

*Restart & Recovery:*

**Supporting English Learners with Disabilities  
During Remote Learning and School Reopening:  
Recommendations for State Leaders**

RESTART & RECOVERY:  
SUPPORTING ENGLISH LEARNERS WITH DISABILITIES  
DURING REMOTE LEARNING AND SCHOOL REOPENING:  
RECOMMENDATIONS FOR STATE LEADERS

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, Bureau of Indian Education, and five U.S. extra-state jurisdictions.

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## Introduction

The shift to remote learning in U.S. K-12 public schools as a result of COVID-19 has had a disproportionate impact on the learning opportunities of historically vulnerable student groups.<sup>1</sup> Some English learners (EL) and their families had difficulty fully participating in distance learning during spring 2020 due to a lack of necessary technology, language barriers, and the demands of meeting basic family needs, according to a recent U.S. Government Accountability Office report.<sup>2</sup> In particular, ELs with disabilities, who represent 14 percent of all ELs in public schools,<sup>3</sup> require special consideration during remote learning and school reopening, given their intersecting special education and ELD needs.

In response to COVID-19, the U.S. Department of Education (ED) [Office of Elementary and Secondary Education](#) and the [Office of Special Education Programs](#) both issued guidance, reminding local education agencies (LEAs) of their legal obligation to support the learning needs of ELs and students with disabilities, respectively. While these policy guidance documents emphasized the need to safeguard the civil rights of students during the pandemic, they did not fully address the unique needs of ELs with disabilities. Even prior to COVID-19, it was often challenging to make sure these students had access to the multiple supportive services to which they are legally entitled.<sup>4</sup> Research has documented how ELs with disabilities in some schools receive only ELD or special education services, due to varied interpretations of federal laws at the local level.<sup>5</sup> The remote learning context may exacerbate such inequities, so it is important for state education agencies (SEAs) to offer guidance that specifically focuses on serving ELs with disabilities.

This report offers recommendations for creating and expanding policy guidance specifically addressing the needs of ELs with disabilities during remote learning and school reopening. It also includes recommendations to address the persistent challenges schools face in supporting ELs with disabilities. These recommendations, which were informed by current policy guidance in key disciplines and a synthesis of empirical research, were reviewed by members of CCSSO's EL Remote Learning Working Group, English Learners Collaborative, Assessing Special Education Students (ASES) Collaborative, and Students with Disabilities Assessment Advisory Task Force. The recommendations focus on five key policy areas:

1. Special education qualification
2. Dual service provision
3. Individualized Education Program (IEP) and Individualized Family Service Plan (IFSP) meetings
4. IEP development and updates
5. Progress monitoring

This report is based on the understanding that ELs constitute a diverse group of students whose learning needs during the COVID-19 pandemic are widely varied. Whenever possible, the recommendations provided consider the heterogeneity among ELs with disabilities.

## Recommendations

### Recommendations for State Guidance Related to Special Education Qualification

- **Conduct timely evaluations during remote learning.** During the pandemic, LEAs are still obligated to conduct *timely* (as defined by their state departments of education) special education evaluations; delaying an initial evaluation based on a student's EL status is impermissible.<sup>6</sup> States are encouraged to communicate the timeframe in which special education evaluations must be conducted for ELs. However, the Office for Civil Rights has clarified that, if families and LEAs are in mutual agreement, evaluations may be delayed beyond the state-defined timeframe until in-person assessments can be administered.<sup>7</sup> To facilitate communication with EL families, it would be helpful for states to provide LEAs with translated resources informing parents/guardians of their right to delay initial evaluations. LEAs may wish to use Coronavirus Aid, Relief, and Economic Security (CARES) Act funds to cover the cost of translating special education-related notices and documents. In these instances, it is important to encourage LEAs to utilize family and community liaisons, who are critical to promoting clear, two-way communication between EL parents/guardians and special education departments.
- **Consider the feasibility of virtual diagnostic assessments and potential impact on interpretations.** Health and safety concerns during the pandemic may prevent in-person diagnostic assessments (e.g., cognitive assessments) for ELs during the special education evaluation process. In these instances, consider whether remote diagnostic assessments can be implemented. States might create protocols LEAs can follow to determine the feasibility and ethics of conducting virtual assessments, and considering for how changes to the implementation of the assessment may constrain the inferences that can be drawn from the data. These protocols could list steps for educators to take or factors to consider before implementing virtual diagnostic assessments for ELs. For example, states might address whether using translated versions of diagnostic assessments would constrain a school psychologist's ability to modify procedures during administration of the assessment. In developing these protocols and considerations, states might also consider specific implications for both special education and related service assessments. The [National Association of School Psychologists](#) and [American-Speech-Language-Hearing Association](#) offer useful resources on this topic.
- **Assess ELs for disabilities in linguistically responsive ways in remote and in-person settings.** In most cases, EL classification occurs before special education qualification.<sup>8</sup> Because [indicators of second language acquisition](#) can resemble indicators of several high-incidence disabilities, the Individuals with Disabilities Education Act (IDEA) stipulates that LEAs must conduct diagnostic assessments for ELs in the language(s) that will yield valid data.<sup>9</sup> States may want to remind LEAs that, in both remote and in-person settings, assessing ELs exclusively in English violates the exclusionary clause of IDEA—i.e., to ensure a non-discriminatory diagnostic evaluation process for ELs, LEAs need to provide either translated assessments or qualified bilingual interpreters. To assess ELs in linguistically responsive ways, bi- and multilingual diagnostic data are needed to develop an accurate profile of ELs' academic and linguistic capabilities.<sup>10</sup> States can support LEAs by providing resources such as:
  - a list of valid translated assessments;
  - advice about hiring and vetting qualified interpreters; and

