



**OKLAHOMA**  
**Education**

**OKLAHOMA STATE DEPARTMENT OF EDUCATION**  
**Office of English Language Proficiency**

# Serving and Supporting Oklahoma's Dually Identified English Learners

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**Introduction**  
**Purpose and Need for This Guidance**

The purpose of this guidance is to provide Local Education Agencies (LEAs) a common framework to accurately identify and serve English learners (ELs) who qualify for special education and related services. A student’s English learner status should never be seen as a barrier to referral for special education. It is important to remember that some English learners have disabilities, just as their native English-speaking peers do, which make them eligible to receive special education and related services. However, it is critical to differentiate between stages of second language acquisition and a possible disability. The processes and interventions in this guidance as well as those in the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) should be followed prior to a referral for special education evaluation.

There is a need for this guidance based on research that reveals that “there is variability regarding how LEAs identify ELs as eligible for special education services. Some LEAs over-identify while others under-identify ELs as eligible for special education services when compared to non-ELs” (USDE, 2016, p.2 & Hamayan et al., 2007). In addition, complicating the issue is the fact that difficulties experienced by ELs functioning in English can present very similar to learning disabilities (Salend, 2008 & Hamayan et al., 2007).

During school year (SY) 2020-21, nationally, approximately 1.6% of students ages 5 through 21 enrolled in U.S. public schools were dually identified as a student with a disability under IDEA, Part B and an English learner whereas English learners made up 11.78% of the student population. The national percentage of students being served under IDEA, Part B is 13.74% (OSEP, 2022).

Similarly, in Oklahoma during SY 2022-23, 1.6% of students were dually identified as a student with a disability under IDEA, Part B and as an English learner whereas English learners made up 10% of the student population. The state percentage of students being served under IDEA, Part B is 18%.

Misidentification (over- or under-identifying) is widespread and problematic. The framework within this guidance document will serve to assist LEAs in avoiding misidentification of special education needs among students who are ELs. Researchers have identified the following actions to potentially prevent misidentification. Each of these are included within the framework of this guidance:

- implementing research-based instructional practices and learning environments that account for the needs of English learners
- examining personal and family factors as well as educational history
- assessing oral language and literacy in English and the student’s native language
- executing early intervention strategies with fidelity

- ensuring evaluation teams consist of educators who have knowledge of second language acquisition and disabilities, are qualified to differentiate between a language learning need and a disability, and have an awareness of cross-cultural differences
- developing and communicating clear referral processes for English learners
- selecting assessment tools that are appropriate for English learners

(USDE, 2016, Burr, Haas, & Ferriere, 2015, Hamayan et al., 2007, & Robertson, 2016)

### **Oklahoma State Department of Education Special Education Policy and Procedures**

This guidance should be used as a supplement to the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) which contains the legal requirements for the State Education Agency (SEA), local education agencies (LEA), and other public agencies involved in the provision of special education and related services to children with disabilities. These policies are incorporated by referencing all of the IDEA’s statutory requirements (20 U.S.C. §1400, et seq.) and regulatory requirements (34 Code of Federal Regulations (C.F.R.), Part 300). In addition, these policies establish additional legal requirements by the State of Oklahoma that exceed federal law.

Throughout this document, policies and procedures from the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) specific to English learners are added to applicable sections. However, the overarching policy from this document is that a child must **not** be determined a child with a disability if the determining factor is limited English proficiency (IDEA 34 C.F.R. § 300.306(b)).

### **English Learner Identification**

In Oklahoma, formal EL identification begins when a language other than English is indicated on the student’s Home Language Survey (HLS) one or more times in response to the three following questions:

- What is the dominant language most often spoken by the student?
- What is the language routinely spoken in the home, regardless of the language spoken by the student?
- What language was first learned by the student?

A student must then be assessed for English language proficiency using an appropriate assessment (Pre-K Screening Tool (PKST), WIDA Kindergarten Screener, WIDA Screener, or WIDA MODEL) upon enrollment in the LEA and found to have limited proficiency in English. WIDA is in the process of developing an Alternate Screener which will not be available until 2024.

Alternatively, a student may be assessed for EL status if, in the course of instruction, LEA instructional staff observes clear signs of limited English proficiency and believe there may be a language barrier. In cases such as this, the LEA can elect to assess the student with an appropriate English language proficiency screener regardless of the language responses submitted on the student’s Home Language Survey (HLS). LEAs wishing to screen a student with an all-English HLS or to reidentify a student that has previously scored proficient or fluent on the WIDA ACCESS, Alternate ACCESS, WIDA Kindergarten Screener, WIDA Screener, WIDA Model or exited via the ELP Band Committee Exit Request must complete the [EL All-English Identification or Reidentification Form](#).

Additional information regarding the identification of English learners and English language proficiency assessment may be found in [EL and Non-EL Bilingual Process Guidance](#) and [English Learner Process and Practice Frequently Asked Questions](#).

A potential EL student, per the Home Language Survey (HLS) responses detailed above, who enrolls with observable conditions that would prompt an immediate referral for a special education evaluation, or that has a documented diagnosis from an independent education evaluation that would prompt an immediate referral to determine special education eligibility, would still participate in the English language proficiency screener with no accommodations and would qualify as EL if the assessment results justified such status. It should not be assumed that a student who has already been identified as having a disability cannot be subsequently identified as an English learner.

In the event that a potential EL student is served on an IEP and does not have significant cognitive disabilities, the student should be administered the grade-appropriate placement English language proficiency screener with accommodations deemed by the student's learning team to be appropriate, allowable, and in alignment with the student's IEP and the current [WIDA Accessibility and Accommodations Supplement](#).

### **The Language Instruction Education Program (LIEP)**

LEAs carry a legal obligation to implement a Language Instruction Education Program (LIEP) based on sound educational theory and provide English learners, both with and without identified disabilities, with any and all accommodations and language supports that they may need in order to have equal access to their appropriate grade level standards and curriculum. LEAs must also ensure that English learners have equal access to all available opportunities intended to foster academic success. ELs must be provided a Language Instruction Educational Program (LIEP) that has a sound basis in research, is properly resourced, and is proven to be effective. Example programs include:

- **Transitional Bilingual:** Students are taught core content and language fluency in their native language for varying periods of the day with the remainder of time focused on English language acquisition. The goal is to transition students to native English instruction within two to five years with no loss of content instruction. Classes may be self-contained or combined. (WIDA correlate: Mixed Bilingual / MBL)
- **Dual Language or Two-way Immersion:** Students are taught both content and language fluency in two languages. The goal is fluency in two languages, and programs can last the duration of enrollment. (WIDA correlate: Either EL Bilingual / EBL or Mixed Bilingual / MBL depending on local program design)
- **English as a Second Language (ESL) or English Language Development (ELD):** Students are provided supplemental individual or small-group instruction outside the general education classroom (e.g., "pull-out" or ESL classes) with no native language support in either setting. Supplemental instruction can target both language fluency and core content. The goal is to increase student success in mainstream, non-ESL supported general education classes. (WIDA correlate: EL-specific English-only Instruction / EEO)
- **Content Classes with Integrated ESL Support:** Students are provided core content instruction with no native language support in mainstream classes utilizing integrated ESL strategies (i.e., teachers trained in EL methods, use of EL paraprofessionals, etc.). The goal is to provide appropriate EL supports in the general education classroom to the level appropriate

for student success. (WIDA correlate: Mixed Classes with English-Only Support / MEO or Mixed classes with Native Language Support / MNL depending on local program design)

- **Newcomer Programs:** Students new to the U.S. are placed in classes that primarily emphasize English language acquisition. Instruction can be in English or can utilize a student's native language. Goal is to move the student toward English language proficiency as quickly as possible. (WIDA correlate: EL specific Transitional Instruction / ETI or EL-specific, English-only instruction / EEO)

If an LEA serves one or more identified English learner students, one of the LIEPs detailed above must be selected and implemented to support English language acquisition by providing appropriate supports to the student(s) and instructional staff. An LEA is required to provide a description of their LIEP on the Oklahoma State Department of Education's LIEP template. The completed template should be uploaded as supporting documentation in the Title I section of the LEA's Consolidated Application for federal funds on Single Sign-On. Additionally, LEAs must designate the LIEP for each student in their student information system.

### **The English Language Academic Plan (ELAP)**

The [English Language Academic Plan \(ELAP\)](#) is to an English learner as an Individualized Educational Plan (IEP) is to a student who receives special education or related services. The ELAP details an EL's English language proficiency (ELP) level as determined by a PKST, WIDA Kindergarten Screener, WIDA Screener, WIDA MODEL, WIDA ACCESS, or WIDA Alternate ACCESS assessment. Once teachers note ELP levels, they can utilize WIDA's [Can Do Descriptors](#), the [ACCESS Proficiency Level Descriptors](#), or the Alternate Proficiency Level Descriptors that can be found in the [Alternate ACCESS for ELLs Interpretive Guide for Score Reports](#) to determine what students can do at their current ELP levels and what they will need to be able to do to reach the next ELP level. The ELAP also presents English language development goals, instructional accommodations to be used in the classroom, and accommodations for the OSTP and CCRA.

Special education accommodations should be developed in conjunction with the accommodations detailed in an EL student's ELAP. Such accommodations should not substitute one for the other and should be appropriate to the student's EL status and demonstrated level of English language proficiency.

### **Considerations Before Referring English Learners**

#### **LEA Staff**

It is essential that LEA staff consider the following factors and complete the pre referral checklist before referring an English learner for evaluation for special education and related services. LEA staff analyzing these considerations should consist of the student's teachers, including an EL teacher or a teacher trained in second language acquisition and cultural competence, at least one administrator, and at least one counselor (*USDE, 2016, Burr, Haas, & Ferriere, 2015, Hamayan, 2007, Robertson, 2016, & OSEP Policy Letter 21-03*). Throughout this document, this team will be referred to as "LEA staff".

#### **Diversity of English Learners**

English learners are not homogenous; they have diverse characteristics, including reasons for immigration (if applicable as many ELs were born in the U.S.), cultures, home languages, ages of entry, family structures, educational backgrounds, and socioeconomic statuses. ELs may or may not be literate in their native languages. Additionally, English learners may be migrants, documented,

undocumented, unaccompanied minors (children who were separated from or arrived without a parent or legal guardian), refugees (people who have fled their country of origin due to persecution based on race, religion, nationality, political opinion, or membership in a particular social group), or asylees (people who have traveled to the U.S. on their own and were subsequently granted asylum). These particular student populations mentioned above are vulnerable as they may have experienced past trauma and/or have limited, interrupted, or no formal education. Determining whether a possible disability exists in this dynamic population may be challenging which is why it is imperative to have a qualified educator who is culturally competent and knowledgeable in second language acquisition on the staff and on the teams responsible for the Review of Existing Data (RED), the Multidisciplinary Evaluation and Eligibility Group Summary (MEEGS), and the Individualized Education Plan (IEP) (USDE, 2016, Burr, Haas, & Ferriere, 2015, Hamayan, 2007, & Robertson, 2016).

### **Cross Cultural Differences**

English learners and their families have their own unique cultural values and beliefs which deeply shape their identities and behaviors that may differ from U.S. expectations and norms. The lack of awareness of these cultural differences may contribute to educators believing a student may have a possible disability. Culture is similar to an iceberg in the regard that it runs much deeper than what is noticeable on the surface. Although ELs and their cultures are not homogenous, it is critical to consider some cultural dimensions of the [Hofstede Model](#) (Hofstede, 2011) that may impact learning. These cultural dimensions may enlighten educators in understanding cultural influences and how students' educational interactions can appear differently within various cultural contexts.

**Individualism vs. Collectivism-** Individualist societies value independence and autonomy while collectivist societies value social harmony and relationships.

**Power Distance-** Communities with high power distance assume there is limited social mobility; however, low power distance communities believe in a more fluid social hierarchy.

**Uncertainty Avoidance-** Strong uncertainty avoidance cultures prefer predictable routines and strict behavioral norms whereas weak uncertainty avoidance cultures are more versatile and tend to take more risks.

**Orientation to Time-** Future oriented societies set long-term goals, and short-term oriented societies tend to focus on the present.

**Gender Egalitarianism-** Low gender egalitarian cultures have rigid socially constructed gender roles which usually limit opportunities for girls and women whereas high gender egalitarian cultures have more equal participation and shifting gender roles.

**Assertiveness-** High assertive communities are direct and competitive, and low assertive communities are indirect, concerned with "saving face", and view assertiveness as socially unacceptable (Hofstede, 2011).

It is essential for educators to understand how these cultural variations and behaviors might contrast with those valued in American culture and education and how they might manifest in various learning situations (Parrish & Linder-VanBerschoot, 2010). Conduct that teachers might expect of students such as asking questions and contributing in class may not be culturally appropriate for some ELs. A cultural frame of reference should be applied in determining whether an English learner may have a suspected disability. Interviews with parents, students, and cultural representatives can provide cultural context.

## Stages of Language Acquisition

In addition to the diversity mentioned above, English learners also differ in their English language proficiency levels as determined by the WIDA assessments. The WIDA ACCESS English language along with brief descriptions noting what students know and how they can use language at each level.

Proficiency Level	Description of English Language Proficiency Levels
1 – Entering	Knows and uses minimal social language and minimal academic language with visual and graphic support
2 – Emerging	Knows and uses some social English and general academic language with visual and graphic support
3 – Developing	Knows and uses social English and some specific academic language with visual and graphic support
4 – Expanding	Knows and uses social English and some technical academic language
5 – Bridging	Knows and uses social and academic language working with grade level material
6 – Reaching	Knows and uses social and academic language at the highest level measured by this test

The WIDA Alternate ACCESS proficiency levels are listed below.



Once educators note English language proficiency levels, they can utilize WIDA’s [Can Do Descriptors](#) or the appropriate PLDs to determine what students can do at their current ELP levels and what they will need to be able to do to reach the next ELP level. Knowing proficiency levels is helpful because they can inform teams of what the student should and should not be able to do with the English language. Proficiency levels should absolutely be considered before a referral for special education and related services.

## Differences between Social and Academic Language

English learners must learn social language or Basic Interpersonal Communication Skills (BICS) which consists of Tier 1 and Tier 2 everyday survival and high frequency vocabulary. It takes six months to two years to develop BICS. While ELs are acquiring BICS, they are simultaneously developing Cognitive Academic Language Proficiency (CALP) which is academic language consisting of Tier 2 and Tier 3 vocabulary. It takes five to seven years to develop CALP (Cummins, 2010).

Due to necessity, English learners acquire BICS before they acquire CALP, so it is possible for students to seem proficient when speaking with them. However, they may struggle in content areas due to academic language development. This is important for educators to know when they are considering an English learner referral for special education services and related programs.

## Culture Shock

English learners who immigrate to the U.S. usually encounter culture shock due to new environmental, social, cultural, linguistic, and educational differences. This is a turbulent, emotional time with several stages. When ELs first arrive, they experience the honeymoon stage in which they feel enthusiasm and excitement about their new life and their surroundings. Then they enter the rejection stage in which culture shock sets in. In this stage, ELs become more aware of the environmental, social, cultural, and linguistic differences in school and outside of school. The struggle

to adapt becomes overwhelming. They may become resentful, melancholic, and frustrated. Sometimes these emotions are expressed through undesirable behaviors. The third stage is integration in which ELs begin to accept these differences and form their own conclusions about the new country and the culture. They also begin to negotiate their identities both in and outside of school, so it is imperative that educators emphasize the importance of ELs maintaining their native culture. The final stage of culture shock is eventual adaptation of biculturalism in which students begin to feel at ease in their new home and school (Brown, 2020).

Newcomers move through these stages at different rates. It is essential for educators and counselors to be aware of these stages, so they do not mistake culture shock for a possible disability.

### **The Silent Period**

When English learners are beginning to learn English, they typically go through a silent period or the preproduction stage of language acquisition in which, through exposure, they notice and understand more than they can produce because comprehension precedes production. In other words, they are internalizing vocabulary, grammar, and structure, and once they feel they have a foundation, they will begin to produce. The silent period can last up to 6 months, perhaps longer (Krashen, 1982). Educators should be aware of the silent period to ensure it is not mistaken for a possible disability.

### **Newcomers**

“Newcomer” refers to any foreign-born student and their family who have recently arrived in the United States (USDE, 2016), have attended up to 12 months in a U.S. educational setting (or up to 24 months at LEA discretion), and have been identified as English learners (a student whose Home Language Survey indicated a language other than English on any or all of the three language questions and who did not show proficiency when subsequently assessed using a WIDA or state screening tool).

