


IDENTIFYING AND SERVING ENGLISH LEARNER STUDENTS WITH DISABILITIES GUIDANCE MANUAL

Language and Culture Division
New Mexico Public Education Department
Guidance Handbook





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Public Education Department
Language and Culture Division

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Notes

This guidance handbook, and other resources can be found on the [NMPED LCD Website](#).

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Contents

Part A: Before Identification: Proactive Support for All English.....	1
<i>MLSS for EL Students</i>	<i>3</i>
<i>Culturally and Linguistically Responsive Universal Design for Learning</i>	<i>4</i>
<i>Identifying Students with Disabilities as EL Students.....</i>	<i>5</i>
Part B: Evaluating English Learner Students for Special Education Eligibility.....	6
<i>Introduction</i>	<i>6</i>
<i>Part B Overview: Prereferral and Evaluation Processes.....</i>	<i>6</i>
<i>Prereferral.....</i>	<i>7</i>
<i>Student Assistance Teams</i>	<i>7</i>
<i>Cumulative File Check.....</i>	<i>8</i>
<i>Ruling Out Extrinsic Factors</i>	<i>9</i>
<i>MLSS Interventions.....</i>	<i>11</i>
<i>Comprehensive Evaluation</i>	<i>12</i>
<i>Informed Consent.....</i>	<i>12</i>
<i>Eligibility Determination Teams</i>	<i>12</i>
<i>Interviews</i>	<i>13</i>
<i>Observations.....</i>	<i>14</i>
<i>Selecting Language of Assessment.....</i>	<i>14</i>
<i>Options for Assessment in Languages Other than English.....</i>	<i>15</i>
First Best Option: A Proficient Assessor Conducting Assessments in a Language Other Than English	15
Second Best Option: Trained Interpreter Conducts Home or Heritage Language (LOTE) Assessments.....	16
Third Best Option: Trained Interpreter Provides Oral Translation of Assessments	16
Fourth Best Option: Assessor Tests Non-Verbal Areas of Cognition in English.....	16
<i>Comparison With Like Peers</i>	<i>16</i>
<i>Eligibility Determination</i>	<i>17</i>
<i>Triennial Review.....</i>	<i>18</i>
Key Points: Prereferral and Evaluation Processes.....	18
<i>Rio Rancho Vignette: Collaboration as Key to Effective Prereferral and Evaluation Processes for English Learner Students.....</i>	<i>19</i>
Part C: Instruction for Students with Disabilities Who Are English Learners.....	21
<i>Developing the IEP for Students With Disabilities Who Are also English Learner Students</i>	<i>21</i>
Key Points: Students with Disabilities Who Are English Learner Students	23
<i>Student Agency.....</i>	<i>23</i>

Key Points: Student Agency	23
<i>Family Engagement (Parent Participation)</i>	24
Key Points: Family Engagement (Parent Participation)	25
<i>IEP Development</i>	25
Key Points: IEP Development.....	29
<i>Instructional Programming and Least Restrictive Environment</i>	29
Key Points: Instructional Programming and Least Restrictive Environment.....	32
<i>Accessibility and Accommodations</i>	32
Key Points: Accommodations	34
<i>Scheduling</i>	34
Key Points: Scheduling	36
<i>Instructional Collaboration</i>	36
<i>Farmington Vignette: A Model of Collaboration to Serve English Learner Students With Disabilities or Suspected Disabilities</i>	37
<i>Instructional Considerations</i>	40
Key Points: Instruction	41
Key Points: Collaboration	41
<i>Summary</i>	41
Glossary	43
References	46
Appendix A	49
Appendix B	51
Appendix C	55

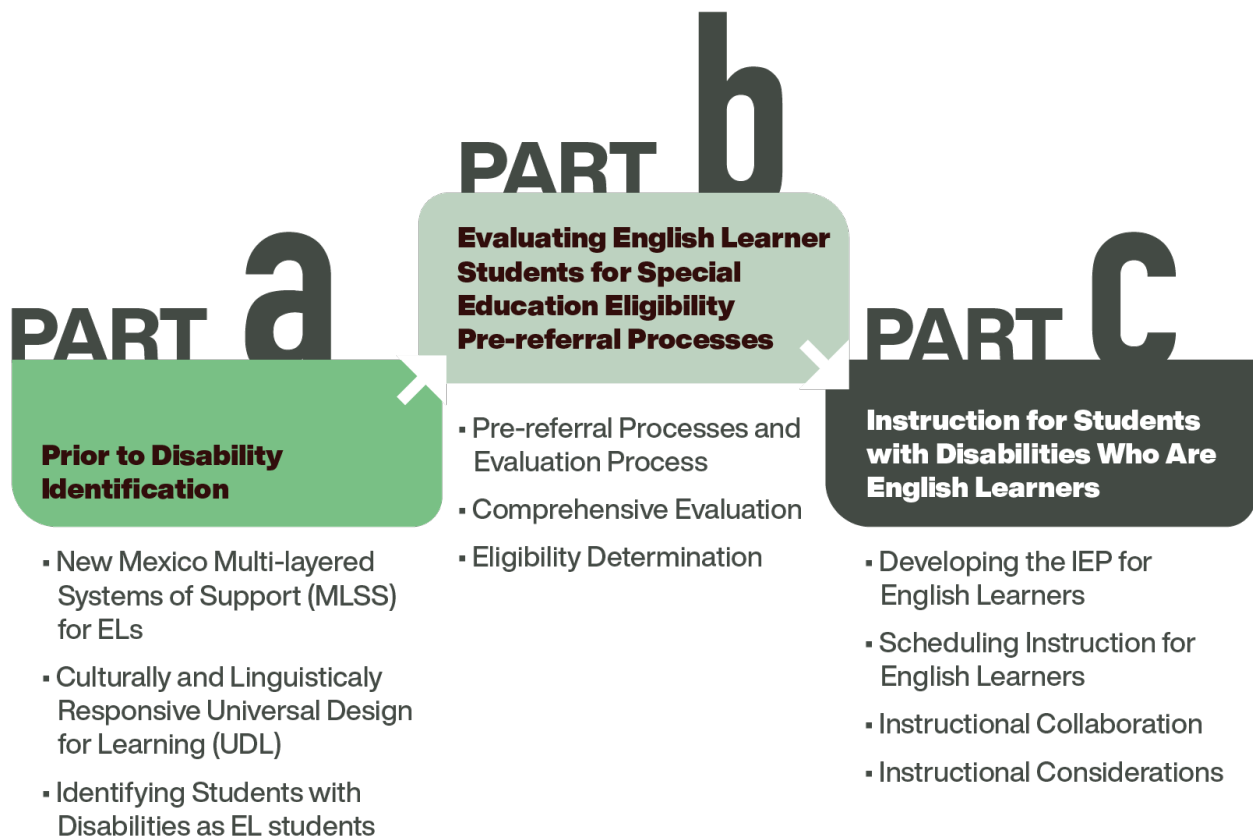
Part A: Before Identification: Proactive Support for All English

The disproportionate representation of **English learner (EL)** students in special education is a national concern (NASEM, 2017). This issue is especially relevant to New Mexico where, according to the New Mexico Public Education Department's (NMPED's) Technical Evaluation and Assessment Manual, there is "a history of over-identification of children from diverse backgrounds as children with disabilities, particularly in the areas of specific learning disability and speech or language impairment." (2017, p. 15). As stated in Section Four of this manual, learning and behavioral needs that may indicate a disability might actually be manifestations of language development or social and cultural differences.

EL students bring to school a wealth of cultural and linguistic assets as well as unique language learning needs that must be taken into consideration. Language development requires time. EL students must not be viewed as having a disability simply because they are not yet proficient in English. Thus, a critical first step in accurately identifying EL students with disabilities is understanding the nuances of providing high-quality core instruction with an effective EL program or services and instructional supports that target and meet the needs of this specific student population.

This guidance document is intended to provide practitioners working with EL students with disabilities, and EL students with potential disabilities, with a resource to support them in providing an appropriate set of services that support academic growth and English language development. Figure 1 shows the organization of this guidance document. It reflects the process steps in providing proactive supports through the **New Mexico Multi-Layered System of Supports (MLSS)** framework in Part A, the process steps of the pre-referral and Special Education evaluation processes in Part B, and the development of asset-based **Individualized Education Programs (IEPs)** and evidence-based instructional supports for students who are dually identified in Part C.

Figure 1. Guidance Manual Organization



The scope of this guidance provides practitioners with a road map of process steps to ensure that EL students are not referred for special education evaluation simply because they are learning to communicate in English. Each section addresses the need to individualize instruction, intervention, prereferral process steps, and the special education evaluation process to ensure that only English learner students with identified disabilities are eligible for special education. Pursuant to the Individuals with Disabilities Education Act (IDEA), a child suspected of a disability cannot be deemed eligible for special education if the determinant factor is limited English proficiency (20 U.S.C. § 1414(b)(5)(C); 34 C.F.R. § 300.306(b)(1)(iii); 6.31.2.10(H)(2) NMAC). Therefore, special education eligibility determinations and development of IEPs should be asset-based, culturally and linguistically responsive (CLR), and provide dual services, including **English language development (ELD)** and special education services for students at the intersection of exceptionality and diversity.

The U.S. Department of Education’s (ED) English Learner Toolkit, in chapter six, describes four potential factors that may contribute to over-identification of EL students as students with disabilities:

1. lack of knowledge about second language acquisition and development and disabilities;
2. poor instructional practices;
3. weak intervention strategies; and
4. inappropriate assessment tools (Sánchez et al., 2010, as cited in U.S. Department of Education, 2017).

This guide addresses recommendations related to these four points (and more).

MLSS for EL Students

All students, including EL students, are entitled to a high-quality core of foundational instruction and a layered continuum of supports as outlined in the NMPED's [MLSS Implementation Guide](#), available on New Mexico's [MLSS website](#).

The New Mexico MLSS model provides three layers of support to all students. It is important to note that an EL program or service is part of Layer 1 core instruction. Such a program includes **designated ELD**, a dedicated course or block of time for English language acquisition and development. Furthermore, as part of an EL program, **integrated ELD** is required, which includes every teacher, regardless of content area, using appropriate language supports with EL students to ensure that students have meaningful access to content instruction as well as build the academic language necessary for the content area. Instruction is characterized by cooperative inquiry-based learning with ample opportunities to use language in reciprocal discussion, opportunities to use **home language** with home-language-speaking peers supported by word walls if applicable, formulaic expressions, and visuals to support complex English vocabulary. All students, including EL students and students suspected of having a disability, must have access to Layer 1 instruction.

Please refer to the LCD's English Learner webpage for detailed information about serving EL students and EL programs; please refer to the [LCD's English Learner webpage](#). A further option to provide an EL program for students in our state is a state-funded **bilingual multicultural education program (BMEP)**. BMEPs provide instruction in, and the study of, English and the home or **heritage language** of the student. For further information on BMEPs, please see the following link: [Bilingual Multicultural Education Programs \(BMEPs\) – New Mexico Public Education Department \(state.nm.us\)](#).

If an EL student is not successfully acquiring the **language proficiency** growth or core curriculum-related knowledge and skills, then Layer 2 interventions may be appropriate, provided in addition to high-quality Layer 1 core instruction. For EL students, the interventions and data-informed decisions include analysis of the growth in English language proficiency as well as other academic areas.

If an EL student is receiving Layer 2 interventions and not making the expected progress, including in English language proficiency growth or experiencing an educational crisis, the student should receive Layer 3 interventions. Layer 3 intensive interventions focus on providing students with instruction to meet their individualized learning, behavioral, or social-emotional needs.

In the case that a school or district experiences a high rate of **Student Assistance Team (SAT) referral** or retention recommendations, especially among EL students, leaders must evaluate the school or district's culture and climate, core instructional program, instructional practices, and behavioral expectations to ensure that students are receiving adequate instruction.

In this guide, we refer to three separate teams, which cover three different aspects of the process for identifying and serving English learners with disabilities. The first team, which collaborates during the prereferral phase of the process, is the aforementioned SAT. During the second phase, when an EL student is identified with a disability, the Eligibility Determination Team (EDT) convenes. Finally, during the third phase, the Individualized Education Program (IEP) Team collaborates to create an IEP. Each phase and the

purpose of each team will be explained in detail in this guide. Figure 2 offers an illustration of the sequence of these teams.

Figure 2. Team Sequence



In Part A of this guide, we begin by describing the work of the SAT, as indicated in Figure 3.

