a document outlining the process they plan to use for the identification of English learners with disabilities. State English learner, special education, and general education experts would work together to develop trainings on their co-created framework for the identification of English learners with disabilities. The trainings might include presentation of the recommendations in this Guide. District leaders participating in the trainings can then develop processes for identifying English learners with disabilities, incorporating select recommendations.

States may then guide districts to offer local training on their processes for identifying English learners with disabilities to school leaders and educators with expertise in English learners, special education, and general education. School leaders should leave these trainings with a document detailing how they might incorporate the identification process into school practice. States may also guide districts to identify model schools that over time have a well-developed identification process. Districts can then expand their trainings further to include visits to the model schools so that other school leaders can observe what the processes look like and how to implement them within their own contexts.

All trainings at the district and school levels should emphasize collaboration. Training facilitators might encourage districts and schools to develop multidisciplinary teams responsible for creating and implementing processes for identifying English learners with disabilities (see Recommendation 1).

Resources and Tools Related to Recommendation 6
- Sample Training Materials

RECOMMENDATION 7: States should consider partnering with institutions of higher education (IHE) to train pre-service and in-service educators on recommended practices for identifying English learners with disabilities.

As demonstrated in the previous recommendations, there is much expertise and knowledge that educators need to have in the process of identifying English learners with disabilities. States and districts often lack qualified personnel with expertise in both English learners and special education who can serve on multidisciplinary teams responsible for the identification of English learners with disabilities. IHEs may be helpful partners in developing this expertise among pre-service and in-service practitioners.

It is important that when establishing partnerships between IHEs and states, both entities first come together to develop a **common understanding about the expectations** for pre-service and in-service educators regarding the identification of English learners with disabilities. Only after these common expectations have been established should IHEs and states develop programs, curricula, and guidelines.

Possible approach to partnering with IHEs to train future and in-service educators on the identification of English learners with disabilities

States and IHEs meet to develop common expectations for programs	States and IHEs create a work group to develop program standards and syllabi	IHEs provide teacher training programs, ideally in partnership with state leaders

The content of the trainings and programs offered by IHEs should emphasize the importance of **collaboration** among English learner, special education, and general education experts, as well as with parents/families/caregivers and others with expertise on the given English learner student's sociocultural/sociolinguistic factors; State Parent Training and Information Centers (PTIs) may be helpful resources when developing content related to collaboration with parents and families. Trainings and programs might also develop knowledge and expertise in both English learners and special education among future and in-service educators.

Furthermore, state education leaders might consider working with state agencies responsible for licensure to develop a consortium-style credentialing program. This would encourage collaboration among states and ensure that common qualifications can be accepted across states. This way, individual states will have a larger pool of qualified educators with expertise in English learners and special education from which to pull when establishing multidisciplinary teams across districts and schools.

Resources and Tools Related to Recommendation 7

- Examples of Programs Offered at IHEs to Develop English Learner and Special Education Expertise
- Sample Standards for Preparing Education Specialists to Work with English Learners with Disabilities

INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT FOR ENGLISH LEARNERS WITH DISABILITIES

Schools and districts are required by federal law to provide both English learner and special education services to English learners with disabilities (Dear Colleague Letter, 2015). Doing so is often a challenge for practitioners due to a variety of factors including time, obstacles to collaboration, and limited resources. Across the four research states that participated in the development of this Guide, we found less existing policy and practice related to instruction and services for English learners with disabilities than policy and practice related to the identification of English learners with disabilities. As such, we offer fewer resources and tools in this area. Our recommendations are also not as specific and detailed. What we did find focuses on IEP development for English learners with disabilities. The recommendations highlight the main points that participants in the creation of this Guide agree are critical to developing IEPs for English learners with disabilities.

Below are some recommendations that state policymakers might consider when creating guidance on IEP development for English learners with disabilities.

RECOMMENDATION 8: IEP teams should include individuals with expertise in second language acquisition, bilingual or English language development certified staff, or other staff who can address the impact of language and culture on students' goals and services.

As with the identification of English learners with disabilities, the development of IEPs should be a collaborative effort (Hoover & Patton, 2017). Expertise in second language acquisition and English language development is critical when aligning IEP goals with language objectives. Having aligned goals is important for ensuring that English learners' language proficiency needs are integrated in their special education services (see Recommendation 10). For such alignment to occur, states should provide guidance on collaboration among diverse members of the IEP team for the development and implementation of IEPs for English learners with disabilities. Collaboration between general education teachers, special education teachers, English learner experts, families, cultural liaisons, and other members of the IEP team should also occur when monitoring special and general education instruction and services for students. To facilitate collaboration with families, interpretation and timely translation of materials should be offered, as required by federal law (OSEP, 2016).

Although IEP teams should include English learner experts, it is important that other members of the team also develop expertise in second language acquisition and English language development to facilitate more meaningful collaboration among various stakeholders, as well as more effective instruction and services for students. All members of the IEP team should also be trained on culturally and linguistically responsive interventions and services (see Recommendation 3).

Resources and Tools Related to Recommendation 8

- Tools and Resources from Recommendation 1 with Different Emphases
- Relevant Federal Policy Documents

RECOMMENDATION 9: As integral members of IEP teams, parents should be engaged and provided with information necessary to participate as active members of the IEP team.

Special education services, IEP processes, procedural safeguards, and IEP documents may be challenging for English learner parents/caregivers to navigate. The suggestions made for engaging parents/caregivers and ensuring their meaningful participation in the identification of English learners with disabilities (see Recommendations 1 and 3) may also be applied to parent/caregiver involvement in the development and implementation of IEPs. One critical strategy for parent participation is for educators to be proactive in parent outreach, informing and involving parents as soon as an intervention process is started. The table below summarizes key recommendations for parent engagement, as well as what information, training, and support parents need to participate as active members of the IEP team.

States should consider creating guidance detailing 1) the importance of parent engagement along with recommendations for how to approach it; 2) the type of information parents should know when participating on IEP teams; and 3) suggestions for how educators might interact with

Information Parents Should Know	Procedures for Engaging Parents
• What special education is and the range of possible services students can receive • What an IEP is, what an IEP team is, and the individual roles/ responsibilities of each person on an IEP team • Parents' rights and roles • Their child's present levels of performance • How to select appropriate services that address individual student goals • How IEP goals are developed and measured • How to access information about special education that is easy to understand and use • How to communicate with special education personnel and other members of the IEP team	• Providing qualified, trained interpreters who are knowledgeable about both English learners and special education • Offering glossaries of English learner and special education terminologies • Providing training in the IEP process (including explicit description of actual services and outcomes) • Creating accessible 1-page documents explaining special education services, IEPs, and IEP teams • Using ethnographic and structured interview approaches to gather input from parents on their children's instruction and services • Proactively establishing relationships with parents/ families of English learners • Informing and involving parents whenever schools plan and initiate an intervention process • Collaborating with parent advocacy organizations, particularly groups that offer multilingual services • Having follow-up meetings with parents several weeks after the IEP meeting to confirm they understand their rights and their child's services

parents/caregivers in culturally and linguistically responsive ways. PTIs may be particularly valuable in supporting states with the development of such guidance.