This student population is vulnerable as they may have experienced past trauma and/or have limited, interrupted, or no formal education. Furthermore, all newcomers are faced with the unique challenges of living in a new country, such as isolation, resettlement, and acculturation.

Newcomers will not only need assistance with the acquisition of English, but they (and their families) will also require help understanding the structure, operation, and expectations of U.S. schools in addition to becoming familiar with American cultural nuances. Depending upon a newcomer’s educational background, some may also need foundational instruction pertaining to literacy and numeracy. Other key points to keep in mind are that newcomers’ native languages may not use an alphabetic system which means they will need to learn the alphabetic principle (the idea that letters and letter patterns represent the sounds of spoken language) and phonics (Texas Education Agency, 2002). Moreover, newcomers are doing double the work as native speakers, and research indicates that ELs require 4-7 years to achieve the average academic performance of native English speakers (Short & Boyson, 2012).

Referring Newcomers for special education evaluation should be done with extreme caution, and special education assessment in the student’s native language is strongly recommended whenever possible (Watkins & Liu (n.d) & USDE, 2016).

### **Long Term English Learners (LTELs)**

Long Term English learners (LTELs) refers to English learners (ELs) who have been enrolled in a U.S. school for six years or more and have not been reclassified as English proficient. These students may have had inadequate prior schooling experiences, and they are usually struggling academically due to their limited literacy skills in English. Their lack of progress may negatively impact their achievement in not only academic areas but may also affect their feelings about school and themselves. Often educators are unaware that LTELs are English learners because their oral language skills exceed their literacy skills. LTELs' need for intensive literacy and vocabulary interventions as well as motivation could be mistaken for a possible disability, so educators should consider how long students have been receiving English language instruction.

### **Students with Limited or Interrupted Formal Education (SLIFE)**

Students with Limited or Interrupted Formal Education (SLIFE) are learning English. They need a substantial amount of content area development to catch up with their peers. Compounding this is the fact that students might not be completely literate in their native languages which plays a significant role in second language acquisition. Furthermore, if SLIFE enter in secondary grades, the language demands are far greater than those for the lower grades. These students require crucial intensive foundational English language development, literacy, and numeracy instruction. Educators will also need to build a much more significant amount of background knowledge when introducing new topics. Therefore, it is vital that educators examine students' educational history as well as English language proficiency before submitting referrals for special education services and related programs.

### **Former English Learners (FEL)**

A Former English Learner (FEL) is currently enrolled in any one of the four years of education following their demonstration of English language proficiency on the WIDA ACCESS or Alternate ACCESS assessment and subsequent exit from EL services and supports. First and second year proficient students must be actively monitored to ensure ongoing academic success.

Former English learners may initially struggle in the mainstream content area classes without English learner services. Educators should examine student's cumulative records to determine if a student has recently exited EL services.

### **English Learners with High Mobility**

There are variety of reasons students may have had multiple enrollments, all of which are most likely out of necessity. A number of English learners experience high mobility as well. Some English learners are children of migrant workers and move seasonally. Regardless the reason, it is difficult for any student to adjust to multiple schools. However, this can impact English learners much more significantly because not only do they experience various curriculum and instruction that may or may not be parallel, but it can also take a toll on them socially due to adjusting to multiple learning environments paired with limited English. These factors could contribute to the student having difficulty in school. Therefore, enrollment history and attendance should be considered before referral to special education and related services. Additionally, it can be challenging for any evaluation team to fully execute the policies and procedures for special education identification with this highly mobile population, so, with these students, timeliness is of utmost importance.

### **Guiding Questions for Special Education Evaluation Teams**

1. Is there a qualified educator who is culturally competent and knowledgeable in second language acquisition on the LEA staff?

2. Has the LEA staff noted the student's English language proficiency level and used WIDA's [Can Do Descriptors](#) or the appropriate proficiency level descriptors to understand what the student can and cannot do with the English language?
3. Has the LEA staff considered cross cultural differences and how they might impact learning?
4. Has the LEA staff ruled out the silent period, cultural shock, or possible trauma as potential factors that may be contributing to the student's difficulties in school?
5. Has the LEA staff taken into account the student's competency in both social and academic language?
6. Has the LEA staff reviewed the student's cumulative records to see if the student is a Newcomer, LTEL, or SLIFE?
7. Has the LEA staff reviewed the student's enrollment and attendance history? Is the student considered highly mobile?

## English Learner Instruction and the Learning Environment

Lack of appropriate instruction in reading, including the essential components of reading instruction; lack of appropriate instruction in math; or limited English proficiency (LEP) must not be the determinant factor when making eligibility decisions for any of the suspected disability categories. These factors do not preclude the possibility that the student may have a disability ([Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) p. 42).

Addressing both academic content and English language development needs of a student who is an English learner is a critical first step in determining whether a student's difficulties are due to a disability or to inadequate instruction (Gersten & Baker, 2000 & Artiles and Ortiz, 2012). Common reasons for misidentification are that an English learner may not have been receiving appropriate English language development instruction and support in Tier 1 content instruction and/or is in an ineffective learning environment (Robertson, 2016, *Colorin colorado*, 2016, & USDE, 2016). The LEA staff should observe the student's classes and teachers in multiple contexts to determine if they have received instruction that will positively affect their English language development. The LEA staff can use [The Sheltered Instruction Observation Protocol \(SIOP\)](#) (Echevarria, Vogt, & Short, 2000; 2004; 2008) and/or should look for the following research-based best practices for English learners:

- The teacher employs [cultural competence in the classroom](#).
- The teacher implements an asset-based approach by focusing on what students can do rather than what they cannot.
- The teacher teaches English language development in context (through content areas and utilizing grade-level Oklahoma Academic Standards).
- The teacher provides explicit vocabulary and language features instruction and frequent opportunities to reinforce those skills.
- The teacher actively builds background knowledge before introducing a lesson.
- The teacher provides [comprehensible input](#) (language input that can be understood by listeners despite them not understanding all the words and structures in it) throughout the lesson.
- The teacher incorporates reading, writing, listening, and speaking into lessons.
- The teacher utilizes [formative assessments](#) to gauge student understanding.
- The teacher differentiates and modifies assessments for English learners.

- The teacher offers brain breaks because language and content processing can be overwhelming and exhausting.
- The teacher includes collaborative work which allows English learners to interact with and learn from their peers.
- The classroom includes a print rich environment with vocabulary, language features, and sentence stems and frames posted and readily available.

These strategies are implemented according to a students’ English language proficiency levels and their individual needs. If the LEA staff does not see most of these practices taking place in the classroom, it is highly recommended that these EL Tier 1 supports occur with fidelity prior to any referral for special education or related services. Once an EL has been provided these interventions for some time, then the student can be reevaluated to see if these supports were effective. These observations will also provide the team an opportunity to observe the student’s English language use. Observations on EL instruction and the learning environment should also be documented and maintained in the student’s cumulative folder for future purposes.

**Guiding Questions for Special Education Evaluation Teams**

1. Has the student’s instruction and learning environment been observed to ensure that the student is receiving English learner supports?
2. If these supports are not witnessed during observations, are there educators that can provide these services?
3. If not, what professional development will be provided to the student’s teachers so that they can implement EL best practices?
4. After the student receives these EL supports for a period of time, have they been effective?
5. How does the student use the English language in different contexts?
6. Have EL instruction and the learning environment observations been documented and maintained in the student’s cumulative folder?

**Differentiating between English Language Proficiency or Disability**

**Comparison of Language Differences Versus Disabilities**

The following charts were obtained from the *California practitioners’ guide for educating English Learners with disabilities* from the *California Department of Education* (2019). These charts can be informative in ascertaining whether an English learner has a language difference or a possible disability before referral for special education and related services. The LEA staff should consult the charts and document any insights.

**Oral Comprehension/Listening**

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
-------------------------------	------------------------------------------------------------------------	-------------------------------------------

Student does not respond to verbal directions	Student lacks understanding of vocabulary in English but demonstrates understanding in L1	Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
Student needs frequent repetition of oral directions and input	Student is able to understand verbal directions in L1 but not L2	Student often forgets directions or needs further explanation in L1 and L2 (home and school); may be due to an auditory memory difficulty or low cognition
Student delays responses to questions	Student may be translating question in mind before responding in L2; gradual improvement seen over time	Student consistently takes a longer time period to respond in L1 and L2 and it does not change over time; may be due to a processing speed deficit

### Speaking/Oral Fluency

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not orally respond to questions or does not speak much	Is still developing expressive language skills in English to effectively communicate ideas; may be comprehending more than can communicate	Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit
Student lacks verbal fluency (pauses, hesitates, omits words)	Student lacks vocabulary, sentence structure, and/or self-confidence	Speech is incomprehensible in L1 and L2; may be due to hearing or speech impairment
Student is unable to orally retell a story	Student does not comprehend story due to a limited understanding and background knowledge in English	Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits

### Phonemic Awareness/Reading

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
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<p>Student does not remember letter sounds from one day to the next</p>	<p>Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress</p>	<p>Student does not remember letter sounds after initial and follow-up instruction (even if they are common between L1 and L2); may be due to a visual or auditory memory or low cognition</p>
<p>Student is unable to blend letter sounds in order to decode words while reading connected text when appropriate instruction is provided, including ample practice</p>	<p>The letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds); with explicit instruction, student will make progress over time</p>	<p>Student makes letter substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit</p>
<p>Student is unable to decode words correctly</p>	<p>Sound not in L1, so unable to pronounce word once decoded</p>	<p>Student consistently confuses letters and words that look alike; makes letter reversals, substitutions, and so on that are not related to L1; may be processing or memory deficit</p>

## Reading Comprehension and Vocabulary

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student does not understand passage read, although may be able to read with fluency and accuracy	Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	Student does not remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
Does not understand key words or phrases; poor comprehension	Is still developing vocabulary knowledge in English; improves over time	The student's difficulty with comprehension and vocabulary is seen in L1 and L2

## Writing

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Errors made with punctuation and capitalization	The error patterns seen are consistent with the punctuation, capitalization, and print concept rules for L1; student's work tends to improve with appropriate instruction in English	Student consistently makes capitalization, punctuation, and print concept errors even after instruction or is inconsistent; this may be due to deficits in organization, memory or processing
Student has difficulty writing grammatically correct sentences	Student is still developing grammatical knowledge in English; student's syntax is reflective of writing patterns in L1; typical error patterns seen in second-language learners (verb tense, use of adverbs or adjectives); improves over time	The student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in L1 or L2; this may be due to a processing or memory deficit

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student has difficulty generating a paragraph or writing essays but is able to express his ideas orally	Student is still developing writing skills in English even though he may have well-developed verbal skills; student makes progress over time and error patterns are similar to other English learners	The student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits

### Spelling

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student misspells words	Student will “borrow” sound from L1; progress seen over time as L2 proficiency increases	Student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit
Student spells words with letters that are sequenced incorrectly	Writing of words is reflective of English fluency level or cultural thought patterns; words may align to letter sounds or patterns of L1 (sight words may be spelled phonetically based on L1)	The student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit

## Mathematics

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student manifests difficulty learning math facts and/or math operations	Student is still developing comprehension skills for oral instructions in English; student shows marked improvement with visual input or instructions in L1	Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits
Student has difficulty completing multiple-step math computations	Student is still developing comprehension skills for oral instruction in English; student shows marked improvement with visual input or instructions in L1	Student forgets the steps required to complete problems from one day to the next even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
Student is unable to complete word problems	Student is still developing mathematical language in English; student shows marked improvement in L1 or with visuals	Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit or reading disability

## Handwriting

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student is unable to copy letters or words correctly	Lack of experience with writing the English alphabet	Student demonstrates difficulty copying visual material to include shapes, letters, and so on. This may be due to a visual or motor or visual memory deficit

## Behavior

Learning Behaviors Manifested	Indicators of a Language Difference Due to Second-Language Acquisition	Indicator of Possible Learning Disability
Student appears inattentive and/or easily distracted	Student does not understand instructions in English due to level of English language proficiency	Student is inattentive across environments even when language is comprehensible; may have attention deficits
Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	Student does not understand instruction due to level of English language proficiency and does not feel successful; student has anger or low self-esteem related to second-language acquisition	Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability
Student does not turn in homework	Student may not understand directions or how to complete the homework due to level of English language proficiency; student may not have access to homework support at home	Student seems unable to complete homework consistently even when offered time and assistance with homework during school; this may be due to a memory or processing deficit

Source: California Department of Education. (2019). *California practitioners' guide for educating English learners with disabilities*. Sacramento.

### Interviewing Parent(s), Student, and Teacher(s)

Interviews with parents, the student, and the student's teacher(s) can shed light on whether the student's difficulties may be the result of English language proficiency or a disability. These interviews should be documented as well as the insights they may bring for future evaluation purposes if necessary. Through these interviews, the following essential information can be obtained:

- how the student functions in the home and school environment
- the source and impact of the student's difficulties from the perspective of the parent, student, and teacher(s)
- previous interventions and the results of those interventions
- how the student copes and adapts to various situations
- any personal or family factors, childhood trauma, or cross-cultural differences that may play a role in the student's difficulties

- information on the student’s primary language usage and proficiency and overall development compared to siblings and peers their age\*
- which language the student uses at home, in the community, in the classroom, and on classroom breaks\*
- the language the student is most comfortable speaking and the language they use for meta-cognition or thinking \*
- how well the student uses English for academic tasks and how language might be affecting their learning \*
- an opportunity to learn about the student’s strengths and talents
- teacher, student, and parent concerns or questions

\*This information will help the evaluation team when making decisions about the language to use for assessment.

### **Considerations about Family Structures**

English learners may not live with their parents, particularly high school students. They may reside with relatives, friends of family, or in networks of unaccompanied minors. It is important to be mindful of this when attempting to schedule interviews and meetings. Here is guidance from the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) (p. 244-249) on who can serve as the “parent” or a surrogate parent if necessary, regarding special education decisions or processes.

#### **A. Who Serves as the “Parent” Regarding Special Education Decisions?**

Oklahoma recognizes the federal definition of a parent (See 34 C.F.R. § 300.30). Throughout this document, the Individuals with Disabilities Education Act (IDEA) definition of parent is being used wherever “parent” is referenced, specifically:

- **“Parent”** means a biological parent, an adoptive parent, a person acting as a parent, a legal guardian, a surrogate parent, or a foster parent.
- **“Person acting in the place of a parent”** means an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
- **“Surrogate Parent”** means an individual appointed by the LEA or a judge to make educational decisions regarding the Free Appropriate Public Education (FAPE) of a child with a disability when no parent can be identified after reasonable efforts to locate the parents (34 C.F.R. § 300.519). Note: It is the LEA’s responsibility to seek out the parents even when children are in a family foster care placement by DHS to make certain the biological or adopted parents have the opportunity for meaningful participation, unless they [the parents] no longer have legal authority to make educational decisions for the child. The LEA cannot appoint a surrogate parent when the parent is available but chooses not to participate.

- **“Guardian”** means a person authorized to act as the child’s parent and/or to make educational decisions, but it does not mean the state agency if the child is a ward of the state. There are some exceptions when a biological or adoptive parent still has the legal authority to make educational decisions for the child, even when the child has a guardian (See 34 C.F.R. § 300.30(b)).

## **B. Surrogate Parent**

### **i. What is a “Surrogate Parent”?**

All students with disabilities are entitled to a FAPE under state rules and the IDEA. Included in these laws is a mandate that the parents of students with disabilities have the opportunity to participate actively in the educational decision-making process. However, some students with disabilities do not have parents (as defined in the previous section) who can fulfill this critical role. In some instances, the LEA or a judge must appoint an individual as a surrogate parent to make decisions regarding the FAPE of a student with a disability as required by the IDEA. A surrogate parent is needed for students under the age of 18, when:

- No parent (as defined by the IDEA) can be identified;
- The LEA, after reasonable efforts, cannot locate a parent;
- The student is a ward of the state; or
- The student is an unaccompanied, homeless youth as defined by the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(6)).

(Note: In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents for up to thirty (30) days until a surrogate parent can be appointed who meets the requirements of a surrogate.