Figure 3. Student Assistance Team



Culturally and Linguistically Responsive Universal Design for Learning

An essential element of ELD and high-quality instruction within the MLSS framework is **Universal Design for Learning (UDL)**. UDL is a framework to optimize teaching and learning by making instruction more accessible and appropriate for EL students (CAST, 2018). CLR UDL is characterized by instruction that is proactively designed to ensure that content is accessible to EL students by identifying and addressing curricular barriers prior to instruction.

When UDL is implemented within the context of a student’s unique culture by using options, choice, and flexibility to increase engagement and learner empowerment, then teachers are provided room to differentiate lesson content for cultural relevance, varied learning styles, and diverse language needs in the classroom (Rice Doran, 2015). Instructional planning using the UDL guidelines for all tiered interventions naturally focuses on the accessibility of language for learning. As the medium through which the majority of instruction is delivered, language plays a primary role in enhancing access to the content, and it supports the development of the student’s language proficiency in both English and their home language (Rice Doran, 2015). Providing opportunities for language practice and student choice is a foundational element of UDL-guided instruction.

A final element of UDL that is essential for EL students is the importance of rigor and challenge. UDL is not meant to reduce expectations but to improve accessibility and embedded supports that fade away as students gain proficiency. For EL students, the idea parallels teaching students within a student’s Zone of Proximal Development per sociocultural learning theory (Vygotsky, 1978). Instruction for EL students should always offer high support to accomplish challenging educational tasks appropriate to their age and grade level (Walqui & van Lier, 2010).

Identifying Students with Disabilities as EL Students

Just as EL students have language learning needs that must be considered within MLSS and the EL program, students who have already been identified with disabilities also require special education support. In designing inclusive instruction for students with disabilities, it is important to identify whether they are also English learners and, if so, their English language proficiency level.

Students who have already been identified with a disability and are enrolling in kindergarten through grade 12 (K–12) public education for the first time will go through the EL identification process, the same process for all students new to public education. This process begins with the **Language Use Survey (LUS)** completed by the parent or guardian. Based on the LUS responses, the student may be a potential EL student. All potential EL students will be administered the department-approved English language proficiency screening assessment, the **WIDA Screener for Kindergarten**, or the WIDA Screener Online for grades 1–12, based on the **WIDA ELD standards framework**. For EL students with disabilities who require a paper-based assessment per their IEP or 504 Plan, a **WIDA Screener** paper version is available. To ensure the screening process is valid and reliable and to allow students with disabilities to engage with the screening assessment, there are accessibility supports and accommodations that can be used during the screening assessment administration. However, only the accessibility supports or accommodations detailed in the [WIDA Accessibility and Accommodations Manual](#) may be used to ensure the validity of the screening assessment.

Not all students may be able to complete the screening assessment due to a disability. For example, if a student is unable to complete the screening assessment even after several attempts, then the result could indicate that the student is an EL student. In such a case, a public agency may not be fully certain of the language proficiency, and it is advisable to offer students the services to which they *may* be entitled rather than miss them. The [Serving English Learners TA Manual](#) describes the purposes of an EL program beginning on page 10.

The WIDA Screener for Kindergarten or WIDA Screener Online score determines whether the student is designated as **Initial Fluent English proficient (FEP)** or an EL student. Further information can be found in the [Language Usage Survey Guidance Handbook](#). Parents or guardians of students identified as EL students must be notified of the identification within 30 days of the beginning of the school year or 14 days if the student enrolled after the beginning of the school year. An initial sample [parent notification letter](#) can be found on the [English Learner Resources](#) section of the NMPED's **Language and Culture Division (LCD)** website.

Please refer to the [LCD's English Learner webpage for guidance on core instruction for EL students](#). To ensure that the Individualized Education Program of an EL student with a disability is designed to meet the student's needs, please see Part C of this guide.

All EL students are assessed annually on English language proficiency (ELP) growth to ensure they are developing English and becoming proficient in the English language as measured by the department-approved ELP assessments referred to as **ACCESS for ELLs (ACCESS)** or **Alternate ACCESS for ELLs (Alternate ACCESS)**. *ACCESS for ELLs* is New Mexico's statewide, standards-based, criterion-referenced ELP assessment. Accommodations that a student with a disability may need for the ELP assessment are included in the student's IEP. However, only the accessibility supports or accommodations detailed in the [WIDA Accessibility and Accommodations Manual](#) may be used to ensure the validity of the assessment.

The **Elementary and Secondary Education Act (ESEA)** also requires that a state provide appropriate accommodations for EL students with disabilities. If an EL student has a disability that precludes assessment in one or more domains of the ELP assessment such that there are no appropriate accommodations for the affected domain, then the student's ELP is assessed based on the remaining language domains in which it is possible to assess the student (34 CFR § 200.6(h)(4)). For further guidance, please see WIDA's [Accessibility and Accommodations Manual](#).

All EL students should have had access to an effective EL program and CLR instruction in Layer 1 under MLSS. However, even with this well-supported instruction, some EL students may continue to experience challenges with academic success, as reflected in academic or behavior data. In this case, an initial special education eligibility evaluation may be appropriate.

Part B: Evaluating English Learner Students for Special Education Eligibility

Introduction

In Part B of this guide, clearly defined procedures are offered to members of **eligibility determination teams (EDT)** (Figure 4) for evaluating EL students for special education eligibility. Comprehensive evaluations of EL students for special education eligibility draw on a wide range of academic and prereferral intervention data and meaningful partnerships with educators, students, and their families. Students' full linguistic repertoire and cultural assets must be considered at every step of the diagnostic evaluation and interpretation of findings. Comparisons between the student's development and that of their peers with similar cultural and linguistic backgrounds, if possible, are also imperative. The evaluation must be individualized, comprehensive, and complete by covering all areas related to the student's suspected disability. In this way, evaluation bias can be avoided.

Figure 4. Eligibility Determination Team



This section provides site-based prereferral SATs and EDTs with guidelines for reducing bias and conducting accurate and appropriate evaluations for EL students.

Part B Overview: Prereferral and Evaluation Processes

This guide was created to assist New Mexico local education agencies (LEAs) to more accurately identify EL students with disabilities through comprehensive prereferral and evaluation processes. The following guidelines are rooted in the non-discriminatory principles of IDEA and its federal and state implementing regulations. Part B of this guide builds from and incorporates existing guidance from Section Four of the NMPED's [Technical Evaluation and Assessment \(T.E.A.M.\) Manual](#) (2017), which focuses on special

education evaluations on behalf of students who display cultural and linguistic diversity (including EL students). This current guidance is based on research-informed practice in the special education and English language development (ELD) fields and includes the following processes:

- Prereferral (conducted by SAT)
 - gathering information through the student’s cumulative file;
 - ruling out extrinsic factors; and
 - systematically implementing CLR prereferral interventions through MLSS.
- Comprehensive evaluation (conducted by EDT)
 - multiple evaluations conducted across multiple contexts in all areas of suspected disability by qualified assessors in the language or languages most likely to yield accurate data; and
 - meaningful engagement of students’ families throughout the prereferral and evaluation processes (adapted from Gaviria & Tipton, 2012).

[Graphic here to show the steps that SAT vs. EDT vs. IEP]

It is important to note that, in the case of EL students with low-incidence disabilities, such as orthopedic impairment, visual impairment, and deafness, special education eligibility decisions do not depend on prereferral processes.

Prereferral

Educators initiate the prereferral process for EL students who experience ongoing academic or behavioral difficulties. All prereferral processes are conducted within New Mexico’s MLSS. However, educators can implement layered interventions on behalf of an EL student before the prereferral process is initiated. During prereferral, SAT members engage in a series of steps, including (1) gathering the student’s cumulative file, (2) ruling out factors extrinsic to disability, and (3) monitoring intervention progress through MLSS. These prereferral steps are described in detail in the following section. If the SAT team continues to observe a consistent pattern of limited progress, it may refer the EL student for an initial special education evaluation. However, a student may receive an initial special education evaluation before, during, or after the implementation of MLSS, and a parent may request the evaluation at any time. 6.31.2.10(B)(2) NMAC.

By carrying out MLSS interventions, SATs can obtain information about each student’s needs and make appropriate referrals to evaluate for special education eligibility. An important factor for preventing the over-identification of EL students in special education is to examine sufficient data, including data related to students’ language proficiency growth, academic data, and cultural assets before the point of referral for formal evaluation. If an EL student is referred for a **comprehensive evaluation**, then data collected during the SAT process will be critical for enabling EDTs to determine the nature of the EL student’s challenges accurately.

Student Assistance Teams

During the prereferral process, in collaboration with the student’s family, an SAT collects relevant data and ensures the student receives all necessary support within MLSS before making a special education

evaluation referral. SATs are school-based groups whose purpose is to provide additional support to students who are experiencing academic or behavioral difficulties. SAT members may vary by school but should include, at a minimum, an administrator, general education staff, and specialists in accordance with Section (J)(4) 22-2C-6 NMSA, 1978. In the case of EL students, it is also critical that SATs include a second language acquisition specialist (such as an ELD teacher, EL program coordinator, or a teacher who holds a **TESOL endorsement**) who *also* knows the student. Further information about SAT teams can be found in the NMPED's [Student Assistance Team Supplemental Manual](#). Site-based administrators must support the SAT process and define available resources for teams, including time for collaboration and planning. Effective SAT processes require a high degree of collaboration among staff and families. Based on their expertise and experience with the student, SAT members exchange information regularly to coordinate a coherent and comprehensive program of interventions and avoid duplication of effort.

Cumulative File Check

As a first step of the prereferral process, SAT members gather and examine a student's cumulative file to gain critical background information about the EL student. Cumulative files are generally located in the main office in paper form or as electronic files in a data system and follow a student from site to site. Educators can add information to the student file while completing this prereferral process step. Schools must ensure that cumulative files include a complete picture of the student's educational history, including attendance data, information about the student's performance in general education and interventions, any previous special education assessments or IEP, previous interventions, EL program, EL proficiency, and information related to speech and language, fine and gross motor skills, behavior, and counseling. Cumulative files can also contain hearing, vision, and health screenings.

SATs can draw from a range of data sources to gather any missing information.

1. **Records review:** Including previous school records (including instructional programs attended), SAT meeting notes, district data collection platforms, previous retention, attendance and tardy records, report card grades, vision, hearing, or health screenings, documentation of needs related to behavior, counseling, speech and language, and fine or gross motor skills;
2. **Standardized testing and other data:** Including LUS, WIDA Screener for Kindergarten, WIDA Screener Online, WIDA ACCESS, district-level short-cycle academic assessments, math and English language arts measures through the New Mexico Measures of Student Success and Achievement (NM-MSSA);
3. **Criterion-referenced measures:** Including rubrics for English language proficiency development (WIDA Can Do Descriptors), checklists and narrative data for academic and social language in the classroom, curriculum-based classroom assessments using UDL principles of multiple-means of action and expression;
4. **Interview data:** Including interviews with family members, the student, teachers, and other professionals working with the student;
5. **Observation data:** Including checklists and narrative data on language use and behavior on the playground, in the cafeteria, and during collaborative learning activities; anecdotal notes from teachers and other professionals working with the student; and
6. **Student work samples:** Including running records and oral language samples.

Ruling Out Extrinsic Factors

EL students bring unique cultural, linguistic, and other background assets to New Mexico schools. However, these differences can also impact their school performance. SATs must rule out student characteristics that are **extrinsic factors** to ensure that EL students' basic educational needs are being met. Extrinsic factors are outlined in IDEA (34 C.F.R. § 300.306(b); 6.31.2.10(H)(2) NMAC) and include

1. English language proficiency (including prior formal language instruction in the primary language, instruction using UDL principles, exposure to English in prior learning environments, and opportunity for student interaction);
2. Lack of appropriate instruction in reading or mathematics (in New Mexico, CLR Layer 1 core instruction through MLSS), which must include appropriate ELD;
3. Environmental or economic disadvantage (e.g., access to health care, nutritional needs, physical conditions that impact learning, frequent school moves, poverty, homelessness);
4. Cultural factors;
5. Temporary physical disabilities; and
6. Social maladjustment.

If the SAT determines that the EL student's challenges are primarily due to extrinsic factors, a referral for special education evaluation is not appropriate. If these factors are ruled out, and the EL student is referred for evaluation, evaluation reports must include a statement related to all extrinsic factors specific to the disability or disabilities identified. If the SAT does *not* find the extrinsic factors to be the primary or sole cause of the EL student's difficulties, the team can continue with MLSS interventions as part of the prereferral process.