Federal law requires that schools and local education agencies take whatever action is necessary to ensure that parents understand the proceedings of an IEP meeting (IDEA, 2004). This includes providing interpreters for parents whose native language is other than English. Title VI of the Civil Rights Act of 1964 also states that vital documents must be accessible to parents with limited English proficiency (OSEP, 2016); IEPs are considered vital documents that must be translated for parents whose native language is other than English. State guidance should emphasize that schools and local education agencies should have the content of the IEP translated, not just the template of the document, so that parents can meaningfully participate in the IEP team. For some parents who are not literate or whose native language is not written, practitioners should provide oral translations to ensure parents' meaningful inclusion and participation in the IEP team.

Resources and Tools Related to Recommendation 9

- Sample Tools for Parent Engagement

RECOMMENDATION 10: When IEP teams write academic learning goals for English learners with disabilities, they should consider the student's progress in their English language development as related to the state's standards for English language proficiency.

An important caveat

States have federal obligations to support and monitor English learners' development of English language proficiency. For this reason, we emphasize the alignment of IEP goals with English language proficiency objectives. Native language is nonetheless a critical asset. As states develop guidance on instruction for English learners with disabilities, it is important to keep in mind the value of supporting students' native language (Takanishi & Le Menestrel, 2017). When IEP teams consider the language needs of the English learner as they relate to their IEP (per IDEA, 2004), they should consider the role of native language support and instruction in the provision of special education services, accommodations, and accessibility resources.

Aligning IEP goals with language objectives

As explained in Recommendation 8, it is important that IEP development be a collaborative effort that includes English learner and second language acquisition expertise. This is to ensure that IEP goals are aligned with language objectives that take into consideration the student's English proficiency needs. States should offer guidance on how IEP teams can support the individual language needs and objectives for English learners with disabilities when developing each goal in an IEP. This may include looking at the student's native language development if the student is receiving instruction in the native language, as well as their English language proficiency and their current levels of performance in both English and the native language.

IEP teams might be advised to align content goals with the criteria for exiting EL status. In so doing, teams should consider the state English language development standards as well as the content standards. This is to ensure that schools provide comprehensive support for English learners with disabilities. Guidance that states provide should explain how the various language and learning needs of English learners with disabilities can be integrated and supported together. This includes consideration of the English learner's native language. Any guidance offered for aligning IEP goals with language objectives should consider the importance of addressing the unique language needs of ELs with sensitivity to the nature of the student's disability. It is inappropriate to have a one size fits all approach to goal alignment.

Note: For English learners with disabilities who do not use oral speech, English learner status is often overlooked in the development of IEPs. It is important that IEP teams consider how such students' English language proficiency might impact their use of communication devices and other technologies (see American Speech Language Hearing Association resource on p. 20).

Including considerations for English learner services in IEPs

States might also offer guidance on how IEP teams should include considerations for English learner services in student IEPs. Such guidance should help IEP teams ensure that English learner and special

education services are coordinated. States might recommend that teams look at the totality of the student's needs, including their language proficiencies, sociocultural/sociolinguistic factors, and disabilities, when considering how to best provide and coordinate services that students receive. Research suggests that English learners are more likely than their non-English learner peers to receive instruction and services in more restrictive environments (Artiles, Rueda, Salazar, & Higarada, 2005). It is important that educators not jump to the conclusion that a more restrictive setting for either special education or English learner services is most appropriate. When coordinating services, it is important that teams understand that English language acquisition is not to be mistaken for disabilities.

> **Recommended characteristics of general and special education instruction and services for English learners with disabilities**
>
> - Integrate English learner, special education, and general education goals and standards
>   - English learner, special education, and general education teachers should collaborate with each other (as well as with parents/families) to align their efforts
> - Incorporate guidelines for Universal Design for Learning (see Recommendation 2)
>   - Multi-modal instructional practices emphasizing various aspects of expressive and receptive language may be particularly important for English learners with disabilities
> - Reflect principles of culturally and linguistically responsive practices (see Recommendation 3)
>
> Tool 8 of the *CCSSO Accessibility Manual* offers sample student profiles to consider what instruction and assessment accommodations would be beneficial for English learners with disabilities.

Progress monitoring toward IEP goals

The progress that English learners with disabilities make toward their IEP goals should be monitored using multiple measures, including state and local assessments as well as informal evaluations. States should refer to federal guidance on including English learners with disabilities in English language proficiency assessments when developing guidance on accommodations and accessibility supports. Ongoing progress monitoring should include examining the extent to which instruction and services are leading to both academic and English language growth for English learners with disabilities. English learner and special education staff should work together to monitor the progress of English learners with disabilities.

> *Adapting Existing Systems:* Alignment of content goals with language objectives should not require a complete revision of the IEP development process. States can offer guidance to districts and schools on how to build on their existing systems for developing IEPs. For example, they might include prompts for considering language objectives in the IEP templates, or they could create checklists that teams would use to ensure they take into account students' English language proficiency while developing goals.

> ### *Resources and Tools Related to Recommendation 10*
>
> - Integrating Language Objectives and Content Goals
> - Frameworks and Practices for Instruction in General and Special Education Contexts

RECOMMENDATION 11: States should offer training to special education personnel, general education personnel, and English learner teachers on recommended instruction and service practices for English learners with disabilities.

Ongoing professional development should specifically address how to align IEP content goals with the individual language objectives of English learners with disabilities. They should also support educators in their understanding of how to embed accessibility supports and accommodations in instruction and assessment. In this professional development, states should dispel the misconceptions that special education services can replace English learner services. By law, English learners with disabilities have a right to both English learner and special education services (Dear Colleague Letter, 2015).

Any training offered to educators should also be provided to paraprofessionals working with English learners with disabilities. Paraprofessionals and others working directly with English learners with disabilities should be trained in second language acquisition/English language development as well as in approaches to supporting students' disabilities. Parents and families may also be included in these trainings to increase their capacity to meaningfully participate in IEP teams (see Recommendation 9).

When considering professional development on instruction and services for English learners with disabilities, states may refer to Recommendation 7 on partnering with IHEs.

Resources and Tools Related to Recommendation 11

- Sample Training Materials

POLICY AND RESEARCH NEEDS FOR ENGLISH LEARNERS WITH DISABILITIES

During the development of this Guide, state and local education leaders identified many areas in need of additional policy guidance and research. Unfortunately, we were unable to offer recommendations on a number of important topics. We encourage states to consider funding and pursuing research that will inform policy guidance in the following areas.

Collaboration

The most prominent theme running across our research activities and meeting proceedings is the importance of collaboration in the identification of English learners with disabilities, as well as in the instruction and service provision of such students. Research and policy is needed on *how* practitioners with wide-ranging expertise can collaborate with each other, as well as with families and community members with expertise on the students and their cultural/linguistic backgrounds. State and local education leaders need specific models of collaboration that can be implemented in districts and schools. They also need research-based approaches to measuring collaboration to evaluate its effectiveness.

