

Background and Resources for the English Language Learners-Students with Disabilities Guidance

The language needs of students with disabilities are special factors to consider in the development of the individualized education program. The state of Ohio provides guidance in *the Referral and Identification of English Language Learners with Disabilities Key Questions Checklist 1* and *Multi-tiered Systems of Support Literacy/Reading Instruction for English Language Learners Key Questions Checklist 2*.

For a number of reasons that include the long history of disproportionate representation of racial and cultural minorities in special education, English language learners may not be referred or identified to receive specially designed instruction needed to meet Ohio's learning standards. For example, English language learners may not receive the pre-referral assessment and multi-factored evaluation needed to provide appropriate and timely special education services.

To respond to the identified needs of school districts, the Ohio Department of Education's Office for Exceptional Children and the Lau Resource Center invited a representative group of school professionals to develop state guidelines for the identification of English language learners with disabilities. The group included school psychologists, English as a second language and intervention specialists, Title III program coordinators, university representatives and parent advocates who independently reviewed current research and met in Columbus to discuss the identification process for English language learners with disabilities.

The group identified challenges in the identification of English language learners with mild disabilities that include: (1) lack of uniform assessments; (2) a shortage of qualified, bilingual school psychologists; (3) limited understanding of effective instructional practices and interventions for English language learners with learning challenges; and (4) providing teachers and specialists needed resources and time for collaboration. The result of the meeting was to assemble a list of guiding principles, resources and checklists to be used in the context of a school's multi-tiered system of support, also known by different names, such as intervention assistance/student support/response to intervention teams. The checklists should be used to plan and implement a systematic referral and identification processes for English language learners and students with disabilities.

When utilized by teams of qualified personnel, the checklists provide questions to assist collaboration with families to assemble and interpret information about the strengths and needs of the English language learner. They should guide, organize and address information gaps relevant to the determination of the extent to which an English language learner's school difficulties should be addressed by programs that focus on language learning disability or programs to develop English language acquisition. The checklists should not replace, but supplement, school intervention team processes to implement in the provision of fair, comprehensive identification and assessment of English language learners with disabilities.

Using the Two Checklists

The *Referral and Identification of English Language Learners with Disabilities Checklist* and the *Multi-Tiered Systems of Support Checklist for Literacy/Reading Instruction for English Language Learners* have been crafted to guide intervention processes and take into account state and federal laws regarding the provision of equal

educational opportunity for students with limited English proficiency and students with disabilities. The primary tool is the Referral and Identification of English Language Learners with Disabilities. The *Referral and Identification of English Language Learners with Disabilities* has three parts comprised of 37 questions. These encourage an iterative identification process wherein key concepts are repeated to gain depth and verification within the multi-factored assessment process.

Reading and literacy instruction that is based upon a sound pedagogical framework and implemented with fidelity provides students with opportunities to respond to instruction. The second tool is the *Multi-Tiered Systems of Support Checklist for Literacy/Reading Instruction*. This checklist complements *the Referral and Identification of English Language Learners with Disabilities Key Questions Checklist 1*, providing questions that explore the quality and appropriateness of the student's core curriculum reading instruction. The *Multi-Tiered Systems of Support Literacy/Reading Instruction Checklist* reviews instructional programming to determine whether and to what extent the student has had opportunities to learn with qualified teachers who use appropriate practice and curricula (Ohio Standards for the Teaching Profession). Using the multi-tiered systems of support framework, the multiple perspectives of members support the data-based decision-making process. A balance of qualified team members is more likely to make an objective determination of the relative impact of disability, language acquisition and other environmental factors upon the student's academic progress.

The final part of this document, a list of resources and references, will be updated annually to reflect the ongoing discussions and membership of the English language learners-students with disabilities development team. The proper referral and identification of English language learners brings to light questions related to the extent it can be determined that language and cultural differences, along with other factors, are not the primary cause of the student's learning difficulties. In the face of changing demographics and increased data collection requirements, the English language learners-students with disabilities development team emphasized key concepts that should weave through the intervention process of English language learners.