### **Conducting a Diagnostic Assessment in Both English and the Native Language**

Staff should administer a diagnostic assessment in both English and the student’s native language whenever possible. This diagnostic assessment should assess reading, writing, listening, and speaking if possible. This can be done informally through a read and retell session (student reads a short text and talks and writes about what they read) in both English and their native language if a bilingual educator and bilingual materials are available. If not, the following are some diagnostic assessments available in a variety of languages; however, the Oklahoma State Department of Education cannot recommend or endorse one over the other:

- [Avant Assessment](#)
- [Language Testing International](#) (LTI)
- [Alta Language Services](#)
- [Las Links](#)
- [Dialang](#)

This will give the team a first-hand glimpse into student's abilities in both languages. They may discover that a student has little or no skill in the primary language in which case the diagnostic can be conducted in English. It may also indicate whether the student has a communication delay versus a language delay. With language disorders or delays, the student has difficulty in both languages whereas if the student has difficulty in one language, they typically do not have a language delay or disability. If similar error patterns appear in both the primary language and English assessments, the LEA staff should continue to gather further data and information.

The information gathered from the diagnostic assessments will also help the evaluation team when making decisions about the language to use for assessment. Although informal, the notes, insights, and/or results from the diagnostic assessments should be documented for future evaluation if needed.

Norm-referenced assessments in English and the student's primary language can also be used to compare a student's progress to others in their peer group. This group may contain students in the same grade across the nation or other categories such as English learners and more. Be wary of any assessments that are not normed with a population of English learners, which may constitute a bias.

### **Conducting Classroom Observations of the Student**

Conducting observations of the student and behaviors in various content area and English language development classes is an effective way to obtain information about the student's English language proficiency and learning challenges. Through observation, the LEA staff can gather information on how the student is responding to content and English language development instruction. They can obtain evidence that the student comprehends the instruction and how the student applies learning. Through observation it can also be noted how the student interacts with peers and observes what peers are doing, particularly other English learner students in the class if possible.

LEAs may opt to utilize the [Student Oral Language Observation Matrix \(SOLOM\)](#) as a starting point to gauge a student's oral language proficiency.

### **Guiding Questions for the Special Education Evaluation Team**

1. Has the LEA staff utilized the *Comparison of Language Differences Versus Disabilities* charts? Have discoveries based on the charts been added to the student's cumulative folder?
2. Has the LEA staff interviewed parents, teacher(s), and the student? Has documentation of these interviews and insights been added to the student's cumulative file?
3. If possible, has the LEA staff conducted diagnostic assessments in both English and the student's native language and have these reports and conclusions been added to the student's cumulative folder?
4. Has the LEA staff observed the student in various contexts and has the team included observation forms and/or notes in the student's cumulative folder?

## Supporting ELs in a Multi-Tiered Systems of Support (MTSS) Framework

### What is Multi-Tiered System of Supports (MTSS)?

Multi-Tiered System of Supports (MTSS) is a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decision making (ESEA, Title IX, Sec. 8002(33)). This section is intended to act as an EL-specific supplement to existing MTSS guidance for service provision and potential special education referral. It should be noted that attempting to implement the interventions described below without a comprehensive MTSS plan in place may lead to incorrect or inappropriate determination for special education eligibility for identified ELs.

Adopting a comprehensive, site-wide MTSS model encourages Tier I instruction that is standards-aligned, effectively implemented through differentiated instruction, and is accessible to all students through the general education core curriculum. As Tier I instruction becomes more effective, recommendations for Tier II and Tier III are more appropriate and can better target student learning needs. This in turn can serve to limit inappropriate special education referrals and subsequent identifications by ensuring all students receive high-quality interventions targeting skill deficits (Artiles and Ortiz, 2012). Referrals to special education are reserved for students who do not progress at an expected rate, even with more intensive instruction and intervention, and thus, may have more complex needs resulting from a learning disability.

Barring a parental request for special education evaluation, the expectation is that LEA staff will attempt to address student learning need(s) through an appropriate progression of Tier II and Tier III interventions and supports prior to referring a student for special education evaluation.

### English Learners and Tier I Instruction

Tier I instruction is defined as the core-curricular instruction provided by a teacher of record in a mainstream learning environment. In deciding on whether to move an EL student into a Tier II intervention and support, data teams appropriately trained in MTSS methodology should assess whether or not the student was provided classroom, instructional, and assessment accommodations appropriate to their level of English language proficiency (See English Learner Instruction and the Learning Environment). It would be inappropriate to recommend an EL student to receive Tier II or Tier III interventions or a special education evaluation if the student had not been provided the appropriate means to access learning, to convey their understanding through general classroom instruction, and/or to demonstrate productive classroom behavior without being provided reasonable supports.

LEA staff should ask the following key questions to assess the efficacy of Tier I instruction:

Academically, was instruction:

- Standards-aligned

- Presented with evidence-based strategies (See English Learner Instruction and the Learning Environment) and supported by staff professional development that aligned to the LEA's chosen LIEP intervention strategy
- Culturally and linguistically appropriate
- Periodically assessed in a manner that allowed the student to demonstrate understanding in a manner that minimized the impact of limited English proficiency

Behaviorally, was Tier I instruction conducted in a classroom environment:

- That was inclusive, affirming, engaging, and valuing of diversity and existing student assets
- Where the instructor consistently addressed behavioral issues in a manner that allowed the student to maintain their dignity (use of strategies such as behavior modeling, peer feedback, role play, etc.)
- That encouraged positive and supportive peer to peer and teacher-student relationships
- Where student effort and success were celebrated in a manner understandable to the student

While a negative response to one or more of the questions above does not necessarily disqualify a student from receiving Tier II or Tier III intervention, it should be noted that Tier II and III interventions may have minimal impact if their primary function is to address learning deficits caused by ineffective Tier I instruction.

### **English Learners and Tier II Intervention**

If staff are confident that an EL student's learning needs are not met with effective Tier I instruction, then provision of Tier II intervention is appropriate. Please consider the following:

- Parental notification, in the native language of the parent, is strongly encouraged and considered a best practice regarding recommendations to Tier II and/or Tier III intervention. LEAs should ensure that recommendations to Tier II and/or Tier III intervention are governed by LEA-created decision rules to assist in consistency of practice.
- Referral for SPED assessment may come at any time in Tier(s) I-III, at LEA discretion and/or upon request by the parent.
- General education interventions or MTSS cannot delay the initial evaluation for special education services of a student suspected of having a disability. In both Tier II and Tier III academic intervention, the primary focus should be on mastery of core skills that allow expanded access to the curriculum, not on remediating general education content.

Tier II intervention is defined in the MTSS framework as academic and behavioral strategies, methodologies and practices designed for students who are not making expected progress in Tier I, the general education core curriculum, and those who are at risk for academic and/or behavioral failure. Students receive additional academic and

behavioral support to successfully engage in the learning process and succeed in the general education core curriculum. It is stressed that these resources are in addition to core instruction.

While Tier II interventions for ELs and native-English speaking students will share certain similarities, an academic Tier II EL intervention should prioritize:

- Small group settings using either a push-in, pull-out, or horizontal alignment model
- A clearly defined focus on specific, standards-based learning targets and goals
- Instructional materials that are appropriately accommodated to the individual student's level of English language proficiency
- A learning environment that allows multiple opportunities for students to show success across all four domains of speech (listening, speaking, reading, and writing)
- Corrective feedback provided consistently and in a comprehensible manner that prompts the student to self-correct any errors
- An instructor and/or specialist possessing the appropriate content knowledge as well as practical and theoretical experience in working with EL students
- Bi-weekly progress monitoring

An effective Tier II EL behavioral intervention should prioritize:

- Additional time under direct adult supervision
- A focus on strategies that promote self-regulation and pro-social skills
- Additional opportunities to provide positive feedback regarding target behaviors
- Management of the intervention by staff that understand the relevant cultural, social, and personal factors that may be influencing the identified behavior(s)
- A focus on monitoring behavior during Tier I instruction for the duration of the Tier II intervention

While there is no specific amount of time a student is required to spend at a particular tier of intervention, this is governed by LEA decision rules demonstrating "adequate progress" (as measured by an aim line - the expected rate of academic growth for a student which is calculated by connecting a student's baseline score with the goal score) toward a goal. The general rule is at least 3 data points (a measurement of a student's skill attainment at one point in time) below the aim line indicate the student is not making adequate progress and should receive more intensive intervention.

Please note that the decision to intensify or reduce tiered supports and potentially for special education evaluation should be dictated by locally created decision rules and informed by data that accurately reflect student academic and/or behavioral progress. Also note that participation in any intervention may be terminated if the student can

consistently demonstrate mastery of the learning target(s) and/or the behaviors the intervention was created to address.

### **English Learners and Tier III Intervention**

If the collected observational and assessment data support the conclusion that an EL's educational progress cannot be met with effective Tier II instruction, a move to Tier III intervention is appropriate.

Tier III intervention is defined in the MTSS framework as academic and behavioral strategies, methodologies, and practices designed for the few students who have received Tier II and are still below established grade-level benchmarks in the general education core curriculum or who demonstrate significant difficulties with behavioral and social competence. It is stressed that these resources are in addition to core instruction.

While Tier III interventions for ELs and native-English speaking students will share certain similarities, an academic Tier III EL intervention should prioritize:

- Intervention dosage (frequency and duration)
- Interventionist expertise (classroom teacher vs. reading specialist)
- Grouping (whole class, small group, or individual instruction)
- Narrowing of skill focus (e.g., broad beginning sounds versus beginning sound /t/)
- Weekly (or more) progress monitoring
- Potential inclusion of special education staff to assist with instruction
- Consistent corrective feedback that explicitly identifies and corrects errors in a manner comprehensible to the student
- An intervention(s) tailored to individual student need(s)
- An increased focus on individual guided practice of target concepts

An effective Tier III EL behavioral intervention should prioritize:

- An intensive, individualized focus on using replacement skills for problem behaviors
- A more structured learning environment that may include removal of items that may "trigger" problematic behavior(s)
- Wraparound support from family and community members focused on reinforcing preferred target behavior(s)
- A focus on monitoring behavior during Tier I instruction for the duration of the Tier III intervention
- Management of the intervention by staff that understand the relevant cultural, social, and personal factors that may be influencing the identified behavior(s)

### **Assessing the Efficacy of Tier II and Tier III Intervention**

An MTSS-aligned intervention model will provide data sufficient to inform whether a referral for special education evaluation is warranted. Interventions must be

implemented with fidelity, that is provided for the designed duration and frequency following an evidence-based intervention protocol. Assuming the collected observational, performance and/or behavioral data appear to support a referral for a special education evaluation, LEA staff should reflect on the following key questions prior to finalizing a decision to refer for assessment:

- What evidence supports that the identified learning issue is most likely related to a learning disability and not to limitations in English language proficiency
- What evidence supports that Tier I instruction was accommodated in a manner that allowed the student to both access instruction and demonstrate their understanding (See English Learner Instruction and the Learning Environment)
- What evidence supports that Tier II and Tier III interventions were implemented with fidelity and were appropriately accommodated for the student's level of English language proficiency (See English Learner Instruction and the Learning Environment)
- What evidence supports that the identified learning issue is most likely a learning disability and not related to limited or interrupted formal education, chronic absenteeism, recent arrival, mobility issues, medical issues, or other external factors

A referral for special education evaluation is appropriate if LEA staff reach the conclusion, based on all available data and considerations detailed previously, that a student has had the opportunity to address any learning deficits through effective Tier I instruction, appropriately accommodated Tier II or Tier III interventions, and/or that the student's learning issue is most likely the result of a specific, categorical disability.

### **Recommended Pre-Referral Checklist for English Learners with a Suspected Disability**

Based on the previously discussed considerations, recommendations, and interventions, LEA staff should complete the following **Pre-Referral Checklist for English Learners with a Suspected Disability** before referring an EL student for an initial evaluation for special education and related services. This checklist should be completed before the Review of Existing Data (RED). RED and The Parent Consent establish the 45-day timeline for eligibility and are utilized to rule out all disability categories as defined in 34 C.F.R. § 300.8(a): a lack of appropriate instruction in reading, including the essential components of reading instruction; lack of appropriate instruction in math; or **limited English proficiency** (34 C.F.R. § 300.306(b) p. 69) ([Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#)).

<b>Pre-Referral Checklist for English Learners with a Suspected Disability</b>	
<b>Considerations Before Referring English Learners or a Special Education Evaluation</b>	
Has the LEA team noted the student’s English language proficiency level and used WIDA’s <a href="#">Can Do Descriptors</a> or the appropriate proficiency level descriptors to understand what the student can and cannot do with the English language?	<input type="checkbox"/>
Is there a qualified educator who is culturally competent and knowledgeable in second language acquisition on the LEA team?	<input type="checkbox"/>
Has the LEA team considered cross-cultural differences and how they might impact learning?	<input type="checkbox"/>
Has the LEA team ruled out the silent period, cultural shock, or possible trauma as potential factors that may be contributing to the student’s difficulties in school?	<input type="checkbox"/>
Has the LEA team considered the student’s competency in social and academic language?	<input type="checkbox"/>
Has LEA staff team reviewed the student’s cumulative records to see if the student is a Newcomer, LTEL, or SLIFE?	<input type="checkbox"/>
Has LEA team reviewed the student’s enrollment and attendance history? Is the student considered highly mobile?	<input type="checkbox"/>
<b>English Learner Instruction and the Learning Environment</b>	
Has the student’s instruction and learning environment been observed to ensure that the student is receiving English learner supports?	<input type="checkbox"/>
If these supports are not witnessed during observations, are there educators that can provide these services?	<input type="checkbox"/>
If not, has professional development been provided to the student’s teachers so they can implement EL best practices?	<input type="checkbox"/>
After the student receives these EL supports for a period of time, have they been effective?	<input type="checkbox"/>
Has the student’s use of English language in different contexts been observed?	<input type="checkbox"/>
Have EL instruction and the learning environment observations been documented and maintained in the student’s cumulative folder?	<input type="checkbox"/>
<b>Differentiating between English Language Proficiency or Disability</b>	
Has the LEA team utilized the <i>Comparison of Language Differences Versus Disabilities</i> charts? Have discoveries based on the charts been added to the student’s cumulative folder?	<input type="checkbox"/>
Has the LEA team interviewed parents, teacher(s), and the student? Has documentation of these interviews and insights been added to the student’s cumulative file?	<input type="checkbox"/>
Has the LEA team conducted diagnostic assessments in English and the student’s native language if possible and have these reports and conclusions been added to the student’s cumulative folder?	<input type="checkbox"/>
Has the LEA team observed the student in various contexts and has the team included observation forms and notes in the student’s cumulative folder?	<input type="checkbox"/>
<b>Multi-Tiered System of Supports (MTSS)</b>	

Was Tier I instruction accommodated in a manner that allowed the student to access instruction and demonstrate their understanding (See English Learner Instruction and the Learning Environment)?	<input type="checkbox"/>
Were Tier II and Tier III interventions implemented with fidelity and were they appropriately accommodated for the student's level of English language proficiency (See English Learner Instruction and the Learning Environment)?	<input type="checkbox"/>
Is there data (evidence) to support the identified learning issue is most likely a learning disability and not related to limited or interrupted formal education, chronic absenteeism, recent arrival, mobility issues, medical issues, or other external factors?	<input type="checkbox"/>

### Referring an English Learner for an Initial Evaluation for Special Education and Related Services

Once the **Pre-Referral Checklist for English Learners with a Suspected Disability** is completed, the staff may conclude that the difficulties the student is experiencing is not the result of English language acquisition, and they may opt to move forward with the referral for initial evaluation for special education and related services.

### Evaluation Teams: A Group of Qualified Professionals

In the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual Chapter 4, Section 3.](#) (p. 41), the following individuals are required to review and sign the RED form:

- Parent(s) (at least one parent)
- Special Education Teacher; or when appropriate Speech-Language Pathologist (SLP).
- LEA Administrator
- General Education Teacher(s) (at least one teacher)
- Qualified Professional(s)

Additionally, in the same chapter, Section F. (p. 61), a Professional Assessment Competency Areas chart presents qualified professional evaluators for various evaluation components.

Furthermore, Chapter 4. Section 11. (p. 130) of the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) discusses the group members required to attend an eligibility meeting. Those members include:

A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in 34 C.F.R. § 300.8., and whether the child requires special education and related services. Depending on the needs of the child, the group must include the parent (at least one) and the following qualified professionals:

- At least one certified general education teacher of the student.