Identification of English Learners with Disabilities

Though many policies and practices exist in this area (as reflected in Recommendations 1-7), there is still additional research needed related to the identification of English learners with disabilities. Disproportionality continues to be a critical issue facing our educational system. Research and policy guidance is needed on how states and districts can examine disproportionality and develop systems to address problems of over and underrepresentation among English learners in special education. A related line of research needed is how to interpret data collected from progress monitoring of tiered interventions and information gathered on sociocultural/sociolinguistic factors to make appropriate decisions about English learners' eligibility for special education services.

Another area in need of research is the identification of newly arrived English learners and students with limited or interrupted formal education who may be eligible for special education services and supports. For such students, it may be especially challenging to determine whether the student struggles because of disabilities, inadequate instruction, or other previous schooling and life experiences.

Research is also needed on how to identify students with the most significant cognitive disabilities as English learners. This is a group of students for whom distinguishing second language acquisition from disability is particularly challenging.

Comparing English Learner Peers for Identification

When identifying English learners with disabilities, comparing students suspected of having disabilities with "like peers" may be helpful in determining whether English learners struggle due to sociocultural/sociolinguistic factors or the presence of disabilities. Similarly, practitioners need

additional guidance about "like peer" comparisons to assist with decisions about when to exit an English learner with a disability from the EL program. Research is needed on appropriate measures and processes for conducting such comparisons. Additionally, research is needed on how districts that have few English learners can compare their English learner students with "like peers."

Instruction and Services

The research on effective instructional practices for English learners with disabilities is limited. Empirical studies on how to address both the language development and disability needs of English learners with disabilities is critical for ensuring that the English learner and special education rights of students are honored, and that both academic and language learning occur. Practitioners are lacking models of evidence-based instruction for English learners with disabilities. Such models will help ensure English learners with disabilities receive high quality instruction and intervention before and as a part of their identification for special education, as well as after they qualify for services and receive instruction from English learner, general education, and special education teachers. Research on full inclusion and co-teaching models might offer insights into effectively providing both English learner and special education services to English learners with disabilities.

Research is needed on how to provide culturally and linguistically responsive instruction and interventions to English learners suspected of having disabilities, as well as to English learners with disabilities in both general and special education contexts. Many interventions that currently exist in tiered intervention models are not specifically designed for English learners (Haager, 2007; Rueda & Ragusa, 2010). Educators need guidance on how to adapt the content and implementation of interventions to ensure they integrate the cultural and linguistic backgrounds of students. Research can look at how educators might work with families and community members who are experts in the cultural backgrounds of students to adapt interventions, fitting them to the cultural and linguistic needs of the student while maintaining fidelity of implementation. Relatedly, practitioners need guidance and research on alternative approaches to measuring progress for such students. Progress monitoring approaches should be culturally and linguistically responsive. Additionally, researchers and practitioners need to develop approaches for measuring opportunity to learn among English learners with disabilities to help educators adapt their instructional practices.

There are many challenges to addressing the cultural and linguistic needs of English learners with disabilities. One obstacle is the lack of supports available for low incidence languages. Another challenge educators face is the difficulty of providing English learner services to English learners with the most significant cognitive disabilities. Research is needed in both of these areas. Research is also needed on how to best address the cultural and linguistic needs of English learners who are deaf or hard of hearing. States and local education agencies might come together to create networks of support to develop policies and protocols to address these challenges.

Exiting English Learners with Disabilities from English Learner Status

The topic of exiting English learners with disabilities from English learner status continues to be an area of deep concern for state and local education leaders. Policy guidance and research is needed on how to determine when it is appropriate to make such exit decisions. Researchers (including individuals from IHEs, assessment consortia, and other organizations) and practitioners should come together to determine how to best measure English language proficiency for English learners with disabilities. They should also develop frameworks and protocols for approaching decisions to exit English learners with disabilities from English learner status. An area of particular challenge for practitioners is finding research-based approaches for exiting English learners with the most significant cognitive disabilities from English learner status.

Analyzing Existing Tools and Resources on English Learners with Disabilities

This Guide is a first attempt at evaluating existing tools and resources for states and districts to use when creating policies related to English learners with disabilities. The development of a valid and reliable protocol for gathering and analyzing existing policies, tools, and resources may be helpful for states and districts that are working on creating policies for English learners with disabilities. Researchers and practitioners may be able to use this evaluation process to create a database of existing promising practices that policymakers can draw from, and that researchers can use for empirical analysis. Specifically, researchers might evaluate the effects of the practices and corresponding tools on student outcomes.

REFERENCES

Artiles, A. J., & Ortiz, A. A. (2002). *English language learners with special education needs: Identification, assessment, and instruction*. Washington, DC: Center for Applied Linguistics and Delta Systems Co., Inc.

Artiles, A. J., Rueda, R., Salazar, J. J., & Higareda, I. (2005). Within-group diversity in minority disproportionate representation: English language learners in urban school districts. *Exceptional Children*, *71*(3), 283–300. Retrieved October 29, 2017, from http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.524.3956&rep=rep1&type=pdf.

Case, R. E., & Taylor, S. S. (2005). Language difference or learning disability? Answers from a linguistic perspective, *ERIC Clearinghouse*, *78*(3), 127–130. Retrieved October 26, 2017, from https://eric.ed.gov/?id=EJ710918.

Chu, S., & Flores, S. (2011). Assessment of English language learners with learning disabilities. *The Clearing House*, *84*(6), 244–248. Retrieved October 26, 2017, from http://doi.org/10.1080/00098655.2011.590550.

Cook, L., & Friend, M. (1991). Principles for the practice of collaboration in schools. *Preventing School Failure, 35*(4), 6-9. Retrieved October 26, 2017, from http://dx.doi.org/10.1080/1045988X.1991.9944251.

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents. (2015). Washington, DC: United States Departments of Education and Justice.

Fletcher, J. M., & Vaughn, S. (2009). Response to intervention: Preventing and remediating academic difficulties. *Child Development Perspectives*, *3*(1), 30–37. Retrieved October 26, 2017, from http://doi.org/10.1111/j.1750-8606.2008.00072.x.

Fuchs, D., & Fuchs, L. S. (2006). Introduction to response to intervention: What, why, and how valid is it? *Reading Research Quarterly*, *41*(1), 93–99. Retrieved October 26, 2017, from http://doi.org/10.1598/RRQ.41.1.4.

García, S. B., & Ortiz, A. A. (2006). Preventing disproportionate representation: Culturally and linguistically responsive prereferral interventions. *Teaching Exceptional Children*, *38*(4), 64–68. Retrieved October 26, 2017, from http://doi.org/10.1177/004005990603800410.

García, S. B., & Tyler, B. J. (2010). Meeting the needs of English language learners with learning disabilities in the general curriculum. *Theory into Practice*, *49*(2), 113–120. Retrieved October 26, 2017, from http://doi.org/10.1080/00405841003626585.

Gay, G. (2002). Culturally responsive teaching in special education for ethnically diverse students: Setting the stage. *International Journal of Qualitative Studies in Education*, *15*(6), 613–629. Retrieved October 26, 2017, from http://doi.org/10.1080/0951839022000014349.