- examples of best practices when implementing bilingual remote or in-person evaluations.

*Note:* Although less common, a student may be identified with a disability but not classified as an EL. For these students, states may wish to emphasize to LEAs that the presence of a disability does not preclude assessing for possible EL classification.

- **Interpret virtual diagnostic assessment data with caution and utilize multiple measures to determine special education qualification.** When conducting diagnostic assessments virtually, it is important to be cautious about interpreting assessment data; changes to the format of an assessment’s administration can alter the validity of the results.<sup>11</sup> Whether implemented in person or remotely, the evaluation process during COVID-19 should encompass multiple data sources that are treated with parity in terms of qualification determinations. To support LEAs, states may recommend using the evaluation data that educators can feasibly collect across learning settings (i.e., in-person, hybrid, and remote). States also may consider a variety of data sources, such as bilingual proficiency assessments, academic grades, class projects and portfolios, observations of instruction and learning environments, attendance records, and observation and/or family reports of bi- and multilingual skills.
- **Emphasize the risks and inequities of both over- and underrepresentation.** Historically, special education qualification guidance for ELs has emphasized the risks of overrepresenting ELs in special education. However, underrepresentation of ELs is also a documented problem, particularly with regard to autism spectrum disorder and emotional disturbance;<sup>12</sup> this problem could be heightened during the pandemic, if evaluations are postponed. In their guidance to LEAs, state leaders might emphasize the risks and inequities of both forms of disproportionality. It also may be useful to ground guidance in [state-specific trends in EL special education representation](#).

### Recommendations for State Guidance Related to Dual-Service Provision

- **Provide dual services for ELs with disabilities in remote, hybrid, or in-person formats.** A failure to provide both ELD and disability-related services, including special education and related services, has been a prevalent issue in the education of ELs with disabilities.<sup>13</sup> During COVID-19, states are encouraged to communicate with LEAs regarding their legal obligation to provide dual services to ELs with disabilities. States would do well to clarify to LEAs that de facto policies whereby one service “trumps” another violate the rights of ELs with disabilities. Dual services must be provided across all learning environments, whether remote, hybrid, or in-person. Knowing that “unnecessary segregation” of ELs is a common civil rights violation,<sup>14</sup> dual services should be provided in a manner that promotes inclusion in general-education settings and among the students’ peers. To accomplish this, state leaders may wish to review [recommendations for maintaining the integrity of ELD programs during remote and hybrid learning](#). In its [guidance for K-12 schools during the pandemic](#), ED clarified that students with disabilities, depending on their needs, may be prioritized for in-person learning.
- **Accommodate ELs with disabilities who opt out of in-person learning or who are recovering from COVID-19.** Given the disproportionate impact the pandemic may be having on EL families, it is understandable that some EL families may prefer remote learning for their children, even when in-person or hybrid options are available. States are

encouraged to offer guidance on alternative approaches to dual-service provision, which would enable ELs with disabilities to access Free Appropriate Public Education. It is important to emphasize that ELs with disabilities should not be penalized for opting out of in-person learning. In addition, according to [ED guidance](#), ELs with disabilities who experience extended absences from school as they recover from COVID-19 or who have an underlying medical condition are eligible for homebound dual services. States could develop protocols for IEP teams to follow when evaluating whether and how to provide homebound dual services. Such protocols could include [strategies for promoting shared responsibility among educators](#) as well as [strategies for re-engaging ELs who have been absent during remote or in-person learning](#).