Key Concepts

Multi-Tiered Systems of Support for English Language Learners

Schools must identify all students with disabilities, including students who are English language learners (IDEA, 2004). Early identification of student lack of academic progress and the selection and monitoring of targeted interventions is the focus of the pre-referral process of students with disabilities. As the use of specialized, intensive interventions has evolved, some schools have developed systems of support that use collaborative, data-based processes that intensify in response to student's progress. These are referred to collectively as multi-tiered systems of support.

A multi-tiered system of support is a coherent continuum of evidence-based, system-wide practices to support a rapid response to academic and behavioral needs, with frequent data-based monitoring for instructional decision-making to support students in achieving Ohio's learning standards. The most common means of assessing English language learners for the presence of disabilities is to use multi-tiered systems of support, such as Response to Intervention.

Describing Home/Native Language Skills (L1)

The identification of students who speak a home language other than English is required by federal law as the basis for determining whether students should be assessed for English language proficiency to participate successfully in school. Accordingly, the first three steps of *the Referral and Identification of English Language Learners with Disabilities Checklist* outline actions related to the administration of the home

language survey. Additional information about the home language survey is provided on the Ohio Department of Education website (ODE link). As the intervention team works to generate more effective instruction for English language learners with learning challenges, answers to questions regarding the student's development of the home language, skills in the domains of listening, speaking, reading and writing in the home language, the amount of education received in the home language, etc., may become crucial to determine whether and to what extent the student has a language learning disability.

Universal Design for Learning

Students who are unable to receive, practice, apply and show mastery of lesson objectives do not have access to the meaningful education defined by the Ohio's learning standards. Universal design for learning is a framework for planning lessons that are accessible to the diversity of learners who make up the classroom. Universal design for learning assists in the delivery of curriculum that provides students with (1) multiple means of representation; (2) multiple means of action and expression; and (3) multiple means of engagement. The application of universal design for learning is a critical component of the intervention process as it takes into account the strengths and needs of students with limited English proficiency, students with disabilities and gifted students. Additional information about universal design for learning and examples of how it may be applied to English language learners with disabilities is found on the [Ohio Department of Education website](#).

Culturally Responsive Practice (CRP)

Culturally Responsive Practice (Banks, 2004) is culturally and linguistically responsive instruction that views diversity as a strength that provides opportunities for all members of the classroom. Culturally Responsive Practice values and builds relationships of trust and respect with English language learners and their families. Culturally Responsive Practice builds supportive learning environments for student learning success. Knowing the strengths and needs of each student is a first step in implementing Culturally Responsive Practice.

Collaboration and Flexibility

With the creation of the *English language learner-student with disabilities* checklists, the development team of practicing educators and school psychologists recommends that the identification of English language learners with disabilities be a collaborative effort conducted by qualified professionals within the school/district's multi-tiered system of support. The professional inquiry, instructional and assessment practices utilized by intervention teams should support a decision-making process that allows for a high degree of individualization, reflecting the diversity of English language learners who attend Ohio schools. For example, English language learners will have variable language skills across one or more home languages, strong and/or interrupted educational backgrounds, family structures with unique histories and cultural practices, a range of socio-economic levels, and immigration experience.

Notwithstanding, within the development team, a wide range of resources, local education practices, and institutional cultures were reflected among the group of assembled experts. The diversity of the group highlighted the complicated and distinct contexts in which English language learners with disabilities move through the intervention and identification process. This initial document focuses largely upon questions that point to technical considerations and the often vague and ambiguous nature of identifying students according to federal and state parameters. Those English language learners identified to receive intervention assistance and who qualify for special education services must continue to receive English language instruction to make progress on the state English Language Proficiency Standards.