González, N., Moll, L. C., & Amanti, C. (2005). *Funds of knowledge: Theorizing practices in households, communities, and classrooms.* Mahwah, NJ: Lawrence Erlbaum Associates, Inc.

Haager, D. (2007). Promises and cautions regarding using response to intervention with English language learners. *Learning Disability Quarterly*, *30*(3), 213–218. Retrieved October 26, 2017, from http://doi.org/10.2307/30035565.

Hoover, J. J., & deBettencourt, L. U. (2017). Educating culturally and linguistically diverse exceptional learners: The need for continued advocacy. *Exceptionality,* 1-14. Retrieved October 26, 2017, from http://dx.doi.org/10.1080/09362835.2017.1299530.

Hoover, J. J., & Patton, J. R. (2017). *IEPs for ELs and other diverse learners.* Thousand Oaks, CA: Corwin.

Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).

Klingner, J. K., & Artiles, A. J. (2003). When should bilingual students be in special education? *Educational Leadership*, *61*(2), 66–71.

Klingner, J. K., Artiles, A. J., Kozleski, E., Harry, B., Zion, S., Tate, W., Zamora Durán, G., Riley, D. (2005). Addressing the disproportionate representation of culturally and linguistically diverse students in special education through culturally responsive educational systems. *Education Policy Analysis Archives*, *13*, 1–43. Retrieved October 29, 2017, from http://epaa.asu.edu/ojs/article/view/143.

Klingner, J. K., & Edwards, P. A. (2006). Cultural considerations with response to intervention models. *Reading Research Quarterly*, *41*(1), 108–117. Retrieved October 26, 2017, from http://doi.org/10.1598/RRQ.41.1.6.

Ladson-Billings, G. (1995). Toward a theory of culturally relevant pedagogy. *American Educational Research Journal*, *32*(3), 465–491. Retrieved October 26, 2017, from http://doi.org/10.3102/00028312032003465.

Ortiz, A. A., Wilkinson, C. Y., Robertson-Courtney, P., & Kushner, M. I. (2006). Considerations in implementing intervention assistance teams to support English language learners. *Remedial and Special Education*, *27*(1), 53–63. Retrieved October 26, 2017, from http://doi.org/10.1177/07419325060270010601.

OSEP (Office of Special Education Programs). (2011). *A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act* [memorandum]. Washington, DC: United States Department of Education. Retrieved October 26, 2017, from https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf.

OSEP (Office of Special Education Programs). (2016). Dear Colleague Letter. Washington, DC: United States Department of Education. Retrieved October 26, 2017, from https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/iep-translation-06-14-2016.pdf.

Park, S., Magee, J., Martinez, M.I., Shafer Willner, L., & Paul, J. (2016). *English language learners with disabilities: A call for additional research and policy guidance*. Washington, DC: Council of Chief State School Officers.

Rose, D. (2000). Universal design for learning. *Journal of Special Education Technology, 15*(4), 47-51. Retrieved October 26, 2017, from https://doi.org/10.1177/016264340001500407.

Rueda, R., & Ragusa, G. (2010). English language learners with special needs. In P. Peterson, E. Baker, & B. McGaw (Eds.), *International Encyclopedia of Education, 2,* 701–707. Oxford: Elsevier. Retrieved October 26, 2017, from http://doi.org/10.1016/B978-0-08-044894-7.01142-8.

Shifrer, D., Muller, C., & Callahan, R. (2011). Disproportionality and learning disabilities: Parsing apart race, socioeconomic status, and language. *Journal of Learning Disabilities*, *44*(3), 246–57. Retrieved October 26, 2017, from http://doi.org/10.1177/0022219410374236.

Takanishi, R., & Le Menestrel, S. (2017). *Promoting the educational success of children and youth learning English: Promising futures.* Washington, DC: The National Academies Press. Retrieved October 26, 2017, from https://www.nap.edu/read/24677/chapter/1#.

Utley, C. A., Obiakor, F. E., & Bakken, J. P. (2011). Culturally responsive practices for culturally and linguistically diverse students with learning disabilities. *Learning Disabilities: A Contemporary Journal*, *9*(1), 5–18. Retrieved October 26, 2017, from http://doi.org/10.4135/9781452276250.n258.

Vangrieken, K., Dochy, F., Raes, E., & Kyndt, E. (2015). Teacher collaboration: A systematic review. *Educational Research Review, 15,* 17-40. Retrieved October 26, 2017, from http://doi.org/10.1016/j.edurev.2015.04.002.

Wagner, R. K., Francis, D. J., & Morris, R. D. (2005). Identifying English language learners with learning disabilities: Key challenges and possible approaches. *Learning Disabilities Research & Practice*, *20*(1), 6–15. Retrieved October 26, 2017, from http://doi.org/10.1111/j.1540-5826.2005.00115.x.

APPENDIX

How the Guide was Created

The development of this Guide on ELs with disabilities involved two phases: 1) a short-term research project on existing policies and practices, and 2) meetings with state, district, and national experts on the content and structure of the Guide.

Phase One: Research Project

Four states participated in the research activities for this Guide: California, Colorado, Michigan, and Oregon. These states were selected because they are represented in the English learner SCASS and/or ASES SCASS and have been actively involved in previous CCSSO activities related to English learners with disabilities. The project was limited to four states because of the short time frame (September to January) to complete the research activities. Each state recommended 1-2 districts (one district per state except Colorado, which nominated two districts) to participate in this project. The researchers conducted 1-2 hour-long interviews with at least one English learner expert and at least one special education expert at the state and district levels. These individuals shared policy documents, tools, and resources from their states/districts on the following: 1) identification of English learners with disabilities, 2) instruction and services for English learners with disabilities, and 3) exiting English learners with disabilities from English learner status. The interview protocol is provided in the appendix.

In all, we collected approximately 20 hours of interview data and about 100 documents to analyze. All interviews were transcribed for analysis. The documents were analyzed using a protocol, which can be found in the appendix. The goal of the analysis was to generate themes across states and districts about existing policies and practices in the three areas listed above. Themes found included

(a) state and district leaders expressed the importance of collaboration between special education personnel, English learner teachers, general education personnel, parents/families, other specialists

(b) state and district frameworks include tiered interventions in procedures for identifying English learners with disabilities

(c) documents addressing tiered interventions offer recommendations for how these frameworks can be culturally and linguistically responsive

(d) identification procedures include comprehensive evaluation measures involving various state and local evaluations as well as informal data collection

(e) state and district identification procedures include recommendations for distinguishing language/culture from disabilities

(f) state and district policy recommend that IEP teams for English learners with disabilities include individuals with expertise in second language acquisition and multilingualism

(g) state and district policy require that IEP teams make every effort to ensure parents can meaningfully participate in IEP team proceedings

(h) state and district policy specifies the legal mandate to provide both English learner and special education services to English learners with disabilities

(i) state and district leaders identify the need for IEP teams to consider English language proficiency and the English language proficiency standards when writing IEP goals for English learners with disabilities

The findings were presented to a National Working Group meeting at CCSSO headquarters in Washington, DC, on February 7, 2017. This working group discussed the findings from the research project. In these discussions, they determined which themes should be included in the recommendations of the Guide. Meeting participants also shared additional recommendations they felt should be included in the Guide. They then reviewed sample documents/resources and discussed their inclusion in the Guide as well. Following the meeting, National Working Group participants shared additional documents with the researchers.