- **Consider offering related services through flexible schedules and/or through telehealth/telepractice.** Many ELs with disabilities require related services; in fact, one in every five ELs with disabilities has a primary disability of speech or language impairment.<sup>15</sup> SEAs might consider offering clear guidance to LEAs on whether state policies permit providing related services via telehealth/telepractice during remote learning and school closures. In states that permit telehealth/telepractice, SEAs can support IEP teams as they transition to providing related services in these formats. For example, to provide services for ELs with speech or language impairments, SEAs can refer LEAs to resources developed by the American Speech-Language-Hearing Association, which include [examples of alternative schedules and settings](#) as well as [checklists for planning and implementing telepractice](#) and [charts for documenting telepractice service provision](#). For ELs with orthopedic impairments or other disabilities requiring occupational therapy, the American Occupational Therapy Association also has created a [checklist for implementing virtual occupational therapy services](#).
- **Determine whether additional services are needed for ELs with disabilities, once schools reopen.** If students with disabilities did not receive the services specified in their IEPs during remote learning and school closures, they may need additional services. Because the ELD needs, services, and goals of ELs with disabilities are often omitted in IEPs,<sup>16</sup> it will be important for SEAs to offer guidance to schools, clarifying that additional ELD services can be provided for ELs with disabilities upon school reopening. Some states have identified ELs with disabilities as a special student population, which should be prioritized for additional services. State leaders will need to develop clear protocols for additional service procedures, especially around documentation and decision-making. Protocols could include:
  - charts or logs to document which services were provided during the pandemic;
  - recommendations regarding which data to consult to determine whether ELs with disabilities have experienced regression in their academic and linguistic development; and
  - guidelines to identify the amount of additional services to be provided.While IEP teams evaluate whether additional ELD and disability-related services are needed, states could advise the teams to consult multiple data sources, including those that provide insights into the bi- and multilingual capabilities of the students.

### **Recommendations for State Guidance Related to IEP and IFSP Meetings**

- **Continue holding IEP meetings and providing guidance to parents/guardians as needed in how to access virtual meetings.** When IEP meetings cannot be convened in

person, it is important for LEAs to continue holding IEP meetings remotely.<sup>17</sup> SEAs may need to remind their LEAs of the federal and state timelines for holding IEP meetings. Given the importance of parents/guardians in participating in IEP meetings, LEAs first may need to:

- make sure that parents/guardians have the appropriate electronic devices and internet access; and
- offer support to parents/guardians in installing, accessing, and using remote meeting platforms.

States can provide their LEAs with (or direct them to sources for) translated instructions and guidance, such as lists of technical requirements, screenshots of log-in procedures, tutorial videos, etc. SEAs also can guide LEAs in how to conduct technological support sessions with parents/guardians prior to the IEP meeting.

- **Ensure that parents/guardians and students can meaningfully participate in IEP meetings.** For both in-person and virtual IEP meetings, it is essential to have a qualified interpreter present for parents/guardians whose home language is not English. The presence of a qualified interpreter will also facilitate the participation of any ELs with disabilities who attend their own IEP meetings. Given the difficulty of using simultaneous interpretation in remote settings, it is also important for LEAs to allocate additional time for any IEP meetings that are using consecutive interpretation. Note that simultaneous interpretation features are available in several widely-used meeting platforms (e.g., Zoom, WebEx, Microsoft Teams); states can direct LEAs to these resources—but users should beware that these features may have certain technological and accuracy limitations. Should LEAs rely on such remote-interpretation features, they would do well to provide professional development to the IEP teams who will be expected to use them. For both remote and in-person IEP meetings, states may also wish to direct LEAs to resources on how to promote the active participation of [parent/guardians](#) and [students](#) in IEP meetings. Note that ELs who use augmentative and alternative communication (ACC) will likely need assistance in managing their devices to participate in remote IEP meetings.
- **Include ELD teachers in IEP teams and meetings.** Per ED, the IEP team of ELs with disabilities should include “professionals with training, and preferably expertise, in second language acquisition.”<sup>18</sup> States are encouraged to clarify the threshold of expertise needed to satisfy this requirement. It may help to identify specific qualification requirements needed for professionals serving in this role (e.g., certification in ELD or bilingual education), taking into consideration the varied needs of LEAs with smaller and larger populations of ELs with disabilities. Bilingual education and ELD teachers’ meaningful participation in IEP meetings and decision-making is particularly important and should be facilitated, despite any logistical challenges. States are also encouraged to provide ELD teachers with specific strategies for actively sharing their expertise during IEP team discussions (e.g., data sources to bring, progress updates to share, questions to raise, etc.). To foster such participation, CCSSO has developed a [resource on collaboration and shared responsibility of ELs](#).
- **Support the transition from IFSPs to IEPs.** For early-childhood ELs with IFSPs, LEAs may require additional resources to support the transition from early childhood education (ECE) to kindergarten. ECE and K-12 state leaders could share and coordinate their guidance for conducting both virtual and in-person transition meetings. State offices