- If the child is less than school age, an individual qualified by the OSDE to teach children without disabilities of that age must serve on this group.
  - If this is a reevaluation and the student with a disability does not have a general education teacher for a core content area, yet attends elective courses (e.g., music, PE, art, etc.), then the elective course teacher must serve on this group.
  - If the child is placed in a residential facility or a self-contained program with no interaction with students who are non-disabled, a certified general education teacher who is qualified by the OSDE to teach students without disabilities of the same age or grade level range must serve on this group.
- At least one certified special education teacher; or when the suspected disability only involves a Speech Language Impairment (SLI) then a Speech-Language Pathologist (SLP).
  - A representative of the LEA who
    - Is qualified to provide or supervise the provision of special education services (provide or supervise the provisions of specially designed instruction to meet the unique needs of children with disabilities)
    - Has knowledge about the availability of resources of the LEA
    - Has knowledge about the general education curriculum
  - At least one qualified professional to conduct individual diagnostic examinations of children and interpret the instructional implications of evaluation results, such as a certified school psychologist, certified school psychometrist, speech-language pathologist, or remedial reading teacher.

In addition to these group members, it is strongly suggested that there should be a member on the evaluation team that has knowledge of second language acquisition and cultural awareness (USDE, 2016, Burr, Haas, & Ferriere, 2015, Hamayan, 2007, Robertson, 2016). In [OSEP Policy Letter 21-03](#), it states:

To ensure that appropriate IEPs are developed for English learners with disabilities, including English learners with the most significant cognitive disabilities, the IEP Team should include participants who have the requisite knowledge or special expertise regarding the student's language needs. These could include persons with expertise in second language acquisition and other professionals, such as speech and language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team should help to ensure that appropriate academic and functional goals are developed for the child and the child is provided the necessary special education and related services, supplementary aids and services, program modifications, and supports for school personnel designed to enable the child to advance toward attaining these goals. An IEP Team that includes all of the appropriate members should be able to make informed decisions about the content of an English learner's IEP (34

C.F.R. § 300.321(a)(6)). In addition, SEAs and local educational agencies (LEAs) are encouraged to provide other IEP team members with appropriate training in language acquisition and the unique needs of English learners with disabilities.

### **Notifying Parents**

While best practice dictates the parents of an EL be continuously notified of their student's status as they move within the MTSS framework, when a LEA makes the choice to assess for a specific disability, they are required under federal law to:

- Notify the parent in a language the parent can understand (See guidance from the [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) below)
- Obtain signed consent before moving forward with the evaluation process
- Ensure parents are informed of all [procedural safeguards](#) related to the evaluation process

### **34 C.F.R § 300.503(c) Notice in understandable language.** (p.50)

(1) The notice required under paragraph (a) of this section must be—

- (i) Written in language understandable to the general public; and
- (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—

- (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication.
- (ii) That the parent understands the content of the notice; and
- (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.

### **Cultural Considerations of Parental Engagement and Special Needs Identification**

When moving forward with initial parental contact regarding special education evaluation for an EL student, culturally and linguistically responsive family engagement should be prioritized. It is important to acknowledge possible parental reactions that may be significantly different than those of native-English speaking parents. It is important to also have ongoing conversations with parents far before the moment of referral. The communication should be present throughout the entire MTSS process in addition to the ELAP and progress reports. While it would be inappropriate to state that parents from certain cultures will react in certain ways to the possibility that their student has special needs, common themes do exist that should be considered before making

initial parent contact (O'Hara, 2003, Palawat & May, 2011, Gonen-Avital, 2018, Mir et al, n.d.)

***For parents of English learners, how their native educational system and culture prioritizes children with disabilities can have a significant impact on how the parent interprets the prospect of special education and related services for their own child.***

In countries where free, comprehensive, and universal public education is not yet available, parents must often choose which of their children to send to school. In such situations, students with disabilities are often not afforded access to education or may only have access if their parents can afford the expense of specialized instruction. Other more comprehensive systems around the world rely on models that largely segregate students with certain disabilities into special schools and do not consider the concept of mainstreaming/inclusion to be a valid practice.

Before making contact, it is critical to understand that, for many parents of English learners, the initial reaction to being told their student may require special education services will likely be influenced by how they perceive such a status in the context of their own educational experience. Parents may need to be reassured that no costs will be incurred due to this status or be assured that their student will still be served with their peers to the greatest extent possible. Regardless, it is incumbent upon LEAs to consider potentially unexpected parent concerns and convey a willingness and patience to address those concerns that may be founded in a different cultural context.

***Cultural variance exists in the need to explain, justify, or take responsibility for the presence of a student's disability.***

The notion that personal behaviors or early parental choices resulted in the presence of a student's learning disability is more common among certain cultures. Conversely, some cultures simply accept the presence of a disability as part of the child and see little need to assign personal responsibility for its presence. While certainly not universal, this split can generally be observed between cultures oriented towards independence and those oriented towards interdependence. Parents from more independence-oriented cultures, where the perceived success of the student is related to their ability to operate independently of external familial or social supports, may tend to internalize responsibility for a student's potential disability that could limit their independence. Conversely, parents from more interdependence-oriented cultures, where success is more aligned to the student's ability to foster interpersonal relationships that strengthen social or familial networks, tend to have fewer feelings of personal responsibility regarding their student's potential disability and may see it as an appropriate role of the group or society to assist in ensuring their student's success.

Regardless, when working to foster effective relationship with parents, it is important to understand that some parents may see the identification of their child as having a learning disability as a commentary or implied criticism of their choices or behaviors, or as a potential limitation of future success within a social or familial network, and as such may respond in a defensive or hostile manner. Additionally, teams should be aware that even if a parent does not show outward signs of personal responsibility, they may be internalizing varying degrees of self-blame or recrimination due to a perceived imperfection in their child.

Parents inclined to assuming personal responsibility for a potential disability may also exhibit the tendency to redefine traditional labels and categorizations common to the special education identification process in a way that minimizes the scope of the issue. These parents may push the narrative to reflect their impression that their student just needs minor assistance to be successful. To ensure the parent is willing and able to accept the recommendations of the evaluation team, every effort should be made to build a strong foundation of trust and mutual understanding among all parties throughout the evaluation process.

***Cultures vary in their deference to educational professionals regarding their student's education.***

Many cultures possess deeply rooted expectations of deference to authority that may conflict with the emphasis on cooperation and collaboration expected of an effective IEP team. LEA staff should understand that many cultures place teachers and educational experts in high regard, and this is especially pertinent to cultures that have limited universal educational opportunities. As such, parents from these cultures may feel it is inappropriate to voice their concerns or feelings regarding their student in a formal IEP setting. LEA staff should be careful to not interpret parental silence or deference as agreement and should work to ensure that parents understand the nature and collaborative expectation of the special education process prior to the parents attending a formal IEP meeting.

***Parents from all cultures may have differing levels of trust in the evidence-based methods used to indicate the presence of, and best means to address, their student's needs.***

Many cultures do not place the same level of faith in evidence-based observation and diagnosis as does American culture. As such, parents from other cultures may express very different ideas as to why their student may be experiencing learning difficulties and conclusions about what should be done to address any issues. What should be remembered is that it is not necessary for all parties to agree on the reason a disability exists, just that the LEA makes every effort to respect the parent's point of view and convey, in a manner the parents can understand, why the LEA sees the proposed eligibility and services as appropriate to their student's educational success. Lastly, an

LEA should ensure parents understand that services are annually reviewed, that ongoing evaluations will be conducted every three years, and that the duration and intensity of services may change over time in relation to student progress.

***Lack of access to medical care, or access to medical care without the native-language support necessary to adequately convey to the parent the scope of their child's medical issue(s), may mean that the intervention proposed by the school is the first attempt to formally address a student's learning deficit.***

Whether due to access to healthcare or cultural pressures that inhibit seeking a medical diagnosis for developmental issues prior to initial school enrollment, many students who are identified as potentially having a learning disability may have already spent years creating and refining informal strategies to operate within the bounds of their learning issue. The existence of these strategies may lead some parents to question the validity and/or necessity of formal assessment and identification. In cases such as this, it is the responsibility of the LEA staff to acknowledge the parents' concerns and describe, in an understandable manner, how the proposed special education services will better ensure the educational success of their student. (O'Hara, 2003, Palawat & May, 2011, Gonen-Avital, 2018, Mir et al, n.d.)

### **Guidelines for English Learner Assessments**

While LEAs should defer to the directions and guidance specific to individual assessments when administering to English learners, the following general guidelines should be noted:

- Any assessment used in qualifying an EL student for special education eligibility must comply with the IDEA requirements.
- An assessment must only be used for the purpose for which it was designed.
- An assessment must be administered in the language and form most likely to yield accurate information regarding a student's academic, developmental, and/or behavioral status, unless it is not feasible to do so.
- Assessments must be administered by qualified personnel with appropriate knowledge of the design and purpose of the assessment and in accordance with all instructions and protocols provided by the assessment author.
- Any assessment should be administered by qualified personnel with an awareness of the student's cultural and linguistic background, if possible.
- A student must be evaluated across domains as determined to rule-out or identify special education eligibility in the given category. No single measure or assessment may be used to determine special education eligibility. Determinations should only be made based on multiple data sources (assessment, observations, anecdotal, interviews, etc.).

Furthermore, [Oklahoma State Department of Education Special Education Services Policy and Procedures Manual](#) states in section *D. Selecting Assessments and Other Evaluation Materials* (p. 60)

- (c) Other evaluation procedures. Each public agency must ensure that—
- (1) Assessments and other evaluation materials used to assess a child under this part—
- (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  - (ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

### Identifying the Appropriate Language of Assessment

Per the [IDEA Sec. 300.29](#), “native language, when used with respect to an individual who is limited English proficient, means the following:

- The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in [the next bullet point].
- In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment”.

It is important to note that the most appropriate language to assess an identified EL student may or may not be in their native language. Many identified ELs were born in the U.S. or have attended school for multiple years in English-only environments and may have limited or no formal education in their native language. Yet, it cannot be assumed that a student is unable to think, read, or write in their native language.

As such, it is the responsibility of teams to review the student’s academic and linguistic history to establish the language most likely to yield accurate information, including the extent and quality of native language academic instruction an EL has received, the last grade completed if the EL attended school in their country of origin, the amount of time passed since the EL received primary language instruction, and extent of primary language instruction the English learner received since leaving their country of origin (e.g., dual language or bilingual program).

To determine the child’s primary language, the following best practices can guide bilingual assessment decisions:

- Specific student circumstances may dictate the LEA assess the proficiency level of the student in one or more domains (listening, speaking, reading, and writing) in their native language to better understand the student’s unique learning challenges.
- Depending on the identified areas of concern, it may be appropriate to assess the student in both English and their native language on the same or similar

assessments (as available) to better differentiate potential cognitive or developmental issues from learning deficits primarily resulting from limited English language proficiency.

- The evaluation team should consider information obtained from parental interviews and observations of the student in varied environments.
- Ideally, an assessor who is fluent in both languages should determine the student's relevant strengths and weaknesses (Artiles & Ortiz, 2000 & Ortiz, Ochoa, & Rhodes, 2005, & Butterfield & Read, 2011).

If the evaluation team is unable to assess in the student's native language, it is important to determine if an alternative, reliable, and valid nonverbal assessment is available for the purpose of determining eligibility. Alternatively, a trained interpreter may be able to provide an oral translation of verbal assessments normed and written in English.

### **Use of Interpreters during Assessment**

There may arise certain cases where assessment in a student's native language is deemed necessary, but no assessment exists in the native language of the student. In situations such as these, the use of an interpreter is acceptable to assist in assessment administration if allowable under the assessment's protocols and standardization procedures. LEAs opting to assess an English learner with the assistance of an interpreter should ensure that the interpreter:

- Speak the same language as the student
- Possess the level of English and language-other-than-English mastery necessary to reliably translate assessment content to the native language of the student
- Be familiar with the design, purpose, and all administrative procedures related to the assessment(s) they will assist the student in completing
- Has had the opportunity to review the test administration process and have any questions addressed
- Complete any required author-created training specific to the interpretation of the assessment
- Document any limitations due to this condition

For a list of state approved interpretation services, please visit OSDE's [Educational Interpreter Registry](#)\*. For a list of state approved translation services, please contact OSDE's Special Education Services 405-522-1461\*.

\*Districts are responsible for fees and service costs of the contract.

### **Assessments for English Learners with Suspected Disabilities**

When selecting assessments and other evaluation materials to assist in gathering data, the [Special Education Services Evaluation and Eligibility Handbook](#) should be

consulted. It provides detailed sections with definitions of disabilities, required components of a comprehensive evaluation, considerations, and key eligibility indicators.

## **Developing an Initial English Learner Individualized Educational Plan (IEP)**

Once an EL student has been formally evaluated with an appropriate assessment and the MEEGS determines special education eligibility, an initial Individualized Education Plan (IEP) must be developed by the IEP team.

### **IEP Team Members**

The [Oklahoma State Department of Education Special Education Services Policy and Procedures Mel](#) provides the definition of IEP team members. This is referenced in Chapter 5. Section 1-C. (p. 143-147). While acknowledging their presence as discretionary, please note that the [Office of Special Education Program's \(OSEP\) policy letter](#) (Cantrell, 2021) considers it essential to include LEA staff with English language development experience on IEP teams created for dually-identified EL/SPED students in order to focus on interaction between language, culture, and disability and to ensure the student receives appropriate intervention supports. If not, this may result in fragmented and ineffective instructional programming, and IEPs should not be developed in isolation but collaboratively (USDE, 2016, Burr, Haas, & Ferriere, 2015, Hamayan, 2007, Robertson, 2016, & [OSEP Policy Letter 21-03](#)).

### **Conducting the Initial EL IEP Meeting**

The focus of an initial IEP meeting for an EL student should be the review of all available data (intervention, observation, assessment, etc.) and to determine eligibility for special education services. The IEP Team should begin by addressing the following questions:

- Is the student demonstrating key indicators of an education-related disability that meet criteria for identification?
- Is the nature and severity of the disabling condition adversely affecting educational progress, including their ability to actively and effectively participate in classroom-based, group instructional activities?
- Does the student need specially designed instruction as a result of the disability?

A student cannot be identified as a student with a disability if the primary reason for such a decision is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies);

- Lack of appropriate instruction in math; or
- Limited English proficiency (without participation in the MTSS process).

If the answer to each of the questions above is yes, and the team feels confident the data warrant a specific determination for a student, the meeting should move forward in:

- Determining the disability category (or categories) that best aligns with the collected student data
- Discussing and developing reasonable and measurable annual goals and objectives based on the area(s) of need identified within the student's disability
- Discussing and developing the systems of support necessary for the student to meet their annual goals and objectives (this would include those instructional or behavioral accommodations seen as most likely to ensure student success within the scope of the identified disability or disabilities)
- Establishing appropriate accommodations for the purposes of local, state, or alternate assessment
- Considering any additional factors that may affect student success (linguistic, social/emotional, etc.) and determine appropriate goals, accommodations, and supports focused on those issues
- Ensuring that all instruction will be provided in the least restrictive environment possible in relation to the student's identified learning needs and scope of their supplemental supports and accommodations
- Obtaining consent from the parent prior to implementation of any supplemental services and accommodations

In addition to the specifications outlined in Chapter 5, Section 3 IEP Development of the [Special Education Services Policies and Procedures Manuel](#), finalized EL IEPs must address the following components:

- Documentation that the student is identified as an English learner
- Information regarding the student's current level of English language proficiency, as measured by a WIDA assessment
- Notation of the type of language acquisition program (LIEP) aligned with the Tier I instruction of the student and a description of the strategies and interventions expected within that program
- Goals and objectives aligned to the student's current and projected level of English language proficiency
- Accommodations that will be used during the administration of the WIDA assessment
- Accommodations that will be used during the administration of state content assessments

## Best Practices to Support EL Parent Participation

LEAs should consider adopting the following Council of Chief State School Officers (CCSSO) (2017) to better ensure effective EL parent participation in the IEP process including procedures that inform the parents of ELs:

- 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' procedural safeguards 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 progress is monitored
- 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

Additionally, LEAs can better support EL parents through their student's IEP process by:

- Providing qualified, trained interpreters who are knowledgeable about both English learners and special education (note that the role of the interpreter is best seen as present to convey the thoughts of all in attendance, not to simply provide a one-way translation of LEA positions)
- Offering glossaries of English learner and special education terminologies in the native language of the parent
- Providing translator-supported 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 in the native language of the parent
- Using ethnographic, structured, and translator-supported 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
- Scheduling follow-up meetings with parents several weeks after the IEP meeting to confirm they understand their rights and their child's services

LEAs should note that while providing notifications and updates to EL parents and guardians in their native language is the requirement, this assumes an existing level of

parental literacy necessary to make the communication meaningful. LEAs should always have access to appropriate verbal interpretation services to address communication issues where necessary and inform the parents of ELs how to effectively take advantage of these services.