The final compilation of documents/resources/tools was reviewed by a small group of state and local education leaders as well as the researchers for the project. This small group used a rubric to evaluate the collected tools/resources to determine whether to include them in this Guide. Each tool was evaluated on the following criteria: a) its relevance to the recommendation in question, b) how comprehensible it would be to leaders in other states, c) its adaptability to various state and district contexts, d) how useful it would be to leaders across states when developing policies and procedures for the given recommendation, and e) its research basis. The rubric for the final selection of tools/resources is provided in the appendix.

Phase Two: Meetings with State Leaders, District Leaders, and National Experts

As the research activities were taking place, a team of state and national experts (hereafter called the Planning Team) met on a bi-weekly basis to discuss the project and to help plan meetings with SCASS groups, as well as with the National Working Group. All meetings were intended to maximize the collection of input from various stakeholders on the Guide. Members of the Planning Team helped to organize and facilitate three important meetings. Two were English learner and ASES joint SCASS group meetings in which feedback on the research findings and format for the guide were discussed.

The third meeting was the National Working Group meeting in Washington, DC. This meeting included representatives from over 20 state and local education agencies with expertise on English learners with disabilities, as well as national experts and representatives from the U.S. Department of Education. As described above, the National Working Group provided feedback on the findings and content of the Guide. It also offered input on the types of tools/resources that would be helpful for policymakers.

The National Working Group had a follow-up Webinar to review the outline of the Guide. The outline included the first draft of recommendations that were generated at the National Working Group meeting. During the Webinar, participants refined the recommendations, offering suggestions for edits and additional recommendations. This conversation informed the writing of a draft Guide, which was presented for additional feedback to the Planning Team and two CCSSO task forces: the English Learner National Assessment Task Force and the Students with Disabilities National Assessment Task Force. Finally, all participants in the meeting and research proceedings were invited to serve as reviewers for drafts of the Guide. The final draft was presented to the English learner and ASES SCASS in June 2017.

Through the various activities listed above, the development of the CCSSO *Guide on English Learners with Disabilities* has been a collaborative effort, soliciting the voices of many stakeholders. In this way, the Guide aims to serve as a starting point for continued collaboration across states on the topic of English learners with disabilities.

Interview Protocol

<u>Background Information:</u>

1. Describe your roles and responsibilities.

2. How long have you been in your position?

3. What is your office's role in overseeing programs and policies related to:

   a. English Learners?

   b. Students with disabilities?

   c. English learners with disabilities?

4. What are your roles with respect to these populations? (If not addressed earlier)

<u>Existing Policy and Practice:</u>

1. Tell me about your state's/district's policies with regards to…

   a. The identification of English learners with disabilities

      i. What specific policy guidance is offered to districts/schools?

      ii. What protocols and systems are in place?

      iii. What is working well? What is not working well?

         1. *Previously we asked:* To what extent are these consistent across the state/ district? – *ask if not addressed*

      iv. What, if any, new initiatives is your state/district currently working on with regards to the identification of English learners with disabilities?

   b. Instruction and services for English learners with disabilities

      i. Are there specific policies/practices for English learners with disabilities related to English language development?

      ii. Are there specific policies/practices for English learners with disabilities related to special education services?

      iii. What is working well? What is not working well?

      iv. What, if any, new initiatives is your state/district currently working on with regards to the instruction of and services for English learners with disabilities?

   c. Exiting English learners with disabilities from English learner status

      i. What specific policy guidance is offered to districts/schools?

      ii. What protocols and systems are in place?

      iii. What is working well? What is not working well?

         1. *Previously we asked:* To what extent are these consistent across the state? – *ask if not addressed*

      iv. What, if any, new initiatives is your state/district currently working on with regards to exiting English learners with disabilities from English learner status?

2. How are the policies/practices communicated to districts/schools? How are they monitored?

3. What, if any, specific policies/practices are in place related to English learners within the population of students with the most significant cognitive disabilities in the areas of: a) identification, b) instruction and services, and c) reclassification?

Guidance Document:

1. Reflecting on the existing policies and practices in your state/district, what would you like to see in guide document on English learners with disabilities for states/districts on:

   a. Identification of English learners with disabilities

      i. In terms of policy/practice

      ii. In terms of research

   b. Instruction and services for English learners with disabilities

      i. In terms of policy/practice

      ii. In terms of research

   c. Exiting English learners with disabilities from English learner status

      i. In terms of policy/practice

      ii. In terms of research

2. [ALT QUESTION, IF FIRST DOESN'T WORK]: What advice would you give to other state/district leaders in these areas?

Documents and Wrap Up

1. Do you have any last thoughts on the English learners with disabilities guide document and/or your own work at the state/district level on English learners with disabilities?

2. As part of our study, we are gathering documents from states/districts related to policies and practices for English learners with disabilities. What are key documents we should review? Can you point us to those documents/send them to us?

Document Analysis Protocol

Document Interview Questions:

Identification of English learners with disabilities:

* NOTE: Distinguish between policy and recommended practice

- What processes are described in the documents for qualifying students for special education services?

- Are there specific steps/processes for identifying English learner students and families?

- Are there specific steps/processes following English learner identification for special education?

- What, if any, policy guidance exists related to assessment/comprehensive evaluation to identify 1) an English learner with a potential disability, 2) a potential English learner with a documented disability, and 3) a student who is a potential English learner and may also have a disability?

- What additional information (other than assessments/evaluations) must be considered in the process of identifying English learners with disabilities?

- What additional information may be considered, but is not required in the evaluation process? When and how is this additional information used?

- How, if at all, does the policy address language-related considerations (e.g., language of assessment, translation)?

- How, if at all, does the policy integrate RtI2 for English learners?

- What are the roles of the individuals involved in the identification process as outlined by policy? (i.e., what expertise must be present in this process and how is it leveraged?)

- Do the policies/procedures vary by grade/school level? If so, how?

- Do the policies/procedures vary by disability type? If so, how?

Instruction and services for English learners with disabilities:

* NOTE: Distinguish between policy and recommended practice

- What policy guidance is provided related to instruction and services for English learners with disabilities specifically in terms of…

  - English language development?

  - special education services?

- Does the state/district recommend specific curricula/programs? If so, what are they and for whom are they designed (e.g., English learners with speech language impairment, English learners with autism, all students with specific learning disabilities)?

- What, if any, policy guidance is provided regarding qualifications for teachers working with English learners with disabilities? Does the policy guidance vary based on grade level or disability type?

- What, if any, policy guidance is provided regarding language of instruction/services for English learners with disabilities? Does the policy guidance vary based on grade level or disability type?