could share resources with IFSP multidisciplinary teams to support parents/guardians in accessing online meeting platforms—using qualified interpreters as needed, who could also serve as liaisons during meetings. It is important to keep in mind that parents/guardians of ELs with disabilities are likely to be navigating additional stressors during the pandemic and may be unfamiliar with IEP procedures; it is important for states to emphasize the value of LEAs maintaining regular, clear communications (through multiple avenues) with parents/guardians about the transition of services and the convening of their child’s transition meeting.

### **Recommendations for State Guidance Related to IEP Development and Updates**

- **Promote the integration of ELD needs throughout IEP document—including goals, services, and specially designed instruction.** As IEP teams review and revise students’ IEPs in response to changes made during the pandemic, they can use this opportunity to comply with IDEA’s mandate to “consider the language needs of the child as those needs relate to the child’s IEP.”<sup>19</sup> Given the broad nature of this mandate, it is important that state special education and ELD offices collaborate on joint guidance that clarifies procedures and best practices for IEP development for ELs. This guidance should address all components of the IEP, describing how ELs’ goals, services, and specially designed instruction can consider their ELD needs, in addition to their disability-related needs. As IEP teams develop IEPs for ELs, they may wish to consider [Tier I academic interventions that will benefit all students](#). Note that, for high-school ELs with disabilities, IEP teams should consider the students’ unique needs in their postsecondary transition plans. SEAs might consider revising state guidance if formal policies limit the scope of ELD considerations within IEPs. In designing guidance, it is key to bear in mind that the IEPs of ELs with disabilities often lack connection to the student’s language needs and cultural background.<sup>20</sup> However, developing culturally and linguistically responsive IEPs can be complicated; SEA leaders can help by compiling resources for IEP teams which feature concrete strategies<sup>21</sup> and checklists.<sup>22</sup> They also can support LEAs by providing professional-development opportunities on how to integrate ELD needs throughout IEPs. Two useful resources are CCSSO’s [Supporting High-Quality Instruction for English Learners in Onsite, Hybrid, and Remote Learning Environments](#) and [Guide for States Creating Policies on the Identification of and Service Provision for English Learners with Disabilities](#).
- **Anticipate and document changes to dual-service provision plans.** As LEAs switch back and forth between different modes of learning, IEP teams may need to amend ELs’ IEPs to reflect changes in dual-service provision. Teams will likely need to continue moving between multiple modes of learning throughout the remainder of the 2020-2021 school year. To support IEP teams in making and documenting service-provision changes, states might provide IEP amendment forms that include hybrid and remote learning modes. It is valuable to emphasize the importance of documenting which services ELs with disabilities received during the various learning modes, as LEAs will need this documentation to make additional service determinations once schools return to in-person learning.
- **Consider both English language proficiency (ELP) and content-based assessments for accommodations and supports.** As teams update their IEPs during the pandemic, revisions regarding assessment accommodations, accessibility supports, and/or linguistic



supports may be needed for ELs with disabilities. While specifying accommodations and supports in ELs' IEPs, it is important for IEP teams to consider both ELP assessments and content-based assessments. To support IEP teams, state leaders from special education and ELD offices can jointly develop or update assessment guidance. State leaders can consider guidance that (a) outlines permissible accommodations and supports for both ELP and content-based assessments and (b) includes a protocol for IEP teams to follow when the assessment accommodations or supports that ELs with disabilities require are incompatible with ELP assessments (e.g., a required read-aloud accommodation on the reading component of an ELP assessment). In their guidance, state leaders may also wish to direct LEAs to existing resources for assessing the language proficiency of ELs with significant cognitive disabilities (e.g., [WIDA Alternate ACCESS](#) and CCSSO's [English Language Proficiency Standards for English Learners with Significant Cognitive Disabilities](#)).