The willingness and ability of the intervention team to build collaborative professional relationships that nurture trust among families of English learners is paramount, along with the inclusion of individuals with expertise in the assessment and instruction of English language development, cultural awareness and collaboration skills.

Note: These documents are intended to complement federal and state guidelines. *The presence of an obvious physical or other disability condition (i.e., blindness, hearing impairment, severe cognitive delays, severe autism) should trigger the initiation of the special education evaluation process. ELLs with clear, organic disabilities should have access to specialized, individualized instruction and supports without delay.*

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Marbella Cáceres, Ohio Coalition Education of Children with Disabilities

Molly Fender, Ohio Department of Education

Diane Fowler, Columbus Public Schools

Karen Goebbel, Olentangy Local Schools

Elizabeth Hahn, Ohio Department of Education

Andrew Hinkle, Ohio Department of Education

Heather Kilfoyle, Riverside Local Schools

Jill Kramer, Dublin City Schools

Mary Ellen Locke, Acacia Center, Inc.

Iliana Martinez, Ohio Coalition ECD

Abdinur Mohamud, Ohio Department of Education

Nancy Osko, Lorain County ESC SST 2

Scott Pringle, East Holmes Local Schools

Connie Reyes-Rau, Hamilton County ESC

Kathleen Scully, Cleveland Hts-University Hts SD

Wendy Stoica, Ohio Department of Education

Carol Striskovic, Mentor Public Schools

Terryl Swejk, Stark County ESC SST Region 9

Milena Varbanova, Hamilton County SST 13

Donna Villareal, Ashland University

Dana Weber, Stark County ESC SST Region 9

Kevin Wright, Madeira City Schools

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<http://www.parcconline.org/parcc-accessibility-features-and-accommodations-manual>

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Websites

Bilingual Education (Parts 1 &2)

http://www.educationworld.com/a_curr/curr047.shtml

http://www.educationworld.com/a_curr/curr049.shtml

Content and Language Integrated Learning CLIL-AXIS Team Teaching

http://www.clil-axis.net/potential_clil_intro.htm

The Diversity Kit. Providence, RI: Brown University Publications

http://www.lab.brown.edu/db/ea_catalog.php?search_calc=diversity+kit¤tQuery=Find¤tSort=c_product_name_alpha

Best of Bilash (Dr. Olenka S.E. Bilash), Professor, Department of Secondary Education, University of Alberta

http://www.educ.ualberta.ca/staff/olenka.bilash/best_of_bilash/home1.html

Best Practices in differentiating instruction: Identifying and teaching learners with special needs (course series):

http://holtmcdougal.hmhco.com/hm_data/html/title/supp/best_practice_special_needs.pdf

Education Connections

<https://www.obaverse.net/2/group/view.php?id=44>

Education Connections is a portal for educators implementing state standards with English learners, providing resources and building connections among educators to share best practices. Education Connections is presented by the [Center for Applied Linguistics](#) in collaboration with the University of Oregon.

IRIS Modules, Peabody College, Vanderbilt University

<http://iris.peabody.vanderbilt.edu/>

Ohio Assessments for Educators (TESOL Praxis)

http://www.oh.nesinc.com/TestView.aspx?f=HTML_FRAG/OH021_TestPage.html

Ohio Department of Education: Lau Resource Center

www.education.ohio.gov

Ohio State Support Team Region 13: Resources for Culturally Appropriate Practices

<http://www.sst13.org/Pages/Culturally-Responsive-Practice-.aspx>

National Dissemination Center for Children with Disabilities

<http://nichcy.org/>

TESOL International

http://www.tesol.org/s_tesol/index.asp

U.S. Census Bureau

<http://www.census.gov/population/foreign/>

http://www.census.gov/how/infographics/foreign_born.html (foreign-born infographic)

U.S. Dept. of Education

<http://www2.ed.gov/rschstat/facts.html>

Teaching Tolerance

http://www.tolerance.org/tdsi/crp_what