- What, if any, policy guidance is provided regarding placement/least restrictive environment for English learners with disabilities? Does the policy guidance vary based on grade level, English language proficiency level, or disability type?

- What, if any, policy guidance is provided regarding progress monitoring of English learners with disabilities? Does the policy guidance vary based on grade level or disability type?

Exiting English learners with disabilities from English learner status:

NOTE: Distinguish between policy and recommended practice

- What processes are described in the documents for reclassifying English learners to English proficient?

- Are there specific steps/processes for exiting English learners with disabilities from English learner status specifically?

- What, if any, alternate assessments/protocols are in place to exit English learners with disabilities from English learner status?

- What are the roles of the individuals involved in the exiting process as outlined by policy? (i.e., what expertise must be present in this process and how is it leveraged?)

- Do the policies vary by grade/school level? If so, how?

- Do the policies/procedures vary by disability type? If so, how?

Additional Questions:

- How are the policies/practices communicated? How are the policies/practices monitored?

- What, if any, specific policies/practices are in place related to English learners within the population of students with the most significant cognitive disabilities in the areas of a) identification, b) instruction and services, and c) reclassification?

Notable Documents to Include in Appendices:

Resource/Tool Evaluation Rubric

Document:

Recommendation:

Relevance	Comprehensibility	Adaptability	Utility	Research Basis
3 Illustrates recommendation extremely well	3 No or very little additional info/ context needed	3 Easily adaptable by another state or district	3 Very useful for states or districts as they implement the recommendation	3 Research that supports tool cited or known AND viewed as best practice
2 Illustrates recommendation well	2 A moderate amount of additional info/ context needed	2 Somewhat adaptable by another state or district	2 Moderately useful for states or districts as they implement the recommendation	2 Research basis unknown BUT viewed as best practice
1 Illustrates recommendation to a limited extent	1 A considerable amount of additional info/context needed	1 Difficult to adapt by another state or district	1 Not very useful for states or districts as they implement the recommendation	1 Research basis unknown AND not viewed as best practice

Additional Comments (Optional):

Strengths:

Concerns:

Equally or more relevant to another recommendation? If so, note which one here:

Resources and Tools Related to Each Recommendation in the Guide

Recommendation 1: State frameworks for identifying English learners with disabilities should be created through and should highlight collaboration between English learner, special education, and general education personnel.

Sample Frameworks for Approaching Collaboration

- *San Diego Unified School District – [Forming Transdisciplinary Teams: A Process Manual](#)*
- *U.S. Office of Special Education Programs – [The Collaboration Continuum](#)*

Sample Protocol to Structure Collaboration

- *San Diego Unified School District – [Comprehensive Evaluation Process for English Learners (CEP-EL)](#) (p. 27-32 of pdf):* Comprehensive Evaluation Process for English Learners Checklist

Sample State-Level Collaboration

- *California Department of Education – [Supporting English Learners with Disabilities Symposium](#)*

Sample Glossaries for Parents/Caregivers and Interpreters

- *California Department of Education – [Quality Indicators for Translation and Interpretation in Kindergarten Through Grade Twelve Educational Settings](#) (p. 19-40):* English-Spanish Education Language Glossary
- *Minnesota Department of Education – [Glossaries](#)*

Recommendation 2: State frameworks for identifying English learners with disabilities should emphasize interventions to prevent inappropriate special education referrals.

Resources for RTI/MTSS Frameworks

- *[Building RTI Capacity](#)*
- *Colorado Department of Education – [Guidebook on Designing, Delivering, and Evaluating Services for English Language Learners](#) (p. 70-75):* Multi-Tiered Systems of Support (MTSS)
- *Colorado Department of Education – [Considerations When Referring English Learners to Special Education](#) (p. 12-23):* MTSS & English Learners Within the MTSS Process
- *Connecticut Administrators of Programs for English Language Learners (CAPELL) – [Scientific Research-Based Interventions for English Language Learners: A Handbook to Accompany Connecticut's Framework for RTI](#)*
- *Office of Special Education Programs 2011 Memorandum:* [A Response to Intervention (RTI) Process Cannot be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act](#)
- *Rhode Island Department of Education – [Family Guide: Multi-Tiered Systems of Support](#)*
- *Virginia Department of Education – [Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities](#) (p. 3):* Pre-Referral Intervention Flow Chart

Sample Protocols for Monitoring Tiered Interventions for English Learners

- *San Diego Unified School District – [CEP-EL Manual](#) (p. 23-24 of pdf):* English Learner Intervention Summary

- *Harrison School District – [School Response to Intervention Checklist: The RTI Process for ELLs](#)* (Note: CLDE = Culturally Linguistically Diverse Education)

- *Pennsylvania Department of Education – [Progress Monitoring for Elementary ELLs](#):* Materials from a webinar on progress monitoring during culturally and linguistically responsive RTI for ELLs

> **Recommendation 3:** State frameworks for identifying English learners with disabilities should include culturally and linguistically responsive practices.

Resources for Implementing Culturally and Linguistically Responsive Instruction and Interventions

- *American Speech Language Hearing Association (ASHA) – [English Language Learners in the Schools](#):* Multicultural Affairs and Resources specifically for ELs

- *Colorado Department of Education – [Guidebook on Designing, Delivering, and Evaluating Services for English Language Learners](#) (p. 70-75):* Multi-Tiered Systems of Support (MTSS)

- *Connecticut Administrators of Programs for English Language Learners (CAPELL) – [Scientific Research-Based Interventions for English Language Learners: A Handbook to Accompany Connecticut's Framework for RTI](#)*

- *Eagle County School District – [Core ESL Instructional Practices Teacher Self-Assessment Guide](#)*

- *Harrison School District – [School Response to Intervention Checklist: The RTI Process for ELLs](#)* (Note: CLDE = Culturally Linguistically Diverse Education)

- *Michigan Department of Education – [Guidance Handbook for Educators of English Learners with Suspected Disabilities](#) (p. 22-30):* Effective Practice 1: Ensure Evidence-Based Curriculum, Instruction, and Interventions

- *Oregon Department of Education – [Special Education Assessment Process for Culturally and Linguistically Diverse (CLD) Students](#) (p. 6, 22-33):*
    - Definitions related to culture and culturally responsive practices
    - Pre-Referral Response to Intervention (RTI) Process
    - Caution in Implementing Generic RTI Models with CLD Students
    - Recommended RTI Models for CLD Students
    - Considerations When Applying Decision Rules, Implementation of the RTI Process
    - CLD RTI Process Checklist

- *Pennsylvania Department of Education – [Progress Monitoring for Elementary ELLs](#):* Materials from a webinar on progress monitoring in culturally and linguistically responsive RTI for ELLs

- *U.S. Office of Special Education Programs – [Effective Practices for English Learners](#):* Brief 1, Meeting the needs of English learners through a multitiered instructional framework

- *WIDA – [Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention (RtI2) for English Language Learners](#)*

Sample Parent Interview Protocols

- *[CAPELL English Language Learners and Special Education: A Resource Handbook](#) (p. 15-16):* Structured parent interview

- *David Douglas School District:* [Pre-Referral Student and Family History interview](#)

- *San Diego Unified School District – [Comprehensive Evaluation Process for English Learners (CEP-EL) Manual](#) (p. 44-45, 47 of pdf):* Ethnographic and focused parent interview protocols

Additional Resources for Engaging Families

- *[Center for Parent Information and Resources](#):* Central "hub" for all state parent centers serving families of children with disabilities

- *Colorado Department of Education – [Parents Encouraging Parents Conference](#)* (interpreters are provided for English learner parents to participate in this conference)

- *Michigan Department of Education – [Guidance Handbook for Educators of English Learners with Suspected Disabilities](#) (p. 70):* Appendix L. Parents and Families

- *PACER Center – [Translated Materials for Families of Students with Disabilities](#)*

> **Recommendation 4:** State frameworks for identifying English learners with disabilities should include practices that help educators distinguish between disabilities and sociocultural/sociolinguistic factors, as well as other exclusionary factors that might impact student performance and behavior.