- **Address challenges to virtual content-based assessment accommodations and supports.** Some accommodations and supports (i.e., accessibility and linguistic supports) for content-based assessments cannot be easily or validly implemented in virtual settings (e.g., use of manipulatives, availability of refreshable Braille display, provision of testing environment with reduced distractions). Providing virtual assessment accommodations and supports can be particularly challenging for subgroups of ELs with disabilities (e.g., ELs with significant cognitive, hearing, or visual impairments). Also, some virtual accommodations and supports may be unfamiliar to ELs with disabilities and thus may adversely impact their performance on the assessment. In light of these challenges, states should support LEAs to administer virtual content-based assessment accommodations and supports.

### **Recommendations for State Guidance Related to Progress Monitoring**

- **Promote a holistic approach to collecting, examining, and sharing student data.** It is key that each state's progress-monitoring guidance for both ELs and students with disabilities explicitly addresses the dual disability and language needs of ELs with disabilities. It is important that state leaders' recommendations to LEAs for routine or additional progress monitoring address:
  - how IEP teams can make use of already existing data representative of the whole student, considering cognitive, linguistic, behavioral, and physical needs;
  - how IEP teams can partner with parents/guardians to collect data remotely; and
  - which alternative data can be collected if ELP and content-based assessment data are missing as result of pandemic-related challenges.

Because ELD and special education teachers often work in siloes,<sup>23</sup> states can provide strategies and best practices for sharing student data across ELD and special education LEA departments. LEAs may also benefit from resources that assist educators in analyzing student data through a holistic approach. Such resources could synthesize best practices in data-based decision-making from the ELD and special education fields; address how educators can use data in their efforts to distinguish disability from second-language acquisition; and dispel myths about ELs with disabilities that could influence educators' decision-making (e.g., students with cognitive disabilities have a limited capacity for bilingualism).<sup>24</sup> In developing such resources, state leaders also may wish to address [common misconceptions of what constitutes "data" in data-based decision-making](#).

- **Design or support professional learning opportunities that expand teachers’ specializations.** As LEAs continue to conduct remote learning or return to in-person instruction, supporting ELs with disabilities’ academic and linguistic needs simultaneously throughout the school day is critical to the students’ continuing development. States might consider designing and/or supporting teachers’ professional learning opportunities that bridge the special education and ELD education professions and address both remote and in-person instruction— for example:

  - developing ELD–special education coteaching skills;
  - implementing culturally and linguistically responsive interventions;
  - using ELP levels and goals to inform special education instructional support;
  - integrating positive behavior support into ELD instruction; and
  - building ELD services and support into a multitiered system of support.

States also might support professional learning opportunities that build teachers’ proficiency in the Universal Design for Learning (UDL) model of instruction, such as [skills in implementing Tier I academic interventions](#).
- **Identify evidence-based and culturally/linguistically responsive interventions in response to interrupted learning.** ELs with disabilities may show evidence of regression in their academic and/or linguistic development as a result of interrupted learning during the pandemic (e.g., significant decrease in ELP scores, downward-trending performance on formative reading assessments). When they do, it is important for LEAs to implement evidence-based and linguistically/culturally responsive interventions (e.g., interventions that are proven effective for students’ specific learning needs and reflective of students’ linguistic and sociocultural backgrounds). It is best for state ELD and special education leaders to collaborate in identifying disability-related interventions which are also effective for bi- and multilingual students. Likewise, they can join forces to identify interventions which target the language development of ELs and also are effective for students with particular categories of disabilities. States might consider identifying such intersectional interventions and/or developing a tool LEAs can use to vet the effectiveness and cultural/linguistic responsiveness of various interventions. In developing such resources, state leaders may wish to consult the [What Works Clearing House](#) and CCSSO’s abovementioned [resource on supporting high-quality instruction for ELs](#).

## Conclusion

This report supports SEAs by offering a framework of initial policy recommendations that can address learning issues which have emerged or worsened for ELs with disabilities during the pandemic. By supporting LEAs with guidance that is informed by the special challenges of supporting ELs with disabilities during an extended period of disrupted schooling, SEAs can continue to safeguard the educational rights of this vulnerable population.

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<sup>2</sup> United States Government Accountability Office. (2020). *Distance Learning: Challenges Providing Services to K-12 English Learners and Students with Disabilities During COVID-19* <https://www.gao.gov/products/GAO-21-43>

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- <sup>12</sup> See endnote 3.
- <sup>13</sup> See endnote 4.
- <sup>14</sup> See endnote 4.
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- <sup>16</sup> Hoover, J. J., Erickson, J. R., Patton, J. R., Sacco, D. M., & Tran, L. M. (2019). Examining IEPs of English learners with learning disabilities for cultural and linguistic responsiveness. *Learning Disabilities Research & Practice*, 34(1), 14–22. <https://doi.org/10.1111/ldrp.12183>
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