Parental participation is an essential component of the IEP process. The LEA must take affirmative steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded a meaningful opportunity to participate, including:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- Scheduling the meeting at a mutually agreed on time and place.

Notification to parents regarding IEP Team meetings must:

- Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).
- For students 16 and over, note that the meeting will consider post-secondary goals and transition services for the student and that the student will be invited.

If a parent or legal guardian cannot attend the meeting in person, the LEA must make available other means (conference calls, video conferencing, etc.) to ensure parental participation.

LEAs may hold a subsequent IEP meeting without a parent or legal guardian in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually agreed upon time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits

In conducting the IEP Team meeting, LEAs must use interpreters, other translation methods, or whatever action necessary to ensure the parent(s) understands the

proceedings of the meeting and are required to provide parent(s) or guardian(s) a copy of their student's IEP at no cost. Please see Considerations about Family Structure.

### **Writing Linguistically Appropriate IEP Goals and Objectives**

It is important that the IEP for an English learner include linguistically appropriate goals and objectives aligned with [WIDA English Language Development \(ELD\) Standards](#) and grade level Oklahoma Academic Standards.

To accomplish the task of developing linguistically appropriate goals, it is recommended that the IEP team:

1. Consider the cognitive level of the student,
2. Review the student's WIDA assessment results to see what areas are in need of further development and use WIDA's [Can Do Descriptors](#) or the appropriate Proficiency Level Descriptors (PLDs) to determine what the student can do in English at their current proficiency level and what they will need to be able to do to reach the next proficiency level,
3. Review the results of the student's standardized and informal test data to see where the areas of need are, and
4. Align "or link" the linguistically appropriate goal to an appropriate grade level standard and WIDA ELD standard for integrated ELD instruction.

A linguistically appropriate IEP goal linked to the WIDA ELD standard would incorporate skills that will lead to attainment of a particular grade-level standard. When developing IEP goals for English learners, it is most beneficial for the IEP team to consider the student's overall needs including language proficiency, sociocultural factors, and disability to determine appropriate supports and related services in the IEP (Butterfield, 2017).

Dually identified students must be allowed to receive ELD and special education services simultaneously, with specialists in each being deeply aware of what occurs with the other service.

Consideration of special factors must be documented in the IEP to ensure the student receives a Free Appropriate Public Education (FAPE). The IEP must include a description of the supports and/or services that will be provided to meet the unique needs of the student.

- **Limited English Proficiency** (also known as English Learners-EL): The language needs of the student as they relate to the child's IEP must be addressed within the IEP in writing.
- The child's inability to speak or understand English may also require alternative language services in addition to the special education services.

### **Selecting Congruent Accommodations**

ELs with disabilities may need instructional and assessment accommodations that consider English language development and special education needs. These

accommodations should be written in the IEP and be used routinely in classroom instruction and assessment. Decisions about whether to use accommodations, and what accommodations to use, should be made on an individual student basis and should be made with an accessibility mindset-how to build accommodations into and integrate them into instruction from the start.

Shyyan and Christensen (2018) propose best practice for dually identified students includes selecting congruent accommodations which are crossover compatible methodologies that might meet English language development and special education needs.

Some examples of congruent accommodations for dually identified students are:

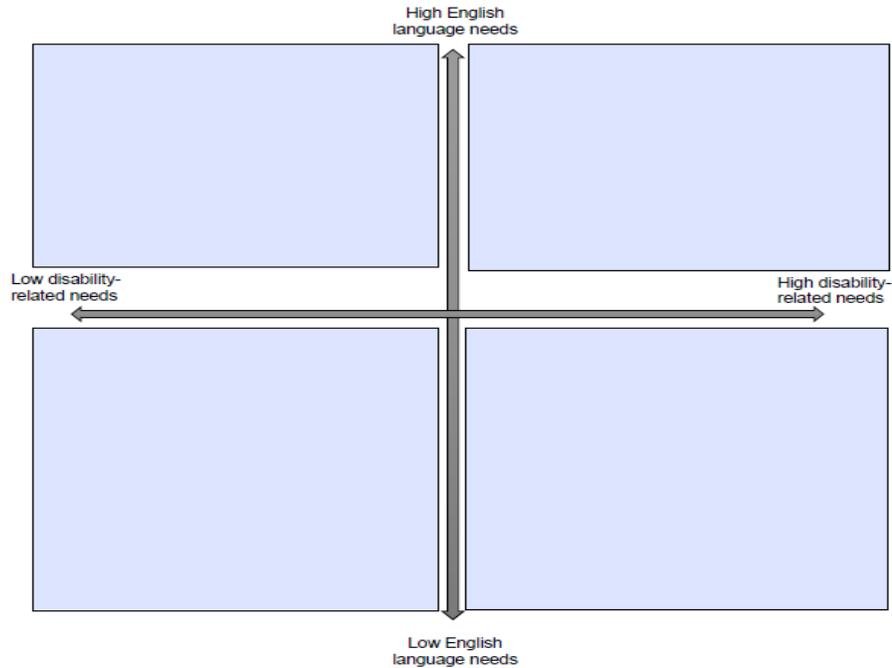
- Whole body learning and multisensory learning are special education accommodations, but they are compatible with second language acquisition's Total Physical Response (TPR)
- Native language support (Please keep in mind that students must practice this accommodation routinely, meaning that they are receiving instruction in their native language. Not all students have the native language proficiency to be able to use this accommodation. A word-to-word dictionary or translation devices might not make sense if the student only has oral native language proficiency and lacks literacy.)
- Students with organizational issues can be provided a template for note taking with partially completed notes about a lesson. A student can then fill in notes and blanks
- Extra time on tests and assignments
- Use of reference materials with visuals to aid comprehension

While modifications are not used on statewide assessments, examples of modifications made for instructional purposes that may be appropriate to consider for students learning English may include the following:

- Adapted tests that are more "comprehensible"
- Tests and assignments modified in length and content
- Alternate testing formats such as use of visuals or drawings

Please note that accommodations for students with disabilities may not necessarily be appropriate for dually identified students (Willner, 2016).

Additionally, the IEP team should consider the *Language and disability needs framework* (Shyyan & Christensen, 2018) below.



(Image from Shyyan & Christensen, 2018)

In this framework, students “with high English language needs and low disability-related needs will require more language-based instructional and assessment supports while their counterparts with high disability related needs and low English language needs will require more supports that remove disability-related barriers. At the same time, students with high English language needs and high disability-related needs will benefit from more intensive language- and disability related supports to alleviate linguistic and disability related challenges. Students with low English language needs and low disability-related needs will require fewer supports. However, even within one quadrant, students vary depending on the intensity of their needs” (Shyyan & Christensen, 2018). Furthermore, student needs may change over time. As ELs become more proficient in English, their need for language-related accommodations may decrease; however, the same is not necessarily true for a student with disability related accommodations.

This framework facilitates instructional and assessment decision making and helps educators consider a combination of student needs. Educators should take variability within each quadrant into account, and students’ individualized needs should be addressed on an individual basis (Christensen & Shyyan, 2018; Huff & Christensen, 2018). Similarly, disability complexity should be factored in, with the considerations of the disability type, intensity, number (in case of multiple disabilities), etc.

Shyyan & Christensen (2018) suggest considering “the following questions when using the framework with individual students:

1. Where can the student be placed on the language and disability grid?

2. What disability-related challenges are apparent for this student?
3. What instructional and assessment supports would meet the student's disability-related needs?
4. What language- and culture-related challenges is this student facing?
5. What linguistic and cultural supports would be beneficial for the student in instruction? Is the student able to receive these supports during assessments?
6. What instruction and assessment accommodations would benefit this student?
7. Are special education teachers and language acquisition professionals involved in making instructional and assessment decisions for the student?
8. Has the student's placement changed since the previous evaluation period? If the student shifted from higher-needs to lower-needs quadrants, what strategies worked well to assist this student in the classroom? If the student shifted from lower-needs to higher-needs quadrants, what additional instructional and assessment supports are required?" (Shyyan & Christensen, 2018).

For more information about assessment accommodations, please refer to the Office of English Language Proficiency's [EL OSTP Accommodation Manuals and Companion Documents](#) webpage. This page includes links to current year OSTP Accommodations for English Learners as well as several other resources.

Furthermore, because finding the right accommodations for each student can be difficult, it may be appropriate to implement the accommodation every other week and track progress and performance to ensure that the accommodation is meeting the needs of the student and if they truly need the accommodation. Once appropriate accommodations are selected, all of the student's educators should be aware of the accommodations and implement them across the curriculum. In addition, collecting data for reevaluation is recommended. The following questions can be helpful for reevaluating accommodations from year to year:

1. What accommodations are used by the student during instruction and assessment?
2. What are the results of classroom assignments and assessments when the accommodations are used versus when they are not used? If a student did not meet the expected level of performance, is it due to not having access to the necessary instruction, not receiving the accommodations, or using accommodations was ineffective?
3. What is the student's perception of how well the accommodation worked?
4. What combination of accommodations seem to be effective?
5. What are the difficulties encountered in the use of accommodations?
6. What are the perceptions of teachers and others about how the accommodation appears to be working?

## English Language Proficiency Assessment

### WIDA ACCESS and Alternate ACCESS

The WIDA ACCESS and Alternate ACCESS are summative assessments that measure English learners' English language proficiency in the domains of reading, writing, speaking, and listening.

The vast majority of EL students enrolled in grades K-12 will participate in the ACCESS for ELLs assessment. This includes the majority of dually-identified EL students served on IEPs and 504 plans, though these students may be eligible to use appropriate and allowable accommodations in order to complete the assessment. A score of 4.8 or better on the Composite/Overall must be achieved in order to automatically exit EL services.

A dually-identified EL student with significant cognitive disabilities who participates in the alternate state assessment (OAAP) and who meets the criteria outlined in the current **WIDA's Accessibility and Accommodations Manual's** "WIDA Alternate ACCESS Participation Tree" will participate in the Alternate ACCESS for ELLs assessment. A student will automatically qualify to exit EL status upon achieving a Composite/Overall score of P2 or above on the two most recent Alternate ACCESS administrations in the past three years\*.

\*Please note that scoring and exit criteria for the Alternate ACCESS will be changing in 2024 due to stand setting for the 2020 edition of the WIDA English Language Development Standards.

Please also see [ELP Band Exit Request](#) criteria for other routes of exit.

### Students Who Are Unable to Participate in One or More Domains of the ACCESS or Alternate ACCESS

A dually identified student should participate in all domains of the WIDA ACCESS or Alternate ACCESS their IEP team deems them capable of completing. The number of placement test domains administered to a potential EL with documented disabilities precluding participation in one or more test domains is at the discretion of the student's IEP/504 team. This is true regardless of the placement assessment used or accommodations allowed. That being said, a potential EL student should be administered any/all domains their learning team deems them capable of completing. If a student is unable to participate in one or more domains on the ACCESS or Alternate ACCESS and appropriate accommodations are not available, an LEA may use one of two possible methods to indicate that one or more domains should not be scored because a student has a disability preventing participation in that domain or domains, even with the use of allowable accommodations. The disability or disabilities must be clearly documented in the student's IEP/504 in order for the student to be eligible to have a domain or domains deferred.

The methods are as follows:

1. For paper domain tests: For each domain not taken, bubble in the “SPD-Deferred Special Education/504” code on the student’s paper test booklet. Alternately, follow the instructions provided in the District and School Test Coordinator Manual (available in the [WIDA Secure Portal](#)) to view or edit the student’s Do Not Score indicator from the Manage Students page in WIDA AMS.

2. For online domain tests: For each domain not taken, follow the instructions provided in the WIDA AMS User Guide (available in the [WIDA Secure Portal](#)) to view or edit the student’s Do Not Score indicator from the Manage Students page in WIDA AMS.

If the appropriate method is completed, a composite score for the ACCESS or Alternate ACCESS will be calculated for students participating in four to two domains. However, if a student’s IEP team deems the student unable to participate in three of the four domains, the student should be evaluated for [No Measurable Academic Response \(NMAR\)](#) status (Please see the NMAR section). WIDA does not recommend calculating composite scores with three missing domains as data would not be reliable.

### **No Measurable Academic Response (NMAR)**

A potential EL student enrolled prior to or within the first 30 calendar days of school must be evaluated for [No Measurable Academic Response \(NMAR\)](#) status within 30 calendar days of enrollment. A potential EL student enrolling after the first 30 calendar days of school must be assessed for NMAR criteria within 14 calendar days of enrollment. As NMAR status may change from year to year, the decision to classify a potential English learner as NMAR must be revisited at the beginning of each school year by the student’s academic team. An LEA wishing to assign a student NMAR status must adhere to the following guidelines:

1. The LEA must constitute a student academic team consisting of the student’s IEP team and appropriate EL instructional staff.

2. The academic team must review the student’s educational history and evaluate if the student is currently:

- Unable to demonstrate any observable reaction to a specific stimulus
- Exhibiting only startle responses
- Tracking or fixating on objects at random and not for a purpose
- Responding only to internal stimuli
- Vocalizing intermittently regardless of changes in environment

3. To classify the student as NMAR, the student’s academic team must unanimously agree that the student meets all five of the above criteria.

Please note that every effort must be made to determine if the student has linguistic abilities in any or all of the four domains of Listening, Speaking, Reading, and Writing and that these determinations must be made with the input of the student’s IEP team. If

the student is able to meaningfully participate in one or more domain(s), the student must be assessed in that domain(s). For example, if the student only demonstrates receptive (reading, listening) language skills but does not demonstrate expressive (speaking, writing) language skills, this does not preclude the student from being classified as EL and assessed in the receptive domains of Listening and Reading.

**Meeting Attemptedness Criteria for WIDA ACCESS or Alternate ACCESS**

Attemptedness criteria refers the policies used to determine the minimum interaction test takers need to have with the WIDA ACCESS or Alternate ACCESS to show that they have had an opportunity to respond. Students must demonstrate that they have responded or attempted to respond to at least one item per domain test in order for that test to be counted.

Attemptedness criteria for English language proficiency testing must permit English learners to show what they know and can do and still receive a score even if they are unable to respond due to English language proficiency or a disability. However, the criteria must also ensure that students who did not meaningfully engage with a test are not awarded a beginning English language proficiency score when that might not accurately represent their language abilities.

The Attemptedness Criteria for ACCESS or Alternate ACCESS are:

<b>ACCESS for ELLs ONLINE</b>	
<b>Domain</b>	<b>Minimum Criteria for “Attempting” the domain</b>
Listening	There is at least one scored item in the domain with a response captured.
Reading	There is at least one scored item in the domain with a response captured.
Speaking	The student clicked on the “Record” button for at least one scored item.
Writing	Keyboarding: a visible key stroke is attempted. (Example: a letter, a symbol.) Space bar and returns do not count as attempted. Handwriting: there is some marking on the booklet in the response space.

<b>ACCESS for ELLs PAPER</b>	
<b>Domain</b>	<b>Minimum Criteria for “Attempting” the domain</b>
Listening	There is one scored item with a response bubbled.
Reading	There is one scored item with a response bubbled.
Speaking	The booklet has been returned with something bubbled for a scored Speaking task.
Writing	There is some marking on the booklet in the response space.

KINDERGARTEN ACCESS for ELLs	
Domain	Minimum Criteria for "Attempting" the domain
All domains	There is one scored item with a response bubbled.

ALTERNATE ACCESS for ELLs	
Domain	Minimum Criteria for "Attempting" the domain
Listening	There is at least one scored item that has a bubbled response of "Correct", "Incorrect" or "No Response"
Reading	There is at least one scored item that has a bubbled response of "Correct", "Incorrect" or "No Response"
Speaking	There is at least one scored item that has a bubbled response of "Meets", "Approaches" or "No Response"
Writing	There is at least one scored item that has a bubbled response of "Meets", "Approaches" or "No Response"

## WIDA Accessibility and Accommodations: Guidance and Considerations

### WIDA Accommodations

WIDA accommodations can be found in the current year's **WIDA Accessibility & Accommodations Manual**. Select accommodations for WIDA assessments carefully. Select specific accommodations as necessary to ensure that students can participate in testing meaningfully and appropriately. Keep in mind it may be appropriate to offer different accommodations for different language domain tests. Accommodations vary slightly on the online and paper formats of the assessments. Consider these questions when assigning accommodations:

- **Does the student use an accommodation regularly in the classroom?** Accommodations should not be provided for the first time in a testing situation.
- **Does the accommodation address the student's need?** Providing unnecessary accommodations can negatively impact student performance.
- **Is the accommodation appropriate for ELP testing?** Some accommodations that are typically available to ELs taking content assessments are not acceptable supports on an English language proficiency assessment and would invalidate the test including: bilingual word-to-word dictionaries, providing test items or allowing responses in a language other than English, reading aloud any part of the Reading test, etc.