Educators can only rule out extrinsic factors (see Table 1) by gaining a deep understanding of a student's background. Families hold this key information for making appropriate referrals to special education evaluations. To better understand a student's educational, linguistic, cultural, and social background, SAT members can meet with parents to discuss the following information:

- families' perceptions of the student's strengths and learning needs;
- student's developmental milestones in comparison with siblings;
- student's medical history, including prenatal, birth, and postnatal information, medical diagnoses, history of illness or injury, hospitalizations, etc.;
- student's experiential background (e.g., customs and celebrations, religious background, etc.);
- student's time attending a United States school;
- family's and student's mobility;
- student's birthplace;
- student's extent of sustained involvement with society or family outside of the United States;
- student's family composition (e.g., single-parent family, blended family, etc.);
- student's perceived ethnic identity; and
- parent's level of education.

These discussions might take the form of ethnographic interviews, which are explained further in this section. Families can also complete rating scales related to social and adaptive behavior.

Table 1. Extrinsic Factors That May Impact Learning

Factor	Definition
Physical and psychological	Access to health care, nutritional needs, physical conditions
Personal and cultural	Frequent school moves, poverty, homelessness, language barriers
Language development	ELD instruction, level of language instruction (oral and written), talk structures variety, student interaction opportunities
Previous and current learning environment	Prior formal instruction in primary language, instruction provided using UDL principles, previous amount of English instruction, previous education opportunities (Gaviria & Tipton, 2012)
English language proficiency	Prior formal language instruction in primary language, instruction using UDL principles, exposure to English in prior learning environments, student interaction opportunities
Lack of appropriate reading or mathematics instruction	In New Mexico, CLR Layer 1 core instruction through MLSS which must include appropriate English language development
Environmental or economic disadvantage	Access to health care, nutritional needs, physical conditions, frequent school moves, poverty, homelessness
Cultural factors	Customs and familial expectations that may differ from school norms (e.g., norms related to eye contact)
Temporary physical disabilities	Impairments that limit a child's mobility or strength for a limited period (e.g., surgery recovery)
Social maladjustment	A pattern of behavior resulting from the environment, such as lack of social support or negative peer influences

Source: (34 C.F.R. § 300.306(b); 6.31.2.10(H)(2) NMAC)

MLSS Interventions

SATs must ensure that the EL student has received CLR MLSS interventions, beginning with Layer 1 core instruction. SATs collect data on the EL student's progress in Layer 2 and Layer 3 interventions over time. To inform decision-making, researchers suggest that SAT teams compare students who are alike in "developmental, linguistic, cultural, and experiential dimensions" (Brown & Doolittle, 2008, p. 69); see *also* NMAC 6.31.2.10(H)(2) (discussing the use of a comparison process for guiding a special education eligibility determination). For example, the SAT team could compare an EL student's progress to other English learners with similar language and literacy levels in the same school and receive similar instructional programs and language of instruction (Artzi et al., 2022).

By identifying student strengths and learning needs patterns, SATs evaluate the effectiveness of the instruction and MLSS interventions. SATs can adjust or intensify the interventions based on their analysis of the progress monitoring data and comparing the EL student's progress with peers with similar language backgrounds. With each adjustment, the SAT continues to monitor the student's progress. The following data should be collected during the MLSS intervention process:

- teaching strategies used within MLSS Layer 1 core instruction, including the EL program (especially related to CLR instruction);
- MLSS Layer 2 and 3 interventions implemented and their duration and attention to CLR instruction;
- multilingual instructional supports included in MLSS interventions;
- outcome data of MLSS Layer 2 and 3 interventions;
- if the EL program is a state-funded BMEP, the length of time the student has received instruction in the home or heritage language and the progress the student has made in each language as applicable; and
- documentation of contacts with family members regarding academic or behavioral concerns, including documentation that MLSS progress monitoring information was shared with the family.

If the EL student's growth pattern improves or is inconsistent, the SAT may continue to adjust interventions and monitor progress. However, if a consistent pattern of limited progress is evident, the EL student might be experiencing challenges due to a disability. In this case, the SAT can consider the following questions before referring the EL student for a comprehensive special education evaluation:

- Has the EL student received CLR Layer 1 core instruction and Layer 2 and 3 interventions with appropriate ELD supports?
- How does the EL student's rate of learning over time compare to "like peers" [meaning students who are alike on "developmental, linguistic, cultural, and experiential dimensions" (Brown & Doolittle, 2008, p. 69)?
- Is there evidence to suggest the student's challenges are more likely due to disability rather than language development?
- Has the SAT consulted with the parent regarding learning or language patterns at home?
- Are there error patterns seen in the home or heritage language similar to the patterns seen in English? If not, are the patterns in English typical of second language learners versus a possible language or learning disability?

- Are the learning difficulties or language patterns manifested over time similar in different settings and contexts (home, school, and community)?

If the EL student is referred for a special education evaluation, a complete summary of the interventions implemented and student progress in those interventions will help the EDT make a valid special education eligibility determination.

Comprehensive Evaluation

If the SAT determines that a referral for assessment to determine eligibility for special education is appropriate, a comprehensive evaluation is conducted. This initial evaluation must be individualized, comprehensive, and complete, focusing on each student and their unique needs. When assessing an EL student, it is not appropriate for evaluation teams to use a rigid set of assessment tools and procedures to assess all students. The student must be assessed in all areas related to their suspected disability, with consideration for their level of English language proficiency. The purpose of these assessments is to identify

- whether a student has a disability as defined by the law [34 C.F.R. § 300.301(c)(2)(i)];
- the educational needs of the student [34 C.F.R. §300.301(c)(2)(ii)]; and
- the student’s special education and related services needs [34 C.F.R § 300.304((c)(6))].

EDTs can avoid evaluation bias by carefully considering potential interactions between students’ cultural and sociolinguistic backgrounds and suspected disabilities. To this end, EDTs must review a wide range of data, including (1) background sociocultural and educational information gathered through **ethnographic interviews** with the student and family (described in the following section); (2) interviews with educators on language use in the classroom (see the Teacher Language Observation Form, Tool 3 in the [Serving English Learners Technical Assistance Manual](#) and academic progress; (3) observation data collected over time in multiple contexts, (4) prereferral data collected during the prior SAT process (related to the cumulative file, ruling out extrinsic factors, and MLSS and other interventions); (5) assessment data collected through multilingual diagnostic tools; and (6) comparison of assessment data with “like peers.” In the following section, the steps for evaluating EL students with disabilities are discussed.

Informed Consent

Before initiating a special education evaluation, IDEA requires that EDTs obtain informed consent from the student’s family (34 C.F.R. § 300.300). If a family is to give *truly* informed consent for evaluation, they must clearly understand what they are consenting to. Thus, EDTs must provide parents with a description of the functional areas to be assessed and the plan for carrying out the assessment.

Eligibility Determination Teams

The purpose of the EDT is to engage a multidisciplinary perspective to determine whether a student is eligible to receive special education services. The EDT collects a wide range of data through multiple means of assessment over time (60 days from receipt of parental consent) to make their determination. Their collaboration begins at the point of evaluation referral and extends through assessment, identification, and development of the IEP (discussed in Part C of this guide).

NMPED’s technical assistance manual for [Developing Quality IEPs](#) outlines the members that makeup EDTs. Each member has an important perspective for understanding the EL student’s assets and learning

needs. Many members of the EDT might also have been part of the student's SAT during prereferral. EDT members include

- family members;
- student (when appropriate);
- at least one general education teacher;
- special education teacher(s);
- ELD teacher, ELD coordinator, or teacher who holds a TESOL endorsement and is knowledgeable about the student;
- district representative who supervises the meeting and is knowledgeable of the curriculum and school and district resources;
- school psychologist or other professional who can interpret evaluation results;
- principal, if other than the school representative;
- related service providers such as speech-language pathologists, autism specialists, occupational therapists, adaptive physical education staff, specialists familiar with intellectual disabilities, school nurses, social workers, family community liaisons, and other agency staff identified by the team; and
- parent advocate.

All members of the EDT share critical perspectives for understanding the EL student's specific needs. The family offers information about the student's strengths, language development, health history, and other important background information related to possible extrinsic factors (see Appendix B for an interview protocol that helps identify evidence of these factors). General education teachers provide data about the student's progress within Layer 1 core instruction. Special education teachers can contribute to the review of the MLSS data and often help develop the IEP. **As listed above, it is highly recommended that at least one second language acquisition specialist (such as an ELD teacher, EL program coordinator, or a teacher who holds a TESOL endorsement) who is knowledgeable about the student participates in EDTs for evaluations of EL students.** The ELD expert contributes information about the student's language development, including language proficiency in the four language domains (listening, speaking, reading, or writing) and language development needs. The second language acquisition specialist also has critical knowledge about the school and district's EL program as well as ELD and the language development trajectory of EL students. During the evaluation, the second language acquisition specialist can inform the EDT about accommodations required for assessing an EL student.

Interviews

Ethnographic interviews are open-ended interviews that provide a deep understanding of an interviewee's perspectives, beliefs, and understandings. To gain a comprehensive understanding of an EL student's strengths and learning needs, the EDT must conduct ethnographic interviews with relevant partners, including the student, the student's family, and the student's educators. Ethnographic interviews are powerful tools for educators to learn from others' expertise and better understand students in a holistic, whole-child way. Facilitating such conversations also builds trust and rapport with families, which is especially important with families of EL students with critical information not available from any other source, including insight about the student's developmental history, language use, family culture, and prior school experiences. Scholars indicate that family engagement can be even more important in these decisions than for parents of non-EL students (NASEM, 2017). Much of this information

might also be gathered during the SAT process, especially to rule out extrinsic factors such as language development and lack of appropriate instruction in reading or mathematics.

Student perspectives are critical to a comprehensive evaluation. Students offer a wealth of information about their assets, interests, and learning needs. EDTs can better determine whether student behaviors indicate a learning or language disability that might be considered typical for the student's cultural background or, when applicable, part of adjusting to life in the United States. Parent interviews must include an interpreter if necessary. Finally, general education and ELD teachers have valuable information about the EL student's current educational experience, interests, and strengths.

Observations

In addition to interviews, inductive observations must be conducted. In a review of the literature on services for English learners with disabilities, Park et al. (2016) suggest that educators conduct **holistic observations** (García & Ortiz, 1988) to comprehensively explore students' strengths and learning needs. In holistic observations, educators observe students across multiple learning and social contexts (e.g., classroom, collaborative learning activities, playground, cafeteria, home, extracurricular activity site) to compare students' language patterns and learning difficulties across different settings or subjects of learning and over time. Holistic observations also allow EDTs to determine whether the instruction and interventions students receive are evidence-based and CLR. EDTs can also compare how learning and language use patterns manifest in different settings and contexts (home, school, and community) over time.

Selecting Language of Assessment

IDEA requires that assessments be provided and administered in the language and form most likely to provide accurate information about what the student knows and can do academically, developmentally, and functionally unless it is not feasible to so provide and administer [34 C.F.R. § 300.304(i)(1)(ii)]. It is critical to assess EL students with attention to their full language repertoire to provide the EDT with comprehensive data about students' language development in their home or heritage language compared to English. Many EL students have received instruction "overwhelmingly" in English and have received little to no formal academic instruction in school in their home or heritage language. In these cases, EDTs must conduct assessments first in English and then in the student's home or heritage language to comprehensively understand students' language development. For EL students who have demonstrated some level of skill in both English and their home or heritage language, the assessor should make every effort to also assess students in both languages, except when assessment in the home or heritage language is impossible or not feasible. Home or heritage language assessment allows the assessor (psychologist, speech and language specialist, special educator, etc.) to determine whether similar patterns emerge in the four domains (listening, speaking, reading, or writing). This comparison can help the EDT rule out language development as an extrinsic factor and determine whether similar error patterns emerge in students' use of the home or heritage language as compared with English.

EDTs must determine which language or languages will be used during assessment to produce the most valid results. In selecting the language of assessment, some critical factors to consider are (where applicable)

- last grade completed or amount of time passed since the EL student has received schooling in the home or heritage language if the EL student attended school outside the United States if the EL student attended school outside the United States,
- amount of home or heritage language instruction the EL student has received (e.g., education experience in another country or experience in a state-funded BMEP,
- subjects taught in the home or heritage language, and
- levels of prior academic achievement.