Case Examples of Distinguishing Sociocultural/Sociolinguistic Factors from Disabilities

- *Michigan Department of Education – [Guidance Handbook for Educators of English Learners with Suspected Disabilities](#) (p. 42-45):* Case studies modeling how sociocultural/sociolinguistic factors might be considered in the identification of English learners with disabilities

Interviewing Parents/Caregivers to Gather Data on Sociocultural/Sociolinguistic Factors

- *[CAPELL English Language Learners and Special Education: A Resource Handbook](#) (p. 15-16):* Structured parent interview

- *David Douglas School District:* [Pre-Referral Student and Family History interview](#)

- *San Diego Unified School District – [Comprehensive Evaluation Process for English Learners (CEP-EL) Manual](#) (p. 44-45, 47 of pdf):* Ethnographic and focused parent interview protocols

Sample Checklists for Gathering Data on Sociocultural/Sociolinguistic Factors

- *Eagle County School District:* [Culturally Responsive Referral Guide](#)

- *Minnesota Department of Education – The EL Companion to Reducing Bias in Special Education Evaluation (p. 189):* [ELL Sociocultural Checklist](#)

- *San Diego Unified School District – [CEP-EL Manual](#) (p. 13-15 of pdf):* English Learner Initial Referral and Decision Making Process (to begin to rule out extrinsic factors impacting students' learning)

- *San Diego Unified School District – [CEP-EL Manual](#) (p. 18-22 of pdf):* Extrinsic Factors Form

Sample Guidance on Second Language Acquisition Knowledge Educators Should Have

- *CAPELL English Language Learners and Special Education: A Resource Handbook (p. 5-7, 11-12):* Second Language Acquisition & A Word of Caution
- *Michigan Department of Education – Guidance Handbook for Educators of English Learners with Suspected Disabilities (p. 8-15):* Prerequisite Knowledge and Skills Educators Need
- *OELA English Learner Tool Kit Chapter 6 (p. 6-10):* Tool #2 – Comparison of Language Differences Versus Disabilities
- *Virginia Department of Education – Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities (p. 23-25):* How are Students Who are ELLs and Children with Disabilities Different?

Sample Guidance and Tools for Considering English Language Proficiency and Language Development Factors

- *Colorado Department of Education – Guidebook on Designing, Delivering, and Evaluating Services for English Language Learners (p. 76-79):* Comparing Language Differences and Special Education Needs & Questions to ask when ruling out limited English proficiency as the primary cause for learning difficulties
- *Eagle County School District – Core ESL Instructional Practices Teacher Self-Assessment Guide*

> **Recommendation 5:** State frameworks for identifying English learners with disabilities should include comprehensive evaluation measures.

Sample Checklists and Protocols for Comprehensive Evaluation for English Learners

- *CAPELL (Connecticut Administration of Programs for English language Learners) – English Language Learners and Special Education: A Resource Handbook (p. 17-19):* Is this Special Education Referral Appropriate for an English Learner?
- *Eagle County School District:* Culturally Responsive Referral Guide
- *New York State Education Department – Columbia Teachers College Leaders Project Holograms*
- *Oregon Department of Education – Special Education Assessment Process for Culturally and Linguistically Diverse (CLD) Students (p. 44-53):* Special Education Assessment Checklist for CLD Students (breakdown of steps on pages 45-53)
- *San Diego Unified School District – CEP-EL Manual* (The documents listed below should be considered together)*:*
  - English Learner Initial Referral and Decision Making Process
  - English Learner Intervention Summary
  - Cumulative File Check
  - Comprehensive Evaluation Process for English Learners Checklist
- *Virginia Department of Education – Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities (p. 51-54):* Student Data Checklist
- *WestEd – Student Problem Solving Profile*

Sample Tools for Gathering Information on Instruction and Interventions English Learners Receive

- *Eagle County School District – [Core ESL Instructional Practices (CEIP) Teacher Self-Assessment Guide](#)*
- *Eagle County School District – [REME CLD Literacy Teaching Guide](#)*
- *San Diego Unified School District – [CEP-EL Manual](#) (p. 23-24 of pdf):* English Learner Intervention Summary

Sample Tools for Observing English Learners in Multiple Contexts

- *San Diego Unified School District – [CEP-EL Manual](#) (p. 49-54 of pdf):* Observation guidelines and protocols

Sample Tools to Help with Determining Language Proficiencies

- *San Diego Unified School District – [CEP-EL Manual](#) (p. 56 of pdf):* Conversational and Academic Language Skills Rating Scale

Sample Tools for Interviewing Parents

- *[CAPELL English Language Learners and Special Education: A Resource Handbook](#) (p. 15-16):* Structured parent interview
- *David Douglas School District:* [Pre-Referral Student and Family History interview](#)
- *San Diego Unified School District – [Comprehensive Evaluation Process for English Learners (CEP-EL) Manual](#) (p. 44-45, 47 of pdf):* Ethnographic and focused parent interview protocols

Lists of Assessment Measures States and Districts Might Include in Guidance Related to Comprehensive Evaluations for English Learners

- *[CAPELL English Language Learners and Special Education: A Resource Handbook](#) (p. 20-22):* Is this Special Education Referral Appropriate for an English Learner?
- *Colorado Department of Education – [Considerations When Referring English Learners to Special Education](#) (p. 23-26):* Gathering a Body of Evidence
- *Michigan Department of Education – [Guidance Handbook for Educators of English Learners with Suspected Disabilities](#) (p. 66-69):* Appendix K. Assessments

Resources for Considering Bias When Administering and Interpreting Assessments

- *Colorado Department of Education – [Considerations When Referring English Learners to Special Education](#) (p. 28-34):* Factors that May Impact How ELs Perform on Assessments, and General Assessment Considerations

- *Minnesota Department of Education – [Alternate Instructions for Spanish Speech/Language Evaluation Instruments](#)*

- *New York State Education Department – [Special Education Field Advisory: Use of Standardized Scores in Initial Evaluations of ELLs](#)*

- *Oregon Department of Education – [Special Education Assessment Process for Culturally and Linguistically Diverse (CLD) Students](#) (p. 19-21, 37-43):* Emerging Best Practices, and Assessment for Special Education Eligibility

- *Wisconsin Department of Public Instruction – [Speech and Language Assessment, Linguistically Culturally Diverse: Spanish Speaking](#):* Technical Assistance Guide

Recommendation 6: Trainings offered on state frameworks for identifying English learners with disabilities should be given to district-level and school-level English learner, special education, and general education personnel who collaborate to develop district or school-specific processes.