WIDA accommodations are included on a student's IEP or 504 and must be entered into EdPlan. During the WIDA Precode window, LEAs must verify the following four accommodations: paper, Alternate ACCESS, large print, and braille in Accountability Reporting – English Learners tab. If a student is not in a OSTP or CCRA state testing

grade, then LEAs must create a DVR in Accountability Reporting – English Learners tab and upload documentation. Additional accommodations can be selected in WIDA AMS, WIDA’s test management platform, prior to testing.

## **EL Students Who Need Large Print or Braille WIDA Paper Testing Materials**

### ***WIDA Screener:***

If a potential EL student requires larger print to complete the WIDA Screener, LEA staff may:

1. Use the computer settings to enlarge the print for WIDA Screener Online, or
2. Print copies of the WIDA Screener Paper with the print enlarged. Note that such copies are to be treated like all other secure testing materials.

At this time, WIDA has yet to develop a screening tool that allows a student who is blind to demonstrate initial English language proficiency. Regardless of visual disability, a student indicating a language other than English on one or more of the three primary language questions (home language, dominant language, and first language learned) on their submitted Home Language Survey (HLS) must be administered the grade-appropriate state or WIDA screening tool to determine their EL status. As administration of the WIDA Screener or Kindergarten Screener in this context will lead to EL identification since 4 domains are required to generate a composite score, LEA staff should ensure the assessment is administered with all appropriate accommodations and make certain that the “early-outs” built into the assessment are utilized whenever necessary. Once identified as an English Learner, the student will participate annually in the ACCESS for ELLs assessment using the braille test form until demonstrating English language proficiency.

### ***Kindergarten ACCESS and ACCESS for ELLs:***

Kindergarten ACCESS and ACCESS for ELLs are both available in Large Print versions while the ACCESS for ELLs is also available in a braille version. These assessments are available for order on WIDA AMS during the Additional Materials Ordering Window associated with the WIDA ACCESS spring testing window. Please refer to Oklahoma’s WIDA member page for additional information regarding window dates.

Here are some tips to make your braille materials ordering process smoother:

- Determine whether the student needs a contracted or uncontracted form.
  - Contracted uses symbols in braille to shorten the length of the text. Students more experienced in braille are more likely to use the contracted form.
  - Uncontracted includes the full length of the text. Students who have experience in a braille code not in English, or who are just beginning to learn braille in English may need to use uncontracted braille.
- In addition to deciding whether the student should take the contracted or uncontracted form, decide on one of two codes for a student in grades 6-12: UEB Math/Science or UEB with Nemeth.

- If unsure which option to order, reach out to the student's IEP team. This team likely includes a Teacher for the Visually Impaired, who will be able to advise which braille code is appropriate for the student.
- Order only one kit per student who requires a braille format for the current administration.
- Looking for sample items in braille? Check out WIDA's [ACCESS Test Practice and Sample Items](#) page for downloadable sample items and sample item user guides for the braille assessment.

At this time, WIDA has yet to develop a braille version of the Kindergarten ACCESS for ELLs assessment. If the EL student who is blind is expected to participate in the Kindergarten ACCESS, all four domains should be assigned the “SPD-Deferred Special Education/504” code, either in WIDA AMS or by bubbling in the “SPD” code on a paper test booklet for each domain. In first grade, the student will participate annually in the ACCESS for ELLs assessment using the braille test form until demonstrating English language proficiency.

#### ***Alternate ACCESS for ELLs:***

An LEA may scan and print enlarged text versions of the Alternate ACCESS for ELLs assessment when necessary, but these copies should be treated like all other secure testing materials, may not be kept by the LEA, and should be included in the materials returned to DRC upon the completion of the ACCESS assessment.

At this time, WIDA has yet to develop a braille version of the Alternate ACCESS for ELLs assessment. If the EL student who is blind is expected to participate in the Alternate ACCESS, all four domains should be assigned the “SPD-Deferred Special Education/504” code, either in WIDA AMS or by bubbling in the “SPD” code on a paper test booklet for each domain.

#### **EL Students or Potential EL Students Who Are Blind and Not Yet Proficient in Braille**

Some students who are blind may not yet be proficient in braille or the use of an assistive device which pose issues on the Listening, Reading, and Writing domains of the WIDA ACCESS assessment.

The expectation is that the student would eventually learn braille. Students proficient in braille can participate in the Listening, Reading, and Writing test in braille format. WIDA does not offer a braille Speaking test and does not recommend administering this language domain at this time.

In the event that an EL has a disability or disabilities that precludes him or her from taking all WIDA Screener or ACCESS domains, even with all appropriate and available accommodations applied, the student's EL and IEP team can make a joint recommendation that the student be exempted from a given domain or domains. These exemptions are to be indicated by selecting "Do Not Score-SPD" for the domains in which the student is unable to participate.

## **EL Students Who Are Deaf and Communicate Exclusively via American Sign Language (ASL)**

Some students who are deaf come to school with communication delays, and some do not have a robust first language of any kind due to language deprivation during early childhood (NAD, 2023). Moreover, these students may not be proficient in American Sign Language (ASL). This may affect the domains a student is capable of participating in on the English language proficiency assessment. In addition, students who are deaf may not participate in the Listening domain if they do not lipread. The In-Person Human Reader accommodation might be appropriate during the Listening test for students who use speech reading as part of their communication system. Also, if they do not communicate verbally, but rely upon ASL as their sole means of communication, they may also be exempted from Speaking.

Students who are deaf or hard of hearing, including those who primarily use American Sign Language (ASL) for communication, may participate in Reading and Writing tests with few or no accommodations. Please note that Reading and Writing domains may present challenges as students may not be able to decode words orally.

### ***Initial Screening***

Under ESSA, a deaf student is screened for English language proficiency only if the Home Language Survey (HLS) indicates that their home language is other than English. Under ESSA, native languages must be related to country of origin, and not disability, so an HLS listing American Sign Language or other form of sign must not be the sole reason for administering the English language proficiency screener.

However, a student may indicate a language other than English in addition to sign language. LEAs are required to screen the student for English language proficiency in the domains the IEP indicates the student is able to participate in. LEA staff should ensure the assessment is administered with all appropriate accommodations and make certain that the “early-outs” built into the assessment are utilized whenever necessary. Regardless of the student’s scores, a screener composite score cannot be calculated with fewer than four domains, unlike the ACCESS, in which case the student will be identified as an English learner. They should then participate in the ACCESS or Alternate ACCESS until demonstrating proficiency in the domains the IEP team determines possible.

### ***ACCESS and Alternate ACCESS for ELLs Assessment***

An identified English learner who is deaf and communicate exclusively via American Sign Language (ASL) is expected to participate in the ACCESS or Alternate ACCESS in whichever domains the IEP indicates. A student is not required to take all parts of the ACCESS or Alternate ACCESS if the student’s IEP or 504 team determines that the disability precludes measurement of the domain and appropriate accommodations are not available (See Students Who Are Unable to Participate in One or More Domains of the ACCESS or Alternate ACCESS). For example, perhaps a student who is deaf or

auditorily impaired can participate in the reading and writing portions of the assessment even when not completing the listening and speaking sections.

Students who are deaf or hard of hearing are not required to take the paper format, but WIDA recommends it for several reasons. There are more opportunities for speech reading on the paper format, especially on the Listening test. It is easier to provide test directions in manually coded English. ACCESS for ELLs Paper also eliminates the need to force submit a domain or override tier placement.

If an EL student is hard-of-hearing, does not lip-read, and communicates exclusively using ASL or another form of sign, the LEA should use the “SPD-Deferred Special Education/504” code, either in WIDA AMS or by bubbling in the “SPD” code on a paper test booklet for each domain or domains not taken. An EL student meeting this description should still participate in all domains their academic team deems accessible, with or without accommodations.

Determinations about English language proficiency assessment participation for students who are deaf or auditorily impaired depend on many factors. There are many nuances to these decisions, and each domain should be considered separately. Expertise from educators who work with English learners who are deaf or auditorily impaired are particularly valuable in these decisions.

Possible starting points for discussion include the following:

- What is the student’s history related to effective accommodations in the classroom as well as in testing?
- Can the student who is deaf benefit from accommodations that will provide auditory access to the listening portion of the test?
- Are accommodations needed to assist the student in being understood? Is familiarity with the test taker’s speech production needed for accurate scoring?
- Do the additional disabilities of the student who is deaf factor into decisions about accommodations for specific domains?

### **Initial English Language Proficiency Placement Test for an EL Student with Significant Cognitive Disabilities**

Currently, there is no WIDA placement test specifically for potential EL students with significant cognitive disabilities, but a WIDA Alternate Screener is currently under development and set to roll out in 2024. A student both determined to have a severe cognitive disability and responding with one or more languages other than English on their Home Language Survey may be assigned EL status in the following ways:

1. At the request of the parent(s) or guardian(s)
2. At teacher recommendation
3. Through administration of a WIDA placement assessment with appropriate accommodations

Regarding the options above, please note that an LEA is responsible for providing appropriate EL services and supports for any identified EL student, regardless of student special needs. An LEA assigning EL status to a student with a severe cognitive determination at a parent or guardian's request or teacher recommendation is not required to administer a WIDA placement assessment. Conversely, an LEA not assigning EL status through a parent or guardian's request or teacher recommendation must administer a WIDA placement assessment.

An LEA opting to administer a WIDA placement assessment (Kindergarten Screener, Kindergarten MODEL, WIDA MODEL, or WIDA Screener) to a student with a determined severe cognitive disability must do so with accommodations deemed by the student's learning team to be appropriate, allowable, and in alignment with the student's IEP and the current **WIDA Accessibility & Accommodations Manuel**. In such cases, the test administrator may opt to discontinue placement testing in any specific domain if the student is unable to meaningfully respond to the assessment questions.

In the event that a student is not able to meaningfully respond in any of the four domains assessed, the student should be evaluated by their IEP/learning team for potential No Meaningful Academic Response (NMAR) status. Please note that a student unable to meaningfully respond to placement test questions does not automatically qualify for NMAR status. As the WIDA placement assessments were not designed for a student with significant cognitive disabilities, they may not be sensitive enough to elicit meaningful responses. This should not be interpreted as a definitive indicator that the student is unable to participate in the Alternate ACCESS for ELLs assessment.

An LEA opting to assign EL status to a student with significant cognitive disabilities based on parent or guardian request or teacher recommendation may also administer some or all domains of a WIDA placement assessment. If an LEA chooses to do so, testing should be administered with the understanding that the purpose is to gather additional domain-specific information in order to make more informed programmatic decisions for the student. Any information collected from the assessment should be considered part of the collective body of evidence used in the decision-making process.

### **English Learner OSTP and CCRA Accommodations**

Accommodations and modifications play important roles in helping students with disabilities access the core curriculum and demonstrate what they know and can do. Decisions concerning OSTP and CCRA Accommodations should be made by the English Language Academic Plan (ELAP) or student's IEP or Section 504 plan team responsible for planning the student's academic program and the appropriate accommodations and modifications for teaching, learning, and assessment. The committee must coordinate with all teachers of English learners to ensure that these students use the accommodations as part of classroom instruction on a regular basis. Decisions about accommodations and modifications are made on an individual student basis. Moreover, accommodations and modifications support equitable instruction and

assessment for English learners with disabilities and should be available across classroom instruction, classroom tests, and district assessments.

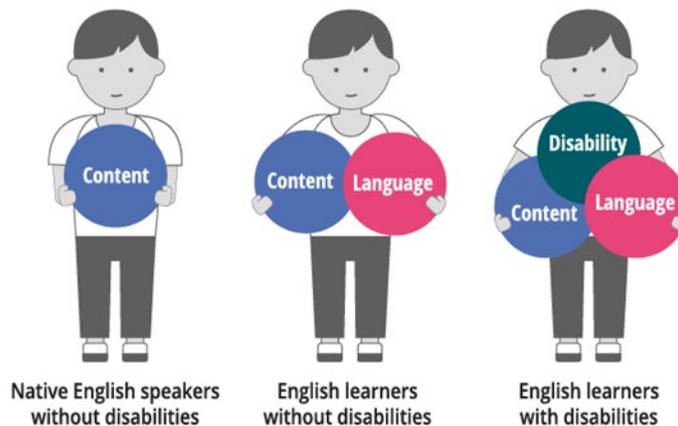
LEAs must offer allowable and appropriate state testing accommodations to any EL student, and to any Former English Learner (FEL) student in the first two years of their four-year monitoring period, who meets the requirements for extended state testing accommodations. Allowable state testing accommodations for an EL or FEL student must be listed on the student's ELAP and may be reviewed in the current year [OSTP Accommodations for English Learner \(EL\) Students with an ELAP](#) .

CCRA (ACT and SAT) English learner test accommodations are unique to each test and separate from the EL-specific accommodations available to EL students participating in OSTP assessment. Both ACT and SAT allow accommodations on an individual basis, but only after appropriate supporting documentation, such as a student's ELAP, is submitted and approved through the respective test provider during the designated window. Please note that EL accommodations not authorized by SAT or ACT will result in an invalid attempt with no score. For more information, please see [OSTP Accommodations for English Learner \(EL\) Students with an ELAP](#), [ACT Test Accommodations and English Learner Supports](#), or [SAT Supports for English Learners](#)

### **Instructional Practices for Dually Identified Students**

Research indicates that developing full proficiency in a second language takes time, and some English learners with disabilities may take longer than English learners without disabilities to become proficient in English (Motamedi, 2015). It is also crucial to note that positive educational experiences and academic success for English learners with disabilities is a responsibility shared by all educators.

Short and Fitzsimmons (2007) propose that English learners must perform double the work of their native English-speaking peers—learning English while studying core content areas in English. English learners who have disabilities often perform triple the work, since their disability-related needs must be met as well (Shyyan & Christensen, 2018).



(Image from Shyyan & Christensen, 2018)

Tyler and Garcia (2010) propose a two-step planning process to ensure that the classroom environment provides equitable opportunities for all students:

1. Identifying potential barriers to learning
2. Selecting instructional approaches, materials and other resources that will provide comprehensible input, make learning accessible, and foster student engagement and motivation to learn.

### **Factors to Consider During Instructional Planning for ELLs with Disabilities**

Furthermore, Tyler and Garcia (2010) state that there are several factors that teachers should consider when planning instruction to meet the needs of ELs with learning disabilities. These recommended approaches have been organized into four sections.

1. Determine difficulty level of materials (identify key elements that may increase the level of difficulty of classroom materials for ELs with learning disabilities)
  - Students' reading skills vs. reading level of texts
  - Shifts in reading level and academic difficulty within and across instructional materials
  - Aspects of lesson, related concepts, and assumed background knowledge that will be unfamiliar to EL students
  - Cognitive demand involved for ELs who are simultaneously learning a new concept and its English terms (vs. only learning the English term)
  - Likely impact of the learning disability on student's ability to retain skills and information previously taught
2. Select and use instructional approaches, materials, and assignments that provide comprehensible input for ELs with learning disabilities (offer strategies that make instruction and assignments comprehensible to ELs with learning disabilities)
  - See next section Recommended Teaching and Learning Strategies to Support English Learners with Disabilities section
3. Ensure that the content, assignments, and activities are accessible
  - See next section Recommended Teaching and Learning Strategies to Support English Learners with Disabilities
4. Foster student engagement and motivation to learn
  - Use developmentally appropriate content for ELs, given their previous curriculum and school experience
  - Select materials that allow students to draw on socio-cultural knowledge and life experience to engage with the texts
  - Foster meaningful dialogue about the content of the lesson (e.g., instructional materials)
  - Affirm and use students' native languages to support learning, even when the language of instruction is English

- Use materials that support positive identity development, for example accurate portrayals of diverse groups, including people with disabilities; contemporary as well historical perspectives; contributions of under-represented groups in math, science, and other areas; materials and language that are free from bias (omissions, distortions, racism, sexism, ableism)
- Facilitate meaningful interactions with peers and adults in the classroom that promote satisfying social relationships in the classroom community

Concerning the last bullet, it is important to note that when students' life experiences and identities are only minimally reflected in the classroom discourse, instruction, and materials, students may encounter schooling practices that not only create barriers to learning, but which may appear unwelcoming, thereby affecting their achievement motivation, and contributing to feelings of alienation or marginalization (Tyler and Garcia, 2010).