It is also important to evaluate the cultural and linguistic appropriateness of all assessment materials, specifically regarding their cultural content and the performance style the assessments require of examinees. Assessors must document the adjustments made if non-standard test administration is most appropriate. Standardized test scores should be interpreted with caution when evaluating EL students. Norming samples for standardized tests are typically not stratified based on multilingual ability, and results can lack validity for EL students. Instead, EDTs should weigh the validity of standardized test scores by evaluating their consistency with other data sources, which are discussed in more detail below. All evaluation findings, including standardized test measures, should be analyzed and interpreted individually and comprehensively. Arbitrary cut scores are not appropriate.

Options for Assessment in Languages Other than English

If special education evaluations require assessment in the home or heritage language as well as in English, the EDT can examine whether similar error patterns emerge across languages and the four domains. This comparison can help the EDT determine whether the student's challenges stem from language development or a potential disability. In terms of selecting a language of assessment, a hierarchy of best practices is offered below. It is important to note that all assessment data should be triangulated with information about language development and learning collected during (1) **curriculum-based** and **criterion-referenced measures** collected during prereferral, (2) ethnographic interviews with the EL student's family and educators, and (3) holistic observations of the EL students across a variety of contexts over time.

First Best Option: A Proficient Assessor Conducting Assessments in a Language Other Than English

It is best practice to engage in the following steps, if feasible:

1. An assessor who is proficient in the language other than English (LOTE) administers cross-cultural, non-discriminatory assessments that align with the referral concerns in both the home or heritage language (LOTE) and English. For students whose home or heritage language is Spanish, the following assessments allow for measuring in both English and Spanish:
 - The bilingual English-Spanish Assessment (BESA; Peña et al., 2018) provides a comprehensive assessment of language by measuring both languages rather than measuring one or the other; and
 - The Ortiz Picture Vocabulary Acquisition Test (Ortiz PVAT; Ortiz, 2018) consists of two norm samples, one for monolingual English-speaking students and another for EL students.

2. If analysis of the data indicates the student is performing in the average or above average range in both languages, there is likely no disability; however, it is essential to still assess the student in their home or heritage language in relative or suspected areas of weakness to confirm scores using a LOTE-proficient assessor. If a student does not perform in the average or above average range in English (Rhodes et al., 2005), engage in home or heritage language (LOTE) assessment in all areas of concern.

Second Best Option: Trained Interpreter Conducts Home or Heritage Language (LOTE) Assessments

If an assessor proficient in the LOTE is not available to conduct the best practice assessment options listed above, a trained interpreter can administer the home or heritage language (LOTE) assessments under the supervision of a licensed assessor. This LOTE-proficient assessor limitation must be documented in the final evaluation report.

Third Best Option: Trained Interpreter Provides Oral Translation of Assessments

If no standardized assessments are available in the student's home or heritage language, an interpreter who speaks the student's home or heritage language can provide oral interpretation of assessments that are normed and written in English. Test items should be interpreted rather than directly translated. Reported results should not include numerical, standardized scores but instead an observation of patterns of strengths and weaknesses. If these patterns suggest the student has higher processing skills in their home or heritage language, assessors must attempt to engage in informal assessment in the areas of reading, writing, and math in the home or heritage language to the fullest extent possible. Assessors must also include a statement describing their qualifications, their level of language proficiency in the language of interpretation, the variations they made during test administration, and any potential impact of their interpretation on the assessment's validity and reliability.

Fourth Best Option: Assessor Tests Non-Verbal Areas of Cognition in English

When the above options are not possible, an assessor can test non-verbal areas of cognition in English. If the student shows low cognition or there are patterns of weakness, the EDT must triangulate this data with non-standardized data collection (such as criterion-referenced measures and student work samples) in their evaluation decision (Rhodes et al., 2005; Butterfield & Read, 2011).

Comparison With Like Peers

In addition to administering a range of assessments that capture students' full language repertoire, EDTs are advised to compare data gathered with those of similar peers who are alike on "developmental, linguistic, cultural, and experiential dimensions" (Brown & Doolittle, 2008, p. 69). In such a comparison, EDTs can determine how an EL student's progress in listening, speaking, reading, and writing in English compares with the expected rate of progress for the student's age *and* level of English proficiency with other students who have similar language and literacy levels and have received similar instructional programming and language instruction (Artzi et al., 2022). EDTs must also reflect on how an EL student's behaviors (that might otherwise indicate a learning or language disability) are considered typical for the student's cultural background or (when applicable) transition to life in the United States.

Eligibility Determination

The New Mexico Technical Evaluation and Assessment Manual emphasizes the need to carefully consider three areas when making eligibility decisions:

- Have all extrinsic factors been ruled out in determining the nature of the student’s learning needs?
- Does the student have a disability as defined by IDEA and NMAC?
- Does the student demonstrate a need for specially designed instruction as a result of the disability?

The New Mexico Technical Evaluation and Assessment Manual has guiding questions to assist in answering the three primary questions and making eligibility decisions. As mentioned previously, the EDT should include a second language acquisition specialist (such as an ELD teacher or EL program coordinator) for evaluations on behalf of EL students to provide insight related to English language development, the student’s language proficiency, and how their proficiency might have impacted assessment outcomes. It is important to remember that a number of extrinsic factors, including the student’s English language proficiency, must be ruled out when identifying an EL student as eligible for special education and related services (Gaviria & Tipton, 2012)

The EDT, including the family, considers all data collected during the prereferral and evaluation stages when making an eligibility determination. The EDT can use a tool created by Dr. Jarice Butterfield, entitled “Comparison of Language Differences Versus Disabilities” (published in the Federal EL Toolkit (OELA, 2017), Ch. 6, pp. 6–10) that helps distinguish between language development and disabilities. The determination must include a statement with the following information:

- basis for making the determination;
- rationale for the choice of assessments and language of each assessment;
- description of how assessments were administered (see previous section on reporting requirements);
- relevant behavior documented during observation across multiple settings over time;
- relationship between the behavior and the student’s academic and social functioning;
- educationally relevant health and development information;
- for students with a specific learning disability, the discrepancy between achievement and ability that has not been addressed through CLR core instruction and layered interventions within the MLSS framework and cannot be supported without special education and related services; and
- determination of extrinsic factors specific to the disability or disabilities identified—environmental, cultural, or economic disadvantage (see p. 14–15 of this guide), lack of appropriate instruction in reading and math, and lack of appropriate instruction in English language development.

If the EDT team determines that the student’s educational needs **were** primarily due to the extrinsic factor(s), then they are **not** able to determine that the academic or behavioral difficulties are due to a disability and, therefore, are not eligible for special education and related services.

Once the eligibility determination is made and the student is found both eligible and in need of special education or related services, the IEP team will use evaluation data, parental input, and the needs and strengths of the student to develop an IEP. The IEP will include annual goals, specialized educational programming and related services, accommodations and modifications, and an educational placement recommendation that places the student in the general education setting to the maximum extent appropriate.

Triennial Review

Under IDEA, a student identified with a disability must be re-evaluated every three years (triennial review). The triennial review aims to determine a student's current learning needs and whether the student continues to have a disability as defined by the law. The triennial review is similar to the initial evaluation but considers recent academic progress. More information about the student's learning is collected as needed. In the case of English learners with disabilities, current language proficiency and growth in language proficiency must be analyzed in reference to academic progress in IEP goal areas to determine whether the student continues to be eligible for special education services. Students with disabilities are expected to progress in their language development and show growth on all assessments, including ACCESS.

Key Points: Prereferral and Evaluation Processes

It is critical that during the prereferral process on behalf of English learners, the EDT takes measures to rule out factors that are extrinsic to disability. This step is part of the larger, comprehensive evaluation that EDTs conduct to determine if the EL student is eligible for special education services as a student with a disability AND needs special education services.

- The comprehensive evaluation process is highly informed by
 - interviews with the student, family, teachers, and other service providers; and
 - observations of student engagement in multiple settings.
- Assessments are provided to produce accurate information.
 - EDTs must identify the language of assessment that will produce the most valid and reliable results.
 - Results are not impacted by extrinsic factors, including language, cultural, environmental, and economic factors.
- A student is identified as eligible for special education services when they meet the criteria for disability described on the NMPED Special Education page AND are identified as needing special education services.
- An IEP team will develop an IEP to address the student's learning needs.

The multidisciplinary IEP team will use the data collected and contained in the special education evaluation to develop a culturally responsive IEP to meet the needs of EL students who are also identified as having a disability. The process steps to develop the IEP and inform the specialized instruction are found in Part C.

Professional collaboration is essential for ensuring that SAT and EDT processes function effectively. An example of such collaboration is illustrated in the following vignette from Rio Rancho Public Schools.

Rio Rancho Vignette: Collaboration as Key to Effective Prereferral and Evaluation Processes for English Learner Students

Rio Rancho Public Schools (RRPS) has developed exemplary prereferral and evaluation processes to accurately identify English learner students for special education eligibility and to avoid misidentification. Suzanne Nguyen, Executive Director of Federal, Bilingual, and Native American Programs, and Joy Morales, Executive Director of Elementary Curriculum and Instruction, explain their success.

At Rio Rancho, collaboration is the cornerstone of all instruction and support. As Nguyen stated, “The key word here is always ‘team’.” Collaboration begins when a student first enters the school, and teachers reach out to parents. “Relationship-building with families isn’t a singular event that begins at a certain stage of the process,” Nguyen explained. “It’s truly ongoing, from that first connection at registration.” From this foundation, teachers communicate regularly with families about their child’s progress within general education, specifically within Layer 1 core instruction under MLSS. Parents are informed when their child receives more intensive layers of support, and they are actively engaged once an SAT is convened. “We integrate families throughout the entire process. Nothing about a child should be news to the family. If the student needs an intervention, we have a conversation about how we can bridge that home–school support. The family should always be on the same page with the school and vice versa.”

Once the SAT process is initiated for an English learner student, all teachers who directly support the student collaborate to provide targeted, timely, and intentional support through the layers of MLSS. As Morales said,

We’re moving away from any kind of situation where our students might sit in the Student Assistance Team process for a while. Instead, we’re making sure our students are moving fluidly in and out of the layers based on their individual needs.

In the case of English learner students, English language development (ELD) coordinators are automatically members of the SAT. These professionals are highly valued for their knowledge of available ELD programming as well as the English learner student’s language development trajectory. According to Nguyen, “The language needs of an English learner student are equally important as all other data points. We’re looking at the whole student.” Families also engage in the SAT, offering invaluable insights about their child’s background, culture, strengths, and interests. Nguyen added,

Family engagement is an essential piece of our process, so that we have a nuanced understanding of what else is going on for that student. A lot of times that’s how we find out really important information that wouldn’t come up otherwise.

If the SAT refers the English learner student for a special education evaluation, collaboration continues through the EDT, which typically involves many members of the SAT. Educators with different areas of expertise collectively tease out an English learner student’s academic and behavioral needs as separate from their level of English language proficiency. “There can be intersections between language and disability,” Nguyen said.

Sometimes it's both (a disability and a language learning need), and sometimes it isn't. That's where it's really important to have different perspectives and professional knowledge come to bear around the student to understand what their actual needs are. We want to really understand how the child interacts with their peers and adults in different settings, and to make decisions that are going to help the student be most successful.

One critical area of focus in evaluations for English learner students is the language of the diagnostic assessment. Students might require testing in the home language, English, or both. For this reason, Rio Rancho's Bilingual Review Committee also joins the EDT. The Bilingual Review Committee is a sub-team of the Special Services Department and consists of a bilingual psychologist or diagnostician, a bilingual speech-language pathologist (SLP), and other specialists who provide bilingual ancillary support services. This committee works with the EDT to examine all available student data, such as results of the LUS, WIDA screener, WIDA ACCESS, curriculum-based assessments, and the student's performance in language and academics over a number of years. By gauging the student's growth rate in various areas, the Bilingual Review Committee can help the EDT determine if further diagnostic testing is needed and which language or languages are needed. The committee then oversees diagnostic testing to ensure that all assessments are administered in a way that is culturally and linguistically responsive and appropriate for the student. The committee might assign a Spanish-speaking assessor or a trained interpreter (for languages other than Spanish) to administer particular assessments. Over the years, Rio Rancho has built a large network of contractors for serving students and their families in non-Spanish languages. "We keep a close eye on the language trends within our community," Nguyen explained. "We make sure we have those interpreters available for any kind of assessment or correspondence."

Each assessor writes a statement pertaining to their evaluation contribution, describing their professional qualifications and procedure for administering the assessment. These statements are compiled in a comprehensive report, typically by the diagnostician from the Bilingual Review Committee, to be presented to the EDT. At this point, other members of the EDT, including the families, the ELD coordinator, and the student's teachers, can review the assessment data, corroborate the results, or offer contrasting evidence from their own experience with the student. EDTs also ask teachers to provide their input through classroom observations using the teacher observation tool in the NMPED's Language and Culture Division. ELD coordinators and teachers offer similar observations, but they do so through the lens of language development. ELD coordinators can also provide an assuring presence during actual testing since they have formed close bonds with the English learner students.