Sample Training Materials

- *Colorado Department of Education – [Considerations When Referring English Learners to Special Education](#)*

- *Missouri Department of Elementary and Secondary Education – [Special Education and English Language Learners](#):* Webinar materials

- *Rhode Island Department of Education – [Multi-Tiered Systems of Support Training Materials](#)*

Recommendation 7: States should consider partnering with institutions of higher education (IHE) to train pre-service and in-service educators on recommended practices for identifying English learners with disabilities.

Examples of Programs Offered at IHEs to Develop English Learner and Special Education Expertise

Note: The programs listed below are offered as a resource. We are not endorsing these programs. We also acknowledge that this is not a comprehensive list. State leaders should contact their teacher credentialing offices for recommendations of programs within their particular states.

- *University of Colorado Boulder: [Double Endorsement MA Degree Program](#)*: MA degree leading to two state K-12 teaching endorsements in a) Special Education Generalist, and b) Culturally and Linguistically Diverse Education through completion of interdisciplinary program

- *Fordham University: [Special Education Bilingual Education Extension](#)*

- *George Washington University: [Master's in Special Education for Culturally and Linguistically Diverse Learners](#)*

- *Lasell College: [Bilingual/English Learners with Disabilities (ELL/SPED) Certificate](#)*

- *Lehman College: [Bilingual Special Education Program](#)*

- *Rhode Island College: [Urban Multicultural Special Education Masters](#)*: ESL certification for special educators and related service providers

Sample Standards for Preparing Education Specialists to Work with English Learners with Disabilities

- *California Commission on Teacher Credentialing: Preparing Teachers to Support English Learners with Disabilities (esp. from p. 21 on)*

Recommendation 8: IEP teams should include individuals with expertise in second language acquisition, bilingual or English language development certified staff, or other staff who can address the impact of language and culture on students' goals and services.

The tools and resources for Recommendation 1 apply here as well. Of particular relevance is the *San Diego Unified School District CEP-EL Manual's Comprehensive Evaluation Process for English Learners Checklist*, which specifies the expertise that should be present on IEP teams.

Rhode Island Department of Education similarly requires that "an individual with knowledge of second language acquisition, including English Language Proficiency Standards and Assessments must be invited if the student is an English Language Learner" (*The IEP Profess FAQ*, p. 10)

Relevant Federal Policy Documents

- *Office of Special Programs – 2016 "Dear Colleagues" Letter*: IEP Translation
- *United States Department of Education – Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives*
- *United States Department of Education – Addendum to Questions and Answers*
- *United States Department of Justice and Office of Civil Rights – 2015 "Dear Colleague" Letter*

Recommendation 9: As integral members of IEP teams, parents should be engaged and provided with information necessary to participate as active members of the IEP team.

Sample Tools for Parent Engagement

- *Colorado Department of Education – Guidebook on Designing, Delivering, and Evaluating Services for English Language Learners (p. 189, 239-242):* Community and Family Partnering
- *OELA English Learner Toolkit Chapter 10*: Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents
- *Office of Special Programs – 2016 "Dear Colleagues" Letter*: IEP Translation
- *Center for Parent Information and Resources*: Find your Parent Training and Information Center
- *Rhode Island Department of Education – Holding Meetings Related to Special Education with Interpreters and Culturally & Linguistically Diverse Families & Students*
- *Virginia Department of Education – Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities (p. 34-37):* Communicating with Families

Integrating Language Objectives and Content Goals

- *California Department of Education – ELA/ELD Framework*
- *[CCSSO Accessibility Manual: How to Select, Administer, and Evaluate Use of Accessibility Supports for Instruction and Assessment of All Students](#)*
- *[CCSSO Accountability Manual: How to Select, Administer, and Evaluate Use of Accommodations for Instruction and Assessment of English Language Learners with Disabilities](#)*
- [OELA English Learner Tool Kit Chapter 6](#): Addressing English Learners with Disabilities
- *Rhode Island Department of Education – [Individualized Education Program (IEP) Guidebook: Directions for Completing the Rhode Island IEP Form](#) (p. 12-14):* Measurable Annual Academic or Functional Goal(s) [Note that this is an older document; wherever GLEs are referenced, it is now CCSS]
- *San Diego Unified School District – [CEP-EL Manual](#) (p. 27-32 of pdf):* Comprehensive Evaluation Process for English Learners Checklist – see Part IV on IEP Team Supports and Services

Frameworks and Practices for Instruction in General and Special Education Contexts

- *Universal Design for Learning*
  - [CAST](#)
  - [National Center on Universal Design for Learning](#)
- *Colorado Department of Education – [Collaborative Teaching in an Inclusive Model](#)*
- *Council for Exceptional Children – [High Leverage Practices in Special Education](#)*

Sample Training Materials

- *California Department of Education – [Supporting English Learners with Disabilities Symposium](#)*
- *Colorado Department of Education – SPED/EL Symposium (Montrose, CO), April 20-21, 2017:* [Excerpt of training presentation slides on developing IEP goals for English learners with disabilities](#)
- *Colorado Department of Education – [Your On-Demand e-Learning Library](#):* Video trainings on IEP Timeline

Resources for States Developing Guidelines for Interpreters

California Department of Education: "Quality Indicators for Translation and Interpretation in Kindergarten through Grade Twelve Educational Settings" – Outlines general skills and attributes of interpreters and also includes a Spanish glossary of education terms.

Colorado Department of Education: "Cultural Mediation: Building Bridges" – This PowerPoint presentation includes definitions of *culture, cultural competence, cultural mediators, interpreters* and *translators*. It also offers recommendations for selecting and supporting cultural mediators, interpreters, and translators.

The State of Washington also has a variety of resource materials both for parents and for English-speaking staff who work with interpreters.

Chapter 5 of *The EL Companion to Reducing Bias in Special Education Evaluation*, Minnesota Department of Education, contains information on the roles of interpreters and cultural liaisons that is specific to special education.

The Minnesota Department of Education website also contains information about professional development and resource materials for interpreters working in special education.

- "Holding IEP Meetings with English Language Learner Families and Interpreters"

- "Effective Communication with English Learner Parents through an Interpreter"

- "Staff Development and Resources for Spoken Language Interpreters and Cultural Liaisons"

Minnesota Department of Education – Code of Ethics and Standards of Practice for Educational Interpreters of Spoken Languages

Virginia Department of Education – Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities (p. 31-33): Working with Interpreters

At the present time, there are no formal programs to certify interpreters working in school settings. Certification programs for medical and legal interpreters may serve as models for organizations that would like to develop standards for educational interpreters.

- The National Council on Interpreting in Health Care

- United States Federal Court Interpreters

- The Community Interpreter