### **Recommended Teaching and Learning Strategies to Support English Learners with Disabilities**

(Adapted from the *California Department of Education's California Practitioners' Guide for Educating English Learners with Disabilities*, 2019)

#### **Leveraging Background Knowledge**

- Drawing on primary language and home culture to make connections with existing background knowledge and developing students' awareness that their background knowledge may come from another language or culture
- Providing visual supports (visual aids or short videos in primary language and in English with closed captions) and [think-alouds](#) to aid in connecting new content to build background knowledge
- Guiding students as a whole class or in small groups, complete a [KWL chart](#) allowing students to use pictures and other non-linguistic representations as well as primary language to add to the chart

#### **Scaffolding Comprehension of Complex Texts**

- Teaching and modeling, through thinking aloud and explicit reference to strategies for making meaning and [reading comprehension strategies](#) (e.g., questioning, visualizing)
- Providing multiple opportunities to employ and be successful with learned comprehension strategies
- Emphasizing a clear focus on the goal of reading as meaning making (with fluent decoding as an important skill) while English learners are still learning to communicate through English

- Explicit modeling ([I Do, We Do, You Do](#)) and discussion of strategies and how to use tools (e.g., graphic organizers, rubrics) with ample opportunities for practice in meaningful contexts
- Reviewing and practicing previously learned comprehension strategies using a familiar text at an accessible reading level (a text students have read previously)
- Explicitly teaching and modeling new comprehension strategies using a familiar text
- Explicitly modeling (via think-alouds and visual models-[Using Classroom Document Cameras to Engage Your Students](#)) of how to apply the comprehension strategies students have been using on familiar text to a new text
- Clearly explaining the specific learning target for each reading of the text
- Rereading selected passages to model and practice looking for answers to questions or to clarify points of confusion
- Reading the text aloud (or using an audio recording) for the first reading so all students hear the entire text prior to beginning analysis tasks
- Unpacking selected sentences to help students disentangle the meanings in grammatically and content-dense sentences

### **Fostering Vocabulary Development**

- [Explicitly teaching vocabulary](#) critical to understanding and planning multiple opportunities to develop word knowledge over time
- Structuring many meaningful opportunities for students to use new vocabulary in discussions and in writing
- Explicitly using primary language, including cognates, and developing [cognate awareness](#)
- Explicitly teaching how to use [morphological knowledge](#) and [context clues](#) to derive the meaning of new words as they are encountered
- Making morphological relationships between languages transparent (e.g., word endings for nouns in Spanish, –dad, -ión, -ía, -encia) that have the English counterparts (-ty, -tion/sion, -y,-ence/-ency)
- Integrating photos and media to illustrate or explain domain-specific vocabulary (e.g., erosion, tsunami)
- Demonstrate how students can use [online visual](#) and auditory dictionaries that provide visual connections and use [text-to-speech](#)

### **Scaffolding Writing and Language Awareness**

- Explicitly teaching and discussing how written texts are organized and what kinds of language resources are used to make them cohesive (e.g., text connectives and transitions)
- Supporting students to analyze the grammatical structures in texts (e.g., complex and compound sentences, extended noun phrases) and how they contribute to the meaning of the text

- Drawing attention to grammatical differences between the primary language and English (e.g., word order differences)
- Drawing attention to similarities and differences between the text organization, language features, and structures of different text types (genres)
- Using metalanguage to talk about language (e.g., extended noun phrases, complex and compound sentences, nominalization)
- Using anchor charts to explicitly show how different genres are organized and which language resources are typically used in them
- Providing time and protocols for students to analyze and discuss mentor texts, texts that students can aspire to and that are the same genre as the one they will be writing
- Providing graphic organizers to support organization and content of writing
- Unpacking selected grammatically complex sentences to help students discuss the language the author used to convey meaning and to provide a model for how students can choose to write
- Offering relevant sentence stems and frames

### **Collaborative Discussions**

- Structuring equitable peer and small group discussions—both brief and extended—to promote collaborative meaning making of text, videos, or other media and opportunities to use newly acquired grammatical structures and vocabulary
- Strategically grouping (e.g., pairs, triads, small groups) for specific learning tasks to best support students’ specific learning needs, depending on the purpose of the discussion
- Crafting and posing thoughtful questions that promote extended discourse, and providing time for students to gather their thoughts and rehearse what they will say
- Providing appropriate (to the discussion task) language frames or stems that students can choose to use (or not) to support discussion
- Establishing discussion norms and protocols that are reviewed often
- Providing opportunities for [“back channel” discussions](#), digital conversations that run concurrently with face-to-face activities, thus providing students with an outlet to engage in conversation
- Providing opportunities prior to in-person discussions for students to have processing and rehearsal time (posting questions and thoughts online a few days prior to the class discussion then bring to in-class discussion)

### **Sequencing Learning Tasks**

- Systematically sequencing texts and tasks so that they build upon one another

- Continuing to model close reading of complex texts during teacher read-alouds while also ensuring students develop proficiency in reading complex texts themselves
- Focusing on the language demands of texts, particularly those that may be especially difficult for English learners
- Carefully sequencing tasks to build understanding and effective use of the language in them
- Offering texts at students' readability levels that address key content ideas to build proficiency in reading in preparation for students to engage with more complex text
- Chunking the larger texts or tasks into smaller sections or sub-tasks so that students can focus before moving on to the next section or sub-task
- Rereading a text multiple times to build understanding of ideas and language incrementally, beginning with literal comprehension questions on initial readings and moving to inferential and analytical comprehension questions on subsequent readings

### **Universal Design for Learning**

[Universal Design for Learning \(UDL\)](#) is a framework that focuses on reducing barriers and optimizing learning and inclusivity in diverse classrooms. UDL is grounded in neuroscience that shows that learning occurs in three broad networks in the brain directly associated with engagement, representation and action and expression (Cast, 2023). Effective use of UDL provides diverse learners, including dually identified students, options in each of the categories designed to meet their needs.

UDL Technique	Key Actions
<p><b>The “WHY” of Learning</b></p> <p>Affective Networks of the Brain:</p> <ul style="list-style-type: none"> <li>• Engagement</li> <li>• Recruiting Interest</li> <li>• Sustaining Effort &amp; Persistence</li> <li>• Self-Regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Vary instructional techniques and activities.</li> <li>• Institute various forms of cooperative learning.</li> <li>• Build in multiple and varied opportunities for oral language use.</li> <li>• Display word walls.</li> <li>• Offer student choice and involve students in decision-making.</li> <li>• Develop classroom routines and procedures including schedules and calendars with due dates.</li> <li>• Give timely feedback and promote peer evaluation.</li> <li>• Encourage self-reflection.</li> <li>• Review and practice frequently.</li> <li>• Give brain breaks.</li> </ul>
<p><b>The “WHAT” of Learning</b></p> <p>Recognition Networks of the Brain:</p> <ul style="list-style-type: none"> <li>• Representation (for resourceful, knowledgeable learners, present information and content in different ways)</li> <li>• Perception</li> <li>• Language, Mathematical Expressions and Symbols</li> <li>• Comprehension</li> </ul>	<ul style="list-style-type: none"> <li>• Vary delivery of instruction: field trips, virtual field trips, online scavenger hunts, guest speakers, group work, etc.</li> <li>• Incorporate drama with role play.</li> <li>• Use visual aids: pictures, diagrams, charts, graphs and graphic organizers.</li> <li>• Utilize PowerPoints.</li> <li>• Incorporate videos with captions or written transcripts.</li> <li>• Offer clear and easy-to-understand materials.</li> <li>• Provide explicit instruction of key vocabulary.</li> <li>• Rephrase complex language using familiar vocabulary and simplified syntax.</li> <li>• Connect previous learning to new concepts.</li> <li>• Explain relevance of lessons and both long- and short-term goals.</li> <li>• Employ reciprocal teaching – techniques that ask students to predict, question, clarify and summarize textual passages.</li> <li>• Model think-alouds and comprehension strategies.</li> <li>• Teach students how to take quality notes.</li> </ul>

UDL Technique	Key Actions
<p><b>The “HOW” of Learning</b></p> <p>Strategic Networks of the Brain:</p> <ul style="list-style-type: none"> <li>• Action and Expression (for strategic, goal-directed learners, differentiate the ways they can express what they know)</li> <li>• Physical Action</li> <li>• Expression and Communication</li> <li>• Executive Functions</li> </ul>	<ul style="list-style-type: none"> <li>• Allow students to demonstrate understanding through various modes: song, role play, presentation, drawing, etc.</li> <li>• Differentiate assignment options and provide choice if possible.</li> <li>• Reflect on students’ strengths and weaknesses when designing assessments.</li> <li>• Offer the option of writing by hand or keyboard.</li> <li>• Create options for assessment in which extensive language production is not required to demonstrate critical thinking.</li> <li>• Utilize multimedia and interactive web tools.</li> <li>• Provide sentence frames and other scaffolds.</li> <li>• Create models and rubrics with performance criteria.</li> <li>• Employ think-alouds, self-monitoring and self-assessment.</li> <li>• Offer “think” time.</li> <li>• Break big projects into smaller chunks.</li> <li>• Encourage metacognition, or “thinking about thinking,” by asking students to explain their work.</li> </ul>

For more information, visit [UDL-Aligned Strategies](#).

**Formative Assessment**

Formative assessment is a pedagogical practice that involves careful observation of students as teaching and learning tasks are unfolding, which allows teachers to gain valuable feedback from students on how and what they are learning, adjust instruction, and provide feedback to students in a timely manner. This process is critical to quality teaching as teachers do not just deliver instruction to a passive audience. Rather, students are partners in teaching and learning, and formative assessment is the process through which appropriate and contingent scaffolding for learning occurs. Formative assessment is also essential for reflective practitioners to know if what they carefully planned actually worked, and if not, to step in and refine lessons and teaching approaches on-the-go. The sources of evidence available to teachers in formative assessment processes are what students do, say, make, or write. This includes teacher-student interactions fueled by well-designed questions or structured peer-to-peer discussions that the teacher observes.

**Examples of Effective Formative Assessments**

- Running Record- is a formative assessment of reading fluency progress. A developmentally appropriate passage from a text is selected, and a student reads aloud. The teacher notes accuracy, self-correction and errors, and then looks for miscue patterns within those errors to plan next steps for reading strategy instruction.

- Retell/Summary- is a written or oral post-reading activity to assess student comprehension through sequencing of events or identifying main idea and details.
- Reader's Theater- is an activity to assess reading fluency, comprehension, intonation and enunciation. There are a variety of ways to institute reader's theater, but the activity typically begins with reading a piece of literature. Students then collaboratively create and practice a script based on the reading and then perform the script. [Digital Story Telling](#) is similar but involves multimedia, and Role-Play functions similarly but does not require a script.
- Graphic Organizer-an activity that allows students to represent their knowledge and comprehension in a visually organized way (e.g., anchor chart, Venn diagram, cause and effect, story map, sequence chart, hierarchy diagram or concept map). Teachers can then assess graphic organizers at a glance.
- [Accountable Talk](#)- is structured academic communication between students based on pre-established norms. Teachers provide open-ended questions and helpful sentence stems for students to use to clarify, explain, justify, question, challenge, interpret and paraphrase one another. Teachers monitor discussion and questions being asked to assess student understanding.
- Noticing Nonverbal Cues- involves visually checking for signs of understanding or confusion, such as facial expressions, eye movements and hand gestures. This is the most noticeable and immediate type of formative assessment.
- [Bounce Cards](#)- students receive cards that require them to either bounce an idea off something their peer said, sum up what their peer said, or inquire into what their peer said.
- [Whip Around](#) - pose a question that has various responses and have students do a [Thought Jot](#). Students write down as many answers as they can think of. "Whip" around the room, having each student share one of their responses. Students should not repeat an answer and must add something new. Have students discuss themes of responses.
- [Value Lineups](#) –ask students to take a stance on a topic. Have students move to designated areas of the room for agree, disagree, and not sure/in between. Have students justify their stance by networking with their peers. Ask students to reposition, and have students who have changed positions share why.
- [Misconception Check](#) –provide a misconception statement. Students discuss why they agree or disagree and perhaps how to make the statement truthful.
- [Socratic Seminar](#) –a student facilitated discussion about a text in which students practice listening to one another, making meaning, and finding commonalities.
- Voice Responses- [Mote](#) , [Voicethread](#) ,or [Vocaroo](#)
- Google forms, word clouds, polls, and surveys
- Differentiated exit tickets (with options)
- Interviews/observation/conferring logs/anecdotal notes
- Comprehension questions

- Student notes/Cornell notes
- Pre and post tests and quizzes

### **English Learners at Risk for Dyslexia**

English Learners (ELs) are just as likely to have dyslexia as their native-English-speaking peers. Yet, they tend to be identified later because some risk factors associated with dyslexia, such as issues related to phonemic and phonological awareness and rapid automatized naming, are often present in ELs as well, which can make it difficult to make determinations regarding dyslexia within this population (Hoeft, 2017). Teachers and even parents may think a child is having trouble with reading because they are learning a new language. It can be challenging to discern the difference between the natural process of language learning and reading difficulties.

A good indicator of dyslexia is if a child struggles with reading in their native language as well as in English. Therefore, best practice when evaluating bilingual students for characteristics of dyslexia is to assess them in both languages. Then evaluators can better establish if a child is having difficulties with reading-related tasks in just one language or in both. At-risk factors for dyslexia would be present in both languages. Even if an EL is not literate in their native language, they can still be tested for phonemic and phonological awareness in their native language if they have oral language skills (Brown, 2008). However, if students lack both oral and literacy skills in their native language, it would be moot to assess them in their native language. Due to this likelihood, evaluators should extensively review linguistic and educational history of ELs before making determinations regarding assessments.

Additionally, English learners who are proficient in their native language and whose language is transparent (languages with direct connections between letters and sounds) particularly benefit from assessment in both languages. With transparent languages, students are able to sound out words with ease. Comparatively, the opaque language of English with letters that may and may not coordinate with sounds often leads to decoding issues for ELs as well as some native-English-speaking students. Because transparent languages are predictable, native language assessments that reveal fluency and orthography (the conventional spelling system of a language) issues can be immediate indicators of dyslexia (Snowling, 2000).

Furthermore, educators should consider educational and cultural backgrounds and experiences of ELs. Cultures throughout the world have varying perspectives and philosophies on education. Some ELs may have interrupted, limited, or no formal education. Furthermore, some ELs may have faced trauma or may be experiencing culture shock or the silent period which are both common stages in second language acquisition. Consequently, it is crucial for evaluators to thoroughly examine and investigate these possibilities.

ELs are doing double duty all the time. Their cognitive workload is continuously stressed as they navigate and make connections between languages and simultaneously learn content. ELs who struggle to read require the same access to effective evidence-based

Tier 1 core instruction as their native-English-speaking peers. They should have access to explicit instruction and modeling in all strands of [Scarborough's Reading Rope](#). Moreover, EL students benefit from instruction using [Structured Literacy](#). They need instruction that is diagnostic, explicit, systematic and cumulative.

Importantly, they must also have access to English Language Development (ELD) instruction and scaffolds. Please see section English Learner Instruction and the Learning Environment

Unaddressed dyslexia in ELs is certainly concerning as Brown (2008) suggested that students with below-average phonemic awareness in their native languages will have difficulty learning a new language. This is particularly worrisome because language learners rely on transfer skills; in other words, linguistic strengths in a student's first language should transfer to the English. This is why experts believe that dyslexia should be remediated in the native language first since this will then transfer to English whenever possible (Ortiz et al, 2002).

English Learners also benefit when they receive meaningful, specific, and immediate feedback from trusted adults, which allows the student to learn new skills without confusion or incorrect learning (Carnine, Silbert, Kame'enui, & Tarver, 2004). Feedback can be given regarding the pronunciation, grammar, and usage of English by using three types of feedback.

EL Feedback Types:		
Type	Description	Example
<b>Recasting</b>	Do not focus on what is wrong. Instead give a recast of student's response with appropriate pronunciation, grammar, or usage while adding additional information if appropriate.	<b>Teacher:</b> Tell me about how an animal can survive in its habitat. <b>EL Student:</b> He survived with camivloge. <b>Teacher:</b> Yes, animals can survive by using camouflage to blend in with their surroundings.
<b>Change the Mode of Response</b>	This technique gives the EL a choice when answering. It helps reduce the language demand but also allows the teacher to provide a formative assessment of the student.	<b>Teacher:</b> What state of matter is coffee? Is it a solid or liquid? <b>EL student:</b> A liquid. <b>Teacher:</b> You are right. Coffee is an example of a liquid. It can take the shape of its container like coffee does when you pour it into a cup to drink it.