The district provides educators with continuous professional learning opportunities to support collaboration during the EL student prereferral and evaluation processes. "We all need refreshers," Nguyen stated. "We want to make sure that everyone is updated and current on the needs of the school community." Rio Rancho has also prioritized district-level collaboration among the Curriculum and Instruction, Federal Programs, and Special Services teams. According to Nguyen,

The first part of our relationship-building process has been to understand each other's work and what it looks like through the lenses of the other teams ... what each team does, and why they do it. Where does our work intersect, and how do we complement one another?"

In an example of such cross-disciplinary work, ELD coordinators engage with the Curriculum and Instruction team to adopt instructional materials that meet the needs of English learner students and then work with professional learning communities at the site level to guide appropriate implementation. Sharing expertise this way is part of the culture at Rio Rancho. As Nguyen said, “Our biggest message to our teams is that we don’t know everything, but we know that we don’t know, and we know where to go to ask the questions. We don’t want to inadvertently leave out another team.” Morales agreed, stating, “Everything we do is as a team. And we’re always about making sure that our students are successful.”

Part C: Instruction for Students with Disabilities Who Are English Learners

Developing the IEP for Students With Disabilities Who Are also English Learner Students

Now that the EL student has qualified for a disability under IDEA, they will be classified as **a student with a disability who is also an EL student**. Once the EDT determines that an EL student has a disability and needs special education and related services, the school district is responsible for developing an IEP that provides the required **free and appropriate public education (FAPE)** (IDEA, 2004). As part of this process, IDEA requires that the IEP team consider, among other special factors, the language needs of a student who is an English learner as those needs relate to the student’s IEP.

On pages 24–25 of the “Dear Colleague” letter released by the U.S. Department of Education and Justice (2015), it is stated:

School districts must provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under Federal law. Districts must also inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child’s IEP.

The letter clarifies that English language instructional programming must be addressed in the development of the IEP (Figure 5) to ensure that the student receives both federally required services.

Figure 5. Individualized Education Program Team



Following the eligibility determination, the multi-disciplinary IEP team collaboratively develops the IEP for the EL student. Some teams extend the eligibility determination meeting to include the IEP development, while others reconvene at another time to focus more specifically on educational planning. As with the

identification of English learners with disabilities, the development of IEPs should be a collaborative effort between families and educators with expertise in disabilities and English language acquisition (Hoover & Patton, 2017).

While the SAT, EDT, and multidisciplinary IEP teams may have some common members, each team has a distinct purpose, as clarified below.

Figure 6. Team Sequence



While having a team member with expertise in English language development is not specifically called out in the description of each team, educators and staff who can address the impact of language, culture, and identity on the student’s goals and services are necessary team members. NMPED strongly recommends that a second language acquisition specialist (such as an ELD teacher, EL program coordinator, or teacher who holds a TESOL endorsement) who knows the student is included on all teams.

As the IEP team begins to develop the plan for services and supports that include the specially designed instruction determined by the IEP, the team needs to consider that the student, although having the status of a student with a disability, is a general education student first. Beyond core general education, English learners with disabilities are entitled to receive EL program instruction *in addition to* and in combination with special education services. In their “Dear Colleague Letter,” the ED and Department of Justice (2015) stress that schools are required to provide both English language development and special education instruction for English learners with disabilities.

When the student’s assets are at the forefront, the team can effectively develop an IEP that will result in positive outcomes for academic learning and English language development. An **asset-based approach** focuses on the strengths and interests of the student to drive the decisions related to IEP goals, special education service delivery options, and EL program variables. An asset-based approach is critical to IEP development and instruction for all students with disabilities. The following quote illustrates the importance of affirming the strengths of *all* English learners, including those identified with a disability:

It's the shared vision everyone in a district must adopt before we can hope to set relevant learning goals or implement worthwhile instructional strategies for ELs. If students only hear of the gaps in their learning or that they have fallen behind, they will begin to act according to the low benchmark that has been set for their achievement. An asset-based approach to teaching is one that is grounded in what students can do rather than what they cannot do or areas of weakness. It is an embodiment of growth mindset in instruction (Hinkel, 2011).

Key Points: Students with Disabilities Who Are English Learner Students

- Students with disabilities who are English learner students are general education students first requiring access to
 - all programs available for all students;
 - EL programs to which the student is entitled; and
 - all special education services to which the student is entitled, based on their disability.

Student Agency

To truly plan and deliver asset-based instruction to the student, the student must have the opportunity to provide input on their identified interests, strengths, and assets. Several tools are available to help students reflect on themselves to identify these assets. The [Student Interest and Learning Survey](#) provides a tool teachers can use to obtain information directly from students about their interests and learning preferences. The student interview portion of the special education evaluation may also provide some important information on language use to inform instructional programming and planning for an EL student. (Appendix A). Another option is the Student with Disabilities who are EL Students Learner Profile (Appendix B), which provides an opportunity for students to recognize their uniqueness, discover their strengths, reflect on opportunities for growth, advocate for their own needs, and monitor their progress. The asset-based learning profile asks the student to reflect on what motivates them to learn, how they like to show their learning, and strategies they have used to help them persist through difficulties in the classroom.

Students can contribute to lead the development of their IEPs. For example, students can identify their strengths and share work samples to create their Present Levels of Academic Achievement and Functional Performance statements. Students can help create their learning goals and consider how they might monitor their progress toward reaching them. They might also choose instructional accommodations that match their learning styles. Such self-reflection can increase their agency and engagement in their learning. Research has shown that students involved in leading their IEP meetings spoke more often during these meetings and recalled significantly more IEP knowledge that they applied to their learning (Royer, 2017).

The [IRIS Center](#) is a national center that is dedicated to improving outcomes for students with disabilities through the use of evidence-based practices and interventions. They have developed instructional materials that help teachers support their students in taking steps to ensure their voices are heard, and they can be actively involved in their IEPs. The resources and materials for supporting teachers in encouraging student involvement in the IEP are in the [Student Centered Transition Planning](#) learning module.

Key Points: Student Agency

- Students with disabilities who are EL students inform their IEPs through student agency by
 - identifying their strengths, assets, and interests;
 - providing input through interest inventories, creating resumes, and informing learning profiles;
 - actively participating in their own IEP meetings; and
 - advocating for the accommodations or modifications as needed.

Family Engagement (Parent Participation)

Special education law mandates that families are meaningfully engaged in IEP meeting decisions (IDEA, 2004). Unfortunately, research suggests that families of culturally and linguistically diverse students, including EL students, are rarely included in actual decision-making during these meetings (e.g., Klingner & Harry, 2006; Cioè-Peña, 2020). Parents and families need an understanding of the whole process and why a child may need to be assigned a disability label to receive special education services. This is especially true for immigrant families since the difference made in the United States between an educational and a clinical disability can be confusing (E. Tardio, personal communication, May 9, 2023). The [National Dissemination Center for Children with Disabilities Archives](#) offers a valuable resource that explains all 13 disability categories. See Appendix C for additional resources.

To encourage family engagement, the Council of Chief State School Officers (CCSSO) recommends that schools and districts proactively establish relationships with families of EL students and include them in the planning and initiation of interventions prior to referral and evaluation. Training should be provided to help families understand special education and the range of possible services for their students. Simple documents, such as an accessible one-page overview explaining services along with a glossary of EL program and special education terminology, should be provided. Families must be provided with qualified, trained interpreters knowledgeable about special education and EL students throughout the process. To inform the development of the IEP, families are engaged through ethnographic and structured interviews to establish the family's perspective on their student's instruction and services. More information can be found in the [CCSSO English Learners with Disabilities Guide](#), [Parents Rights in Special Education Procedural Safeguards Notice](#), and the [Language Assistance to Parents or Guardians Guide](#) in the [New Mexico Parent and Family Portal](#).

Families are prepared to participate in the IEP meeting when provided an opportunity to reflect on their student's strengths, interests, and assets, as well as their aspirations for their student's future before the IEP team meeting. In *IEPs for ELs: And Other Diverse Learners* (Hoover & Patton, 2017), suggestions are provided for preparing families for the IEP process through home visits, family discussions, and guidelines for conducting successful IEP meetings. When families can prepare their responses before the IEP meeting, the meeting becomes a collaborative discussion intended to support the student. A Parent Report Questionnaire can be found on page 81 of the [Developing Quality IEPs Technical Assistance Manual](#).

It is important to provide the family with a folder that includes the meeting agenda and the parent's rights in the language they prefer to receive communication from the school, a pad or sheets of paper, and a pen for notetaking. Such preparation communicates to the family that they are an integral part of the team. Furthermore, the agenda serves as the road map for the meeting and assists the family in knowing what to expect. Providing bottled water or some snacks reflects an atmosphere of caring and respect.

Family and student input should be reflected in the meeting agenda. IEP team members must explain the child's disability, since this disability might not be widely understood in the family's culture. As mentioned before, the student can lead part of the IEP meeting as they share their strengths and interests. Putting the student and family first on the agenda communicates the importance of their input and allows the rest of the team to have a sense of the family and student's goals as they provide the data from their reports. The present levels of academic and functional performance (PLAAFP) data should include information from the family, the student, general education, special education, and a second language

acquisition specialist (such as an ELD teacher, EL program coordinator, or teacher who holds a TESOL endorsement) who is knowledgeable about the student with input from the psychologist, and other specialists and related service providers. 34 C.F.R. § 300.320(a)(1).

To ensure that families are partners in the IEP development process, interpreters can provide an oral translation at the meeting as well as give families IEP-related documents in their home or heritage language (34 C.F.R. § 300.322(e)). Guidelines for interpreters can be found in the ED's [English Learner Toolkit](#) and in [Providing Language Assistance to Parents or Guardians](#). Interpreters providing oral translation must have proficiency in the target languages, be comfortable with written and oral expressions, and have knowledge of specialized terms or concepts as well as be trained in their role and have a clear understanding of the ethics of interpreting and translating related to the need for confidentiality (maybe bring in citations). Chapter 10 of the [ED Toolkit for State and Local Agencies](#) discusses meaningful communication with families and provides guidance on using interpreters.

Key Points: Family Engagement (Parent Participation)

- Engaged families participate as active members of the IEP team. When families are engaged in the development of the IEP and their input is valued, they are able to provide essential input into decisions about IEP goals, special education service delivery, and the EL program or service to support their student's academic, behavioral, and language development.
- Families have a voice in providing information for IEP planning and development.
- Families provide a unique perspective on the student's strengths, assets, and interests, and they have access to information that is not available from any other source (NASEM, 2017).
- Families inform IEP goals based on their knowledge of the student's aspirations for adulthood.
- Families are given choices for EL and special education programming.

IEP Development

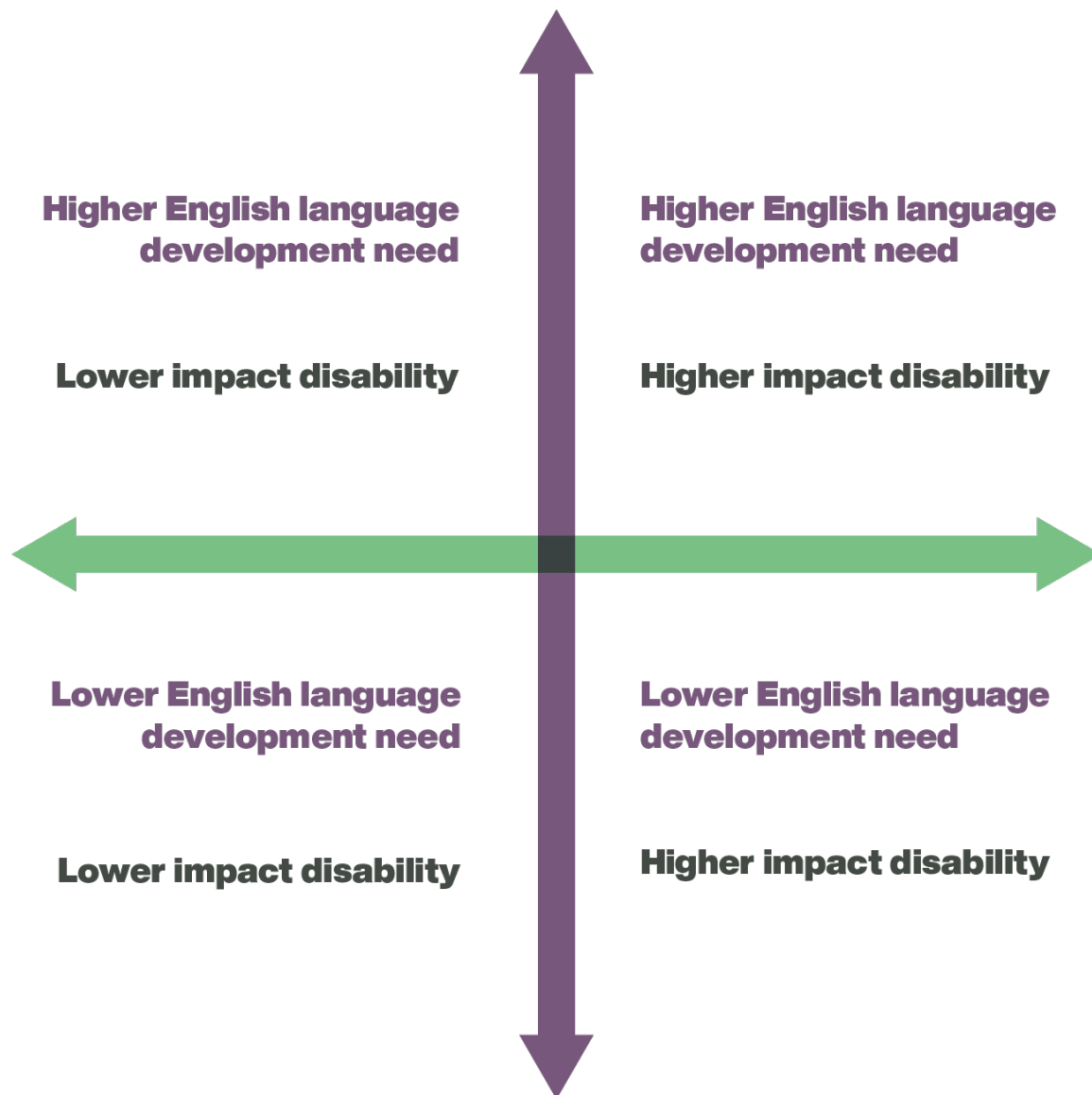
Guidance on the development of the IEP can be found in the [Technical Assistance Manual: Developing Quality IEPs](#). While this document does not directly address the development of the IEP for an EL student, it includes all the necessary components of developing a coherent program that considers the needs of EL students with IEPs.

The considerations for English learner students include an IEP that identifies

- current level of language proficiency, including performance on the annual English language proficiency assessment (ACCESS or Alt. ACCESS);
- linguistically appropriate goals and objectives;
- instructional programming and **least restrictive environment**; and
- IEP accommodations and modifications.

The following graphic can map a student's linguistic and disability-related needs as the IEP team develops goals that will support academic and English language development. Figure 7 shows a continuum of English language proficiency and exceptional learning needs at the intersection of disability and language proficiency. Disability is on the x-axis, and language proficiency is on the y-axis. Using data to inform goal development, IEP teams consider both language goals (y-axis) and exceptional learning needs (x-axis) when making decisions about goal development.

Figure 7. Continuum of English Language Proficiency and Exceptional Learning Needs



When considering the development of the content of IEP goals, the IEP team should reflect on the student's English language development as well as their disability-related learning deficits. This quadrant, adapted from Leech and colleagues (2013), recognizes that high EL needs should be reflected in goals that include significant language development emphasis with a focus on oral responses with opportunities to use home or heritage language for responses. Goals for an EL student with lower language development needs might have a greater emphasis on written language responses in English. In the same way, students with high disability-related needs will have goals that reflect greater skill development, while lower disability-related needs might have a greater focus on meeting grade-level curriculum standards. Using the two lenses of language and disability should result in goals that consider the levels of both language and disability. Identifying which quadrant is the most appropriate description of their needs will help the team address academics, behavior, and language development in the linguistically appropriate goals and objectives.

These IEP goals should reflect the student’s current language proficiency level to ensure the student can access each goal. Prior to developing the goals, the IEP team should consider

- cognitive level of the student;
- language proficiency of the student in listening, speaking, reading, and writing;
- developmental level of the student’s English and home or heritage language in listening, speaking, reading, and writing;
- prior knowledge and experiences of the student;
- culturally relevant materials and experiences; and
- cultural heritage of the student (Butterfield & Reed, 2011).

Hoover & Patton (2017) explain that an IEP must include clear content goals and objectives and academic language provisions necessary to provide EL students with the language skills they need to achieve those content goals or objectives. The Tools and Resources for Addressing English Learners with Disabilities ED Toolkit provides a *Checklist for IEP Teams* (OELA, 2017, pp. 11–12) to consider when developing an IEP for EL students. They recommend that teams consider both the English language conversational skills as well as academic language proficiency by assessing the student’s level of ELP in listening, speaking, reading, and writing to support and strengthen the implementation of the IEP goals. A team member with expertise in ELD is included as well as ensuring that “present levels” statements address how the student uses their home or heritage language and how they use English. This information is key to the development of linguistically appropriate goals.

As IEP teams take into consideration the students assessed areas of need, language proficiency level, student learning style, strengths, assets, and interests to develop goals that address the [grade-level standards](#), which include the **ELD standards**. In the examples below, target academic standards for the New Mexico Common Core State Standards in 3rd-grade reading and math, and WIDA ELD standards for 3rd grade are integrated to ensure that language acquisition is addressed through the specially designed instruction associated with enabling a student’s achievement of their IEP goals. More information on developing linguistically appropriate goals can be found in Hoover and Patton (2017), identifying the steps for developing Specific, Measurable, Attainable, Relevant and Time-Bound (SMART) goals for EL students that are CLR.

The goals below provide a sample of the alignment of ELD and English language arts and mathematics content standards in linguistically appropriate goal development. These goals support coherent ELD and content instruction in that they are intended to develop content and English language skills. Educators can create linguistically responsive goals by taking the following steps:

1. Identify the content standard that the IEP goal will address.
2. Consider the [WIDA Key Language Uses \(pages 26-27\)](#) the student will use to achieve this content standard.
3. Write a goal that incorporates both the content standard and the language students will use to achieve that goal.

Tables 2 and 3 illustrate how content standards and language uses can be considered in tandem for drafting IEP goals.

Table 2. Creating Third Grade Linguistically Appropriate Goals Aligned to Common Core State Standards and the WIDA ELD (Reading)

Progress Indicator for Reading Informational Text, Grade 3	Determine the main idea of a text
Reading Informational Text	RI.3.2. Determine the main idea of a text; recount the key details and explain how they support the main idea.
Key Ideas and Details	Academic Standard (NMCCSS)
ELD-LA 2-3 Inform Interpretive	Interpret informational texts in language arts by identifying the main idea and key details
WIDA	ELD Standards (WIDA ELD)
IEP Goal	By (date) after reading grade-level informational text of the student's choice using a student-made glossary with first language support of key terms, concepts, or visual representations, the student will infer and verbally state the main idea using one complete sentence with verbal response scaffolds, in two out of three opportunities as measured by teacher observations.

Table 3. Creating Third Grade Linguistically Appropriate Goals Aligned to Common Core State Standards and the WIDA ELD (Math)

Progress Indicator for Math Operations and Algebraic Thinking, Grade 3	Interpret products of whole numbers
Operations and Algebraic Thinking	3.OA.A. Represent and solve problems involving multiplication and division Academic Standard (NMCCSS)

Progress Indicator for Math Operations and Algebraic Thinking, Grade 3	Interpret products of whole numbers
ELD-MA 2-3 Explain. Interpretive WIDA	Interpret mathematical explanations by identifying concepts or entity ELD Standards (WIDA ELD)
IEP Goal	By (date) after using a student-made glossary with first-language support of key terms, concepts, or visual representations, a student chooses a specific visual representation and identifies appropriate operations to solve multiplication and division word problems with 80% accuracy.

When writing linguistically appropriate goals and objectives, it is critical to consider the student’s language proficiency level when determining how the student will show mastery in developing the goal. ELD language proficiency levels for each grade are found in the [WIDA English Language Development Standards Framework \(2020\)](#).

Key Points: IEP Development

- IEPs developed for EL students ensure that language proficiency needs are integrated into the student’s special education services.
- IEP goals are developed to be linguistically appropriate to support both language and academic skill development.
- Goals are aligned to both the NMCCSS and WIDA standards.

Instructional Programming and Least Restrictive Environment

Once the IEP team determines the appropriate special education and language support services, the team decides how to provide these services in the **least restrictive environment** (IDEA, 2004). The persistent misconception that it is detrimental for EL students with disabilities to learn two languages simultaneously has led to EL students being restricted from home or heritage language instruction and the opportunity to participate in a BMEP once they are identified as a student with a disability. The language program options *may not be limited* due to the identification of a disability.

As a part of the IEP decision-making process, the team determines the language of instruction in the core curriculum for the student and the type of EL program. The IEP team determines if instruction will be in English or include the student’s home or heritage language. This is based on the student’s needs relative to the student’s language proficiency level as well as parental preference aligned with their vision, goals,

and aspirations for their child. An IEP may *not* preclude a student from accessing home or heritage language instruction in a [state-funded BMEP](#).

Once the IEP team has determined the language of instruction, it identifies how the services will be provided in the least restrictive environment (LRE). This LRE continuum may look different from school to school based on the needs of students in that school community or the programming in the district. Decision-making steps can be found in the [Placement in the Least Restrictive Environment \(LRE\) Understanding and Making the Placement Decision](#) under the [NM Technical Manuals for Special Education](#). The continuum of placement options for special education services is individualized to meet the specific needs of the student. Placement options range from the least restrictive setting (general education classroom) to the most restrictive (residential facility). The Figure 8 represents the continuum of placement options for students with disabilities.

Figure 8. Placement Options for Students With Disabilities



Decisions about LRE are informed by student strengths and assets, family and student input, data from the present levels of academic and functional performance in the IEP, as well as the linguistically appropriate IEP goals. Based on the performance and goals, the team determines how the student will receive the special education supports and services to reach their goals. The [Placement in the Least Restrictive Environment](#) guide describes the following examples for a continuum of placements:

1. General Education with Supports

- a. General education classroom with minimal special education supports, which might include weekly monitoring from the special education provider; this may include weekly grade checks, progress checks, or student check-ins;
- b. General education classroom instruction with daily consultation from the special education provider; this may include some direct instruction, but most often support accommodations or organization;
- c. General education classroom instruction with special education services and supports included in that setting which is aligned with the general curriculum; this can include co-teaching support and the implementation of strategies such as flexible grouping, universally designed instruction, integrated curriculum instruction, cooperative learning, peer tutoring, parallel or alternative, station or team co-teaching; and
- d. General education instruction for most of the school day with special education services provided for part of the day in a resource room or other special education setting for individualized or small group instruction to support the grade level standard.

2. Self-Contained Classroom

- a. The majority of instruction is provided in the special education classroom; services include specialized instruction provided in a small group or individualized for students with similar needs; special educators and general educators consult to ensure instruction is aligned to the general education curriculum; students are integrated with their peers in their general education classrooms whenever appropriate.

3. Residential School

- a. Students who attend residential schools receive their special education services in a therapeutic manner in a full-time setting for students with similar disability-related needs.

4. Home or Hospital Instruction

- a. Students who are too ill or have disabilities, such as mental health challenges that keep them from attending school for long periods, receive their special education services, including related services in the home or hospital.

Sample scenarios and placement decision-making flow charts are available in the [IRIS Center Information Brief on the Least Restrictive Environment](#).

The LRE for most students falls within the first two placement options, general education and special education classrooms. The support of special educators or special education personnel in the general education classroom can provide the seamless delivery of services when integrated into grade-level classroom instruction through co-teaching and collaborative supports. When special education services are provided in the special education classroom or resource room, it is essential that the services do not interfere with the student's core instruction.

Placement decisions for EL program and special education service delivery are individualized to take into consideration the provision of both services. According to Hoover and Patton (2017), the learning setting for students with disabilities who are also EL students should be the general education classroom as much as possible to limit settings that unnecessarily segregate EL students from their non-disabled peers. When services in a special education classroom or resource room setting are appropriate and necessary to meet a student's individual needs, some considerations relate to thoughtful scheduling of services and include (1) student should not be removed from core instruction; (2) important instruction should not be delivered in the student's absence in the general education classroom; and (3) instruction in the special education resource setting must not be disconnected from the general education classroom.