<b>Reteaching</b>	This is used in response to a wrong answer.	<p><b>Teacher:</b> What state of matter is coffee?  <b>EL student:</b> A solid.  <b>Teacher:</b> A solid takes up a defined shape like a piece of metal or the wood on the top of your desk. A liquid takes the shape of its container like coffee does when you pour it into a cup. Coffee is a liquid. Let's say it together.  <b>EL Student and Teacher:</b> Coffee is a liquid.  <b>Teacher:</b> Now you say it.  <b>EL Student:</b> Coffee is a liquid.</p>
<b>Modified from Teaching English Learners: A Supplementary LETRS Module (Arguelles, Baker, &amp; Moats, 2011, pgs. 13-18)</b>		

If an EL is determined to be at risk for dyslexia, fortunately many of the strategies used to remediate dyslexia are already incorporated into English Language Development (ELD) instruction for ELs. For example, dyslexia remediation calls for instruction on speech perception, phonemic and phonological awareness, and sound-symbol connections. These are embedded features of ELD. In addition, both students at risk for dyslexia and ELs should receive instruction and be able to demonstrate understanding and learning in a variety of modalities. For more information, visit [Oklahoma Dyslexia Handbook](#).

### Professional Development

The following training is recommended regarding dually identified students:

- 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
- [EL Instruction and Professional Development](#)
- [MTSS Implementation](#) and [MTSS and English Learners](#)
- [Oklahoma Science of Reading Academies](#), [From the Start Project](#), and [Oklahoma's Comprehensive Literacy Plan](#)
- [Universal Design for Learning Professional Development Packet](#) and [Universal Design of Learning \(UDL\)](#)
- [Special Education Services' Instructional Methods](#)
- [Special Education Professional Development Directory](#)
- [Special Education Services' Dyslexia](#)

## Glossary

**Accommodation:** Changes in the curriculum, instruction, or testing format or procedures that enable students with disabilities to participate in the general education curriculum. Accommodations should be considered to include assistive technology as well as changes in presentation, response, timing, scheduling, and settings that do not fundamentally alter the requirements. Accommodations do not invalidate assessment results. For dual identified EL/special education eligible students, accommodations should be developed in consultation with LEA staff familiar with EL learning needs and be documented on both the student's Individual Education Plan (IEP) and English Language Academic Plan (ELAP).

**Assessment (special education-specific definition):** An assessment component is a measurement that provides information regarding the student's current levels, how the student learns, and the student's negative or positive response to an intervention or teaching strategy (e.g., evidence-based interventions with progress monitoring data). Assessments may be standardized or non-standardized, criterion-referenced (e.g., curriculum-based measurement-CBM), or norm-referenced, and usually elicit responses from students to situations, questions, or problems to be solved. Assessment data also includes, but is not limited to, observations, interviews, medical reports, and other formal or informal data. An assessment purpose is formative and is the process of collecting, reviewing, and using data gathered over a period of time that provides feedback on the student's deficits and areas of improvement.

Therefore, the LEA must ensure that assessments and evaluations are conducted as part of comprehensive initial or reevaluation covering all components related to the suspected disability or disabilities, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence (or cognitive abilities), adaptive behavior, academic performance, communicative status, and motor abilities (34 C.F.R. § 300.304(c)(4)). The initial evaluation must include sufficiently comprehensive information to identify the suspected disability and all of the student's special education and related service(s) needs, whether or not commonly linked to the disability category.

**Asylees:** People who have traveled to the U.S. on their own and were subsequently granted asylum.

**Basic Interpersonal Communication Skills (BICS):** Consists of Tier 1 and Tier 2 everyday survival and high frequency vocabulary. It takes six months to two years to develop BICS.

**ELP Band Committee Exit Request:** Process by which an EL student scoring in the range of 4.3-4.7 Composite/Overall on the ACCESS for ELLs assessment, or by meeting specific scoring criteria on the Alternate ACCESS assessment, may be eligible to exit EL status.

**Cognitive Academic Language Proficiency (CALP):** Academic language consisting of Tier 2 and Tier 3 vocabulary. It takes five to seven years to develop CALP.

**Composite/Overall Score:** The measure of an EL student's overall level of English language proficiency derived from their WIDA ACCESS for ELLs domain test sub-scores. The Composite/Overall score is reported as a whole number followed by a decimal, with the whole number reflecting the student's proficiency level (1-6) and the number after the decimal reflecting how far the student has progressed within that level.

**Decision Rules:** LEA-created rules detailing the specific criteria to be used in the decision-making process when electing to support a student with a greater, or less intensive, tier of intervention. The primary purpose of developing rules locally is to ensure consistency of practice in the identification of students with disabilities and to safeguard equitable student treatment within the OTISS tiered intervention model.

**Dually-Identified:** A student who has been both identified as an English Learner and been formally determined to have a special learning need.

**Dyslexia:** A specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge (IDA, 2002).

**English Language Academic Plan (ELAP):** The student-specific document detailing an EL student's current assessed level of English language proficiency, domain-specific learning targets, type of EL intervention(s) provided (the LIEP), and allowable classroom and state assessment accommodations.

**English Language Development Integrated and Designated:** Integrated English Language Development means instruction in which the state-adopted ELD standards are used in tandem with the state-adopted academic content standards. Integrated ELD includes specially designed academic instruction in English. Designated English Language Development means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development (ELD) standards to assist English learners to develop critical English language skills necessary for academic content learning in English.

**English Language Proficiency Assessment (ELPA):** The ESSA-mandated assessment of English language proficiency that must be administered annually to all identified English Learners. Federal law requires the assessment measure English proficiency across the four domains of language- Reading, Writing, Speaking, and Listening. Oklahoma's adopted ELPA is the WIDA ACCESS for ELLs assessment.

**English Learner (EL):** Any student that has been formally identified per the state EL identification process and has yet to attain English language proficiency as measured by the WIDA ACCESS assessment.

**Evaluation (special education-specific definition):** An evaluation is a procedure, or a prescribed method, used to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs. An evaluation component purpose is summative in order to understand the student's learning or mastery of content in relation to determining eligibility under one of the disability categories of IDEA.

**Former English Learner (FEL):** A student who has met state English language proficiency requirements and has been exited from EL services.

**Home Language Survey (HLS):** The federally mandated, state-created document used for the purpose of identifying potential English learners. Every student, regardless of EL status, must have a valid HLS on file at the site and/or LEA level.

**Individualized Education Program (IEP):** A written document that is developed for each eligible student with a disability and documents specially designed instruction and related services. The IEP is the collaborative product of a team, including parent(s), student (as appropriate), Local Education Agency (LEA) personnel, and other IEP team members who, through full and equal participation, identify the unique needs of a student with a disability and plan the special education services to meet those needs.

**Language Instruction Educational Program (LIEP):** The total of all formal interventions and supports, within an identifiable EL instructional model, provided to an identified English learner for the purposes of supporting English language acquisition. If one or more identified EL students is served by an LEA, a completed summary of the LEA's LIEP(s) must be submitted via the Title I section of the LEA Consolidated Application. ELs must be provided a language instruction program that enjoys a sound basis in research, is properly resourced, and is shown to be effective.

**Least Restrictive Environment (LRE):** Under the Individuals with Disabilities Education Act (IDEA), students with disabilities have the right to receive individualized instruction, within the scope of their needs, in their least restrictive environment. Students with identified disabilities must be provided a free appropriate public education (FAPE) alongside their nondisabled peers. Removal from this environment is justified only to the extent required to provide the student the supplemental interventions and services necessary to best ensure progress in the general education setting.

**Long Term English Learner (LTEL):** While the term is not specifically defined in federal or state statute, for federal reporting purposes the term applies to a student who has yet to demonstrate English language proficiency on either the WIDA ACCESS or Alternate ACCESS assessments five or more years after their initial identification as an English Learner.

**Monitored Student (a.k.a. Monitor-Year Student):** A Former English Learner (FEL) who is currently enrolled in any one of the four years of education following their demonstration of English language proficiency on the WIDA ACCESS assessment and subsequent exit from EL services and supports. First and second year monitored students must be actively monitored to ensure ongoing academic success.

**Multi-Tiered System of Supports (MTSS):** A comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decision making (ESEA, Title IX, Sec. 8002(33)).

**Newcomer:** General term for a foreign-born student who has recently arrived in the United States and enrolled in U.S. schools.

**No Measurable Academic Response (NMAR):** Performance criteria and subsequent status used to prevent a student from being inappropriately tested. A student qualifying for NMAR status must have a documented disability and possess none of the receptive or expressive language skills necessary to participate in any ACCESS for ELLs domain assessment.

**Norm Referenced Test (NRT):** A locally administered test that measures a student's performance against the state and/or nationally normed performance of their peers. Local administration of an NRT is not required and must be supported at local expense.

**Oklahoma Alternate Assessment Program (OAAP):** Component of the Oklahoma School testing Program (OSTP) designed to ensure that students with the most significant cognitive disabilities participate in ESSA mandated state content area assessments.

**Oklahoma School Testing Program (OSTP):** Oklahoma's ESSA mandated, standards based content area assessments administered in grades 3-8 and 11 for Mathematics and English Language Arts, grades 5, 8, and 11 for Science, and grade 11 for U.S. History.

**Pre-K Screening Tool (PKST):** A ten question, oral language screening tool developed by OSDE for the purpose of EL identification at the pre-K level. There is currently no WIDA-developed screening or summative assessment for pre-K students.

**Refugee:** People who have fled their country of origin due to persecution based on race, religion, nationality, political opinion, or membership in a particular social group.

**Students with Limited or Interrupted Formal Education (SLIFE):** Students that require intensive foundational English language development, literacy, and numeracy instruction.

**Universal Design for Learning (UDL) Guidelines:** A tool used in the implementation of Universal Design for Learning. These guidelines offer a set of concrete suggestions

that can be applied to any discipline or domain to ensure that all learners can access and participate in meaningful, challenging learning opportunities.

**Unaccompanied Minors:** Someone who enters the United States:

- Under the age of 18 years old,
- Without lawful status, and
- Without an accompanying parent or legal guardian.

**WIDA:** Organization that develops and supports the ESSA-mandated, standards-based English language proficiency assessments adopted by Oklahoma for all kindergarten through 12th grade EL students. Additionally, WIDA manages the WIDA Consortium, the member group of states, territories, and federal agencies dedicated to the design and implementation of high standards and equitable educational opportunities for English Learners.

**WIDA ACCESS for ELLs:** The collective name for the suite of summative English language proficiency assessments developed and supported by WIDA. The ACCESS assessment is administered annually to all kindergarten through 12th grade English Learner students.

**WIDA Alternate ACCESS for ELLs:** A large print, paper based English language proficiency assessment administered to students in grades 1-12 who are identified as English Learners (ELs) with the most significant cognitive disabilities. Alternate ACCESS is intended for ELs who participate, or who would be likely to participate, in the state's alternate content assessment(s) (OAAP).

**WIDA Assessment:** Federal law dictates that a student may only be moved in to, or out of, EL status by demonstrating proficiency on a valid assessment designed to measure English language proficiency (ELP) across the four domains of language- listening, speaking, reading, and writing. As a member of the WIDA consortium, Oklahoma uses the WIDA suite of assessments for this purpose. The WIDA Screener or MODEL are used to move a student into EL status, while meeting English language proficiency on the WIDA ACCESS or Alternate ACCESS justifies moving a student out of EL status. Generally speaking, a student should only placement test with the Screener one time and then participate in the ACCESS or Alternate ACCESS annually until achieving proficiency in English.

**WIDA Can Do Descriptors:** Highlight what language learners can do at various stages of language development as they engage in the following contexts and describe what learners can do with language across different content areas.

**WIDA Kindergarten Screener (K Screener):** WIDA-developed initial assessment of English language proficiency administered to students in kindergarten and the first semester of first grade. The Composite/Overall score achieved on the initially administered Screener dictates the EL status of the student.

Kindergarten 1st semester: Potential EL students are administered only the oral language domain (Speaking and Listening) section of the WIDA Screener for Kindergarten\* or Kindergarten MODEL.

Kindergarten 2nd semester through 1st semester 1st grade: Potential EL students are administered all four domains (Listening, Speaking, Reading, and Writing) of the WIDA Screener for Kindergarten\* or Kindergarten MODEL. The WIDA Screener: Second semester 1st grade through 12th grad

**WIDA MODEL (Measure of Developing English Language):** A suite of WIDA-developed English language proficiency assessments for grades K-12. The MODEL may be administered at any time during the school year, dependent on local needs, and MODEL scores may be used as a predictor of student performance on the ACCESS for ELLs assessment. While the MODEL may be used in place of the WIDA Screener to formally identify potential EL students, it may not be administered in place of the WIDA ACCESS or Alternate ACCESS assessments. Note that use of the MODEL is not required and that an LEA electing to implement the assessment must do so at local expense.

**WIDA Screener:** WIDA-developed initial assessment of English language proficiency administered to students in second semester of 1st grade through 12th grade. The Composite/Overall score achieved on the initially administered Screener determines the EL status of the student.

**WIDA Proficiency Level Descriptors (PLDs):** Describe typical ways multilingual learners might develop across six levels of English proficiency.

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## Appendix I. Pre-Referral Checklist for English Learners with a Suspected Disability

<b>Pre-Referral Checklist for English Learners with a Suspected Disability</b>	
<b>Considerations Before Referring English Learners or a Special Education Evaluation</b>	
Has the LEA team noted the student's English language proficiency level and used WIDA's <a href="#">Can Do Descriptors</a> or the appropriate proficiency level descriptors to understand what the student can and cannot do with the English language?	<input type="checkbox"/>
Is there a qualified educator who is culturally competent and knowledgeable in second language acquisition on the LEA team?	<input type="checkbox"/>
Has the LEA team considered cross-cultural differences and how they might impact learning?	<input type="checkbox"/>
Has the LEA team ruled out the silent period, cultural shock, or possible trauma as potential factors that may be contributing to the student's difficulties in school?	<input type="checkbox"/>
Has the LEA team considered the student's competency in social and academic language?	<input type="checkbox"/>
Has the LEA staff team reviewed the student's cumulative records to see if the student is a Newcomer, LTEL, or SLIFE?	<input type="checkbox"/>
Has the LEA team reviewed the student's enrollment and attendance history? Is the student considered highly mobile?	<input type="checkbox"/>
<b>English Learner Instruction and the Learning Environment</b>	
Has the student's instruction and learning environment been observed to ensure that the student is receiving English learner supports?	<input type="checkbox"/>
If these supports are not witnessed during observations, are there educators that can provide these services?	<input type="checkbox"/>
If not, has professional development been provided to the student's teachers so they can implement EL best practices?	<input type="checkbox"/>
After the student receives these EL supports for a period of time, have they been effective?	<input type="checkbox"/>
Has the student's use of English language in different contexts been observed?	<input type="checkbox"/>
Have EL instruction and the learning environment observations been documented and maintained in the student's cumulative folder?	<input type="checkbox"/>
<b>Differentiating between English Language Proficiency or Disability</b>	
Has the LEA team utilized the <i>Comparison of Language Differences Versus Disabilities</i> charts? Have discoveries based on the charts been added to the student's cumulative folder?	<input type="checkbox"/>
Has the LEA team interviewed parents, teacher(s), and the student? Have documentation of these interviews and insights been added to the student's cumulative file?	<input type="checkbox"/>
Has the LEA team conducted diagnostic assessments in English and the student's native language if possible and have these reports and conclusions been added to the student's cumulative folder?	<input type="checkbox"/>

Has the LEA team observed the student in various contexts and has the team included observation forms and notes in the student's cumulative folder?	<input type="checkbox"/>
<b>Multi-Tiered System of Supports (MTSS)</b>	
Was Tier I instruction accommodated in a manner that allowed the student to access instruction and demonstrate their understanding (See English Learner Instruction and the Learning Environment)?	<input type="checkbox"/>
Were Tier II and Tier III interventions implemented with fidelity and were they appropriately accommodated for the student's level of English language proficiency (See English Learner Instruction and the Learning Environment)?	<input type="checkbox"/>
Is there data (evidence) to support the identified learning issue is most likely a learning disability and not related to limited or interrupted formal education, chronic absenteeism, recent arrival, mobility issues, medical issues, or other external factors?	<input type="checkbox"/>