Important aspects of special education classrooms or resource room settings include the opportunity to learn in small groups with other learners with similar needs and, when done properly, can support the instruction in the general education classroom. General education classroom instruction with some special education support services also has strengths and concerns. The collaboration between the general education classroom teacher and the special education teacher may not be encouraged by the school leadership, including as part of teacher schedules and **professional learning communities (PLCs)** (Great Schools Partnership, 2021). In such cases, the special education teacher or service provider may not satisfactorily deliver the specially designed instruction needed for improved learning. Furthermore, students may be stigmatized by having an additional educator supporting them in the general education

classroom. However, students remaining in the general education classroom with peers is a key benefit to providing special education services in the general education classroom. Instruction may be easily integrated into the overall classroom instruction, and student groupings can be easily changed based on learner needs.

The IEP team must make decisions on the LRE based on the student's disability needs and *not* on the student's English language proficiency since an EL program is a general education service provided to EL students. Regardless of the chosen special education service delivery options, integrated ELD instruction needs to occur in each classroom and course to support language development and goal attainment.

Key Points: Instructional Programming and Least Restrictive Environment

- Programs available to all EL students in New Mexico are available to students with IEPs.
- Special education program placement decisions are informed by student strengths, assets, family input, data, and linguistically appropriate goals to determine the least restrictive environment.
- Learning settings for EL students should be general education as much as possible.
 - General education classroom instruction with some special education support services will include consultative supports and co-teaching supports.
 - Special education classroom or resource room instruction for part of the day provides opportunities for targeted small-group instruction.

Accessibility and Accommodations

Including the student in the development of the IEP also ensures that the student has input into the **accommodations** and **modifications** that match their learning styles and needs. *Accommodations* are changes to the delivery of classroom instruction or the accompanying materials. Accommodations change *how* students learn but do not change *what* they learn. They do not change the scope or range of the grade-level standards or alter the complexity of the knowledge students are expected to learn. EL students with disabilities who use instructional accommodations are required to learn the same content at the same level of proficiency as their peers who do not use instructional accommodations. By contrast, *modifications* are adaptations that change *what* students learn and are used with students who require more support or adjustments than accommodations can provide. While students working toward grade-level standards might require accommodations to achieve success, students with high-needs disabilities might have modifications to allow them to achieve alternate standards. Unlike accommodations, modifications *change* the expectations for learning, as well as reduce the requirement of the task. More guidance and examples to help IEP teams make decisions about accommodations can be on the IRIS Center site, [Understanding Accommodations](#). Figure 9 describes the differences between accommodations and modifications.

Figure 9. Accommodations Versus Modifications

Accommodations	Modifications
<p>Do not fundamentally alter or lower expectations or standards in instructional level, content or performance criteria.</p> <p>Changes are made in order to provide equal access to learning and equal opportunity to demonstrate what is known.</p>	<p>Do fundamentally alter or lower expectations or standards in instructional level, content or performance criteria.</p> <p>Changes are made to provide student meaningful and productive learning experiences based on individual needs and abilities.</p>

Accommodations and modifications should enable the EL student with a disability to participate more fully in instruction and authentic assessment in order to demonstrate knowledge.

The IEP should identify appropriate accommodations allowed for students with an IEP as well as the accommodations that may be needed to assist the student who is an EL student to be successful in an educational setting. Examples of accommodations that may be appropriate to consider for students learning English may be but are not limited to the following:

- primary language support to assist with academics,
- translation devices,
- extra time on tests and assignments,
- reference materials with visuals to aid comprehension,
- translation dictionary if applicable to second language, or

Examples of accommodations that may be appropriate to consider for students learning English may be but are not limited to the following:

- tests provided or adapted to be more “comprehensible,”
- tests and assignments modified in length and content, or
- alternate testing formats, such as use of visuals or drawings.

Testing accommodations change the format of a test or its administration procedures and enable a student to overcome language or disability barriers. Testing accommodations change *how* students are tested but do not change *what* a test measures. Some testing accommodations could include having the test read aloud, allowing for extended time, permitting scribes or dictation, and giving the test in a small-group setting. For a reference on accommodations and test accessibility for students with disabilities, consult [NMPED’s Accessibility and Accommodations Manual](#).

Accommodations should always be based on individual student needs rather than a disability category and English language proficiency level. The *accommodations* for an EL student with a disability are documented in the IEP and should be part of the student’s daily program and local assessments as well as statewide assessments such as the NM-MSSA and ACCESS for ELLs. IEP teams may select assessment *modifications* for a student with disabilities to participate in state assessments. However, because modifications change the construct of what the assessment is intended to measure, their use will lead to an invalid test result.

Regarding the ACCESS assessment, the sole purpose of an accommodation is to ensure that a disability does not prevent a demonstration of English language proficiency. Accommodations on ACCESS assessments are intended only for students with disabilities as documented in an IEP or 504 Plan and determined by the IEP or 504 team. An assessment administered with appropriate accommodations assigned in accordance with a student's legal IEP or 504 plan generates valid test results for the student. If testing accommodations are applied incorrectly, the result can be an invalidation of student test results. Accommodations must be included in a student's IEP or 504 Plan (or have been assigned by an EL team in order to be assigned during testing). If an accommodation that is not documented in an education or accommodations legal plan when a student takes a test is assigned on a state assessment, it can invalidate the test results. Guidance on accommodations for English learners with disabilities can be found in the [WIDA Accessibility and Accommodations Manual](#).

[Alternate ACCESS](#) is the ELP assessment administered individually to students in grades 1–12 identified as English learners with the most significant cognitive disabilities. For determining which students with disabilities who are also English learners should take the Alternate ACCESS, WIDA has developed guidelines using a decision tree to help team members determine whether the Alternate ACCESS is appropriate.

An EL student with a disability may receive accommodations for overcoming the language barrier as well as disability-related accommodations on content assessments such as math, ELA, science, and social studies. However, an EL student with a disability may only receive accommodations on the ACCESS or Alternate ACCESS assessment for overcoming the disability-related barrier. IEP teams should be careful in their decision-making to ensure that accommodations do not invalidate the ELP assessment. More information on the [Dos and Don'ts of Accommodations](#) can be found in the ED English Learner Toolkit in Chapter 6.

Key Points: Accommodations

- Accommodations should enable the student to participate more fully in instruction and authentic assessment in order to demonstrate knowledge. Accommodations
 - are based on the individual student's disability and language development needs and not on the disability category or general English language proficiency level,
 - are to be used for daily access to classroom instruction as well as access to the statewide assessments and the annual ELP assessment, and
 - do not reduce expectations.

Scheduling

Strategic school scheduling is a critical practice for maximizing equitable learning opportunities and outcomes for all students, including English learners with disabilities. Schedules determine the courses students take, the peers with whom they interact, and the courses and other learning programs in which they can participate. For teachers, school schedules determine their workloads, collaboration and planning time, and student composition of their classes. School administrators play a critical role in developing these master schedules and, by extension, maximizing equitable access to quality learning opportunities for all students, including English learners with disabilities.

Scheduling is the foundation for equitable, high-quality learning opportunities and a culture and climate that maintains this foundation. Unfortunately, schools across the country continue to adhere to static and outdated scheduling plans that often do not benefit the most vulnerable students. Additional services, including special education for students with disabilities or ELD for EL students, are often retrofitted into existing schedules. This problem is compounded for English learners with disabilities who require both services. According to Chenoweth (2016), “Far too many principals treat (scheduling) as a logistical exercise rather than the heart and soul of teaching and learning” (p. 5).

Instead, school schedules can be dynamic and centered around the needs of students who require multiple support services, with particular attention to the community’s changing demographics, including migration patterns of multilingual and multicultural families. At the same time, school schedules could be flexible enough to allow equitable access to inclusive courses and learning pathways that support *all* students for college and career. Schedules can also account for the needs of educators to collaboratively plan and reflect, a professional practice that is especially critical for educators who deliver various types of support and instruction to English learners with disabilities. (Collaboration on behalf of English learners with disabilities is discussed in Part C of this guidance). When school leaders account for student demographic data, along with the human and fiscal resources required to meet the needs of English learners with disabilities, they can support high-quality learning as well as promote instructional equity.

Thoughtful and strategic master scheduling can increase success equity by allocating needed resources to English learners with disabilities. After transforming scheduling practices to increase equity at a school in California, Vice Principal Diane Conti published an article with the following tips:

- First, create schedules for students, then assign teachers.
- Create balanced class sizes, making sure newer teachers are not leading several large classes with students who require multiple supports.
- Ensure that classes include a balanced ratio of students with special needs, EL students, and those in gifted programs.
- Support teachers with common co-planning time.
- Minimize tracking by scheduling rigorous courses at the same time as general education classes, ensuring that students who accelerate or need more support can transition between the two classes as needed.

The impact of these changes on students’ daily experience at Conti’s school was immediate. Students benefited from personalized learning paths and thus were able to grow and thrive. Teachers had the time and resources to hold all students to higher expectations.

Conti advises using the scheduling process to make educational opportunities more equitable by

- auditing school schedules across the district to inform decisions about how to reallocate resources;
- considering class sizes, teacher experience, and student needs to create diverse class rosters;
- strategizing to carve out more common teacher planning time and provide interdisciplinary studies for students;
- getting buy-in from staff and students to inform scheduling; and
- completing the master schedule at the end of the school year to be prepared for the year ahead (Pisoni & Conti, 2019).

The topic of master scheduling on behalf of EL students with disabilities was addressed during the 2022 Thought Leader Conversation Series, Pursuing Equity at the Intersection of Language, Culture, and Disability, hosted by the National Center for Systemic Improvement. Ximena Hurtado, a thought leader and teacher in Florida’s Lee County School District, stated the importance of centering the needs of English learners with disabilities in school scheduling rather than treating the students as an afterthought. Master schedules can be created around the needs of English learners with disabilities, with consideration that the students are general education students first and foremost. Such a first step in scheduling also allows administrators to consider where the needs for resources lie and where students need more support in terms of staff and course availability.

The [English Language Development Instructional Framework](#) supports English language development in instructional blocks. **Block scheduling** can allow ELD teachers to bridge language development into content courses or allow special education teachers to provide additional support within Layer 1 of MLSS for students with disabilities. In the case of English learners with disabilities, blocks can be scheduled strategically to provide students with different support services during various blocks and build more time for support for EL students, students with disabilities, and English learners with disabilities.

Key Points: Scheduling

Strategic school scheduling is critical for maximizing equitable learning opportunities for English learners with disabilities. Schedules should

- maximize equitable access to quality learning opportunities;
- center around students requiring multiple support services;
- be flexible in allowing students access to content and learning pathways that lead to college and career readiness; and
- reflect collaborative planning time for ELD, special education, and content teachers.

Scheduling best practices include

- scheduling students needing multiple services first, then assigning teachers; and
- block scheduling when possible, allowing ELD teachers to bridge language development and special education teachers to provide services in content area courses.

Instructional Collaboration

English learners with disabilities are general education students first. All educators who serve the students are responsible for supporting their academic success. To best serve the students, teachers from different fields of expertise—including general education, special education, and English language development—must regularly communicate and collaborate to effectively plan, teach, and assess. The NMPED’s [English Language Development Instructional Framework](#) calls for collaboration among the educators who serve English learner students with disabilities to share expertise and develop an effective, coherent program of CLR instruction. National literature from the Council of Chief State School Officers (CCSSO) also highlights collaboration as an evidenced-based approach to supporting English learners with disabilities (Park et al., 2016).

Through collaboration, educators gain clarity about how best to perform their roles in language development and content instruction for English learners with disabilities. General education and special

education scaffold supports in language to facilitate content learning, and English language development educators provide explicit and systematic language development instruction in the context of content instruction. When educators collaborate, they are able to enhance the language scaffolding and the content instruction they offer.

Research suggests that partnerships among special education and ELD professionals are relatively new (Kangas, 2018), including in IEP development and specialized instruction delivery processes. However, studies that examine services for EL students more broadly indicate that collaboration between general education and ELD teachers can boost instruction (York-Barr et al., 2007) and help integrate language and content (Babinski et al., 2017). Professionals require training and common planning time to collaborate effectively. Without such support, specialists tend to operate in silos according to their discipline, which can lead to compartmentalizing students' needs and delivering fragmented instruction that lacks coherence (Kangas, 2017a, 2017b, 2018).

Administrators play an important role in facilitating regular and productive professional collaboration. They communicate district- or school-wide imperatives for collaboration and shared professional learning on behalf of all students, including English learners with disabilities. In tandem with this communication, school and district leaders build time in educators' schedules for regular communication and collaboration. This collaboration time can focus on reviewing student data, analyzing student work samples, and planning instruction and relevant scaffolds for language development and content learning.

Administrators are also advised to provide educators with professional learning for collaboration and instruction on behalf of English learners with disabilities so that general education, special education, and English language development educators understand how to simultaneously support students' content learning and language development. Cross-training effectively promotes educators' shared expertise, such as general and special education teachers receiving TESOL training and certification, and general education and ELD teachers receiving training in UDL and [High Leverage Practices in Special Education](#) (McLeskey et al., 2017). The following vignette from Farmington Municipal Schools (FMS) illustrates the immense potential of professional collaboration for best serving EL students with disabilities.

Farmington Vignette: A Model of Collaboration to Serve English Learner Students With Disabilities or Suspected Disabilities

In developing this guidance document, our team contacted two department directors in Farmington Municipal Schools (FMS): Karen Brown, Director of Multicultural Services, and Christa Kulidge, Director of Exceptional Programs. The following vignette highlights the successes they have experienced collaborating on behalf of English learner students with disabilities.

As Director of Multicultural Services, Karen Brown realized there were gaps in FMS services for English learners with disabilities. To understand how school-based multidisciplinary teams were serving these students, she attended a different individualized education plan (IEP) meeting each day for an entire month. Brown observed silos in how general education, special education, and EL services operated. Students' instructional programs lacked coherence, and ELD professionals rarely attended the meetings. IEP teams were operating under a misconception that special education was more critical than ELD. Consequently, students' language development received little attention in the eligibility and IEP processes, and English learner students with disabilities were being removed from ELD.

Brown approached Kulidge, her special education counterpart, to better understand how special education was implemented in FMS, especially on behalf of English learners identified with disabilities. The two directors began sharing insights and gaining a stronger understanding of how their work overlapped. Together, they reflected on how well services aligned in FMS. How many students were dually identified? Which experts were available in each school site to serve those children, and what instructional training did special education, general education, and ELD teachers need? How could Brown and Kulidge champion English learners with disabilities at the district level?

To begin answering these questions, Brown and Kulidge closely reviewed student data. They discovered that their 300 dually identified students in FMS spent the majority of their school day in the general education setting but were *all* performing at the bottom 25 percent of the district. When Brown and Kulidge inspected dually identified students' IEPs, only 10 percent correctly indicated English Learner (EL) status on the first page. Of those 10 percent of IEPs that did identify EL status, only 40 percent were drafted in a meeting that included a teacher or coordinator who represented ELD.

Based on these findings, Brown and Kulidge created a Focus Team of district administrators to advocate for dually identified students at the district and school levels. Their team met with principals and site coordinators to ask how instructional services were scheduled and coordinated. Brown and Kulidge began researching best practices for serving English learner students with disabilities. Their team adopted a philosophy to guide their collaboration: "These are our children we share. We need to work as a team."

They first worked within a Focus Team to refine and align guidelines for IEP processes. Next, they began disseminating their recommendations among principals and special education and EL coordinators at schools to shift mindsets. However, Brown and Kulidge understood that massive systemic changes could not happen all at once. Instead, their Focus Team tackled new accountability pieces each year for seven years. These incremental changes took hold thanks to consistent and frequent messaging. Brown and Kulidge also empowered educators by explaining the purpose and reasoning behind the changes.

"There has never been a gap in the messaging," Kulidge explained. "Every child is a general education student first." In training, the Focus Team started by explaining the purpose and reasoning behind the changes. As Brown said,

Changes require honest conversations about the "why." Not the "what" or the "do now." That's how you adopt an improvement mindset, growth mindset, and a growth model, rather than just giving directives. The more we make sure people are on the bus, the clearer the message becomes.

In the beginning, one of the Focus Team's most critical messages was that special education and ELD are equally important for students who are dually identified. "Nothing trumps anything" became their mantra. Brown and Kulidge also stressed the importance of considering language development in eligibility and IEP meetings and strongly recommended that an ELD coordinator or teacher attend all IEP meetings on behalf of English learner students.

Brown and Kulidge worked across disciplines to dismantle silos. Brown worked with speech-language pathologists (SLPs) and diagnosticians to refine the process of determining language development versus disability. Before this point, SLPs were not equipped to make this determination during student evaluations. SLPs were also unaware of how many students on their caseloads were English learner

students. Thanks to the Focus Team’s efforts, SLPs in Farmington are now empowered to push back against rushed eligibility processes and prevent the misidentification of English learner students with disabilities.

Such cross-disciplinary work allowed the Focus Team to align services and instruction thoughtfully. Brown and Kulidge realized that when students were pulled out for special education, ELD, and related services, they often missed core content. Students might be learning skills in isolation (e.g., using flashcards or board games) without understanding how this learning was connected with general classroom instruction. Consequently, Brown and Kulidge became highly involved in selecting special education and ELD curricular materials aligned with performance-based standards in general education. As part of this effort, FMS began to adopt literacy-based therapy in which SLPs provide literacy-based instruction that supports content learning. For example, SLPs might use curriculum vocabulary to teach articulation skills. “It’s about reinforcing skills from every angle,” Kulidge explained. “Students are making connections and generalizing skills.”

Cross-disciplinary conversations like these have characterized collaboration at FMS. As Special Education Director, Kulidge has attended EL specialist meetings to build cross-departmental collaboration. At the State Special Education Director Academy, Brown sat next to Kulidge as they reviewed WIDA ACCESS scores of dually identified students. “People see both of us,” Brown explained. “We’re sending the message to other districts—collaboration is just what we do. We promote opportunities.”

Brown and Kulidge also pushed for more collaboration between special education and ELD coordinators at the school level. As a result, coordinators in all departments (general education, special education, and ELD) have begun working with all teachers, and teachers have been working more closely within professional learning communities (PLCs). These specialist teachers are not simply observing meetings, according to Brown and Kulidge. They have actively participated in weekly PLCs, bringing their insights and experience to planning conversations and sharing their practices. In turn, general education teachers have learned how to better serve English learner students and students with disabilities.

After four years of consistent messaging, all the district’s eligibility and IEP meetings on behalf of English learners now include an EL representative. About 90 percent of IEPs on behalf of English learner students correctly indicate the student’s EL status on the first page. Even though Brown recently retired, the improvement work continues thanks to the groundwork she and Kulidge laid. The Focus Team is continually disseminating next steps, and site specialists and teachers always expect to learn about new developments. There are plans in FMS to continue streamlining special education eligibility and IEP processes.

Brown and Kulidge shared recommendations for other district leaders who hope to dismantle silos and increase collaboration to serve English learner students with disabilities better. “Stop doing things a certain way just because you’ve always done it that way. The data shows the usual way isn’t working,” Kulidge stated. Productive collaborative relationships can begin with a single conversation. It is OK to not know exactly where to start, and at first it might feel like stumbling in the dark. “It’s about taking that initial walk across the parking lot,” Brown said. “Listen to people. Hear about challenges from teachers, administrators, families, students. It’s hard to balance, but people matter.”

There is no silver bullet for turning around student outcomes, Brown and Kulidge explained. Educators need to know their students, their curriculum, and the student data. With this knowledge comes the power to transform learning opportunities for students who are dually identified.

Brown and Kulidge advise other district directors to start attending IEP meetings to find out how eligibility and IEP decisions are carried out. As Brown explained, it is important to “talk to teachers and families. Be with people, and be constantly looking at the data. Know the people in your building. Establish good communication, relationships, and trust.” Kulidge agreed. “When you have strong relationships, it doesn’t even feel like work. You can move mountains.”

Instructional Considerations

Once an English learner student has been identified with a disability, the student must receive instruction from qualified and well-prepared educators, including those from general education, special education, English language development, and, when applicable, bilingual education. The student will receive these services under the NMPED’s related instructional frameworks, including the [English Language Development Instructional Framework](#) (ELDIF), NMPED’s multilayered systems of support (MLSS), Universal Design for Learning (UDL), and NMPED’s Culturally and Linguistically Responsive Guidance Handbook.

Each framework addresses a unique set of required learning opportunities for English learners with disabilities. The ELDIF offers a comprehensive guide for the instruction of English language development to fit the needs of EL students.

Universal Design for Learning (UDL) is another approach to instruction, applicable to all modes of service delivery (including ELD and general education) but originally developed in special education. Through UDL, educators can provide access to quality learning opportunities for all students, including students with disabilities and English learners with disabilities. Scholar Patricia Rice Doran has developed a framework for implementing UDL specifically for EL students, with language instruction and accessibility as a focal element (2015). Doran highlights five best practices for this work, including (1) building multiple and varied opportunities for oral language; (2) providing explicit instruction, synonyms, and home/ or heritage language support for keywords; (3) using consistent vocabulary and syntax (grammar) structures for beginning EL students; (4) encouraging self-assessment and metacognitive thinking; and (5) designing lessons to support mastery learning.

Another way to promote coherence of instruction is to engage students in literacy-based therapy for coherence in related services like speech and language. The American Speech-Language-Hearing Association (ASHA) has published recommendations for using literacy-based targets in speech-language therapy and special education classrooms that align with literacy instruction students receive in the special education classroom. Schmitt and Tambyraja (2015) have described this approach in an [article on the ASHA website](#).

A wide body of research demonstrates that students with disabilities can and do gain language proficiency, including proficiency in a second language (NASEM, 2017). As English learner students with disabilities engage in EL programs, their progress must be monitored and evaluated to ensure they advance in English language proficiency and content knowledge. EL students are exited from English language development services as soon as they demonstrate proficiency through WIDA’s ACCESS. Providing English learners with disabilities the option for a BMEP builds on the asset-based approach in that the primary language of the

student is an asset to the development of literacy skills in the home language and English (August et al., 2009).

School administrators can support effective instruction for English learners with disabilities by setting clear expectations for CLR instruction and instructional scaffolding and providing regular, actionable feedback to promote educators' continuous improvement. Leaders must also ensure that all educators have sufficient training in language development, Layer 1 Core instruction, and special education.

Key Points: Instruction

The [English Language Development Instructional Framework](#) (ELDIF) is a guide for the instruction of ELD.

- EL students with disabilities have both ELD and the special education services specified in the IEP.
- ELD instruction attends to the four domains of language, academic discourse, and formal and informal assessments.
- Instruction for EL students with disabilities is individualized based on student strengths and cultural and linguistic assets.

UDL is another approach to instruction.

- Through UDL, educators can provide access to quality learning opportunities for all students, including students with disabilities and English learners with disabilities.

Key Points: Collaboration

All educators are responsible for supporting the academic success of English learners with disabilities. Collaboration allows

- ELD, special education, and general education teachers to communicate regularly to effectively plan, teach, and assess EL students with disabilities;
- opportunities to gain clarity on their roles in language development and content instruction for English learners with disabilities; and
- planning to boost instruction to help integrate language and content.

Administrators play a key role in providing educators with professional learning for collaboration and instruction on behalf of English learners with disabilities. Examples include

- Leaders must build time in educators' schedules for regular communication and collaboration.
- General education, special education, and ELD teachers need collaboration time to simultaneously support students' content learning and language development.

Summary

As a general education student first, an EL with a disability receives culturally and linguistically responsive special education supports and services as well as English language development instruction through options available to all EL students. Informed by the student's strengths, assets, and interests, with collaborative support from the family, UDL-supported content instruction in the general education

classroom provided by the general educators, ELD instruction provided by the EL teachers, and specially designed instruction provided by the special educators, as described in the IEP, equitable learning opportunities are maximized. This ensures that dually identified students are on pathways that lead to students who are healthy, secure in their identity, and holistically prepared for college, career, and life.

Glossary

ACCESS for ELLs: New Mexico's statewide, standards-based, criterion-referenced English language proficiency assessment designed to annually measure K–12 English language learners' social and academic proficiency in English. This assessment is computer-based.

Accommodations: Changes in procedures or materials that *do not* fundamentally alter the content or performance expectation for a student.

Alternate ACCESS: Annual large-print English language proficiency assessment administered individually to students in grades 1–12 identified as English learners with the most significant cognitive disabilities. This assessment is paper based.

Asset-Based Approach: Teaching that is grounded in what students can do rather than what they cannot do or areas of weakness. It is an embodiment of growth mindset in instruction.

Bilingual Multicultural Education Programs: Programs that provide instruction in, and the study of, English and the home or heritage language of the student. It may also include the delivery of the content areas in the home or heritage language and English, and it incorporates the cultural heritage of the child into specific aspects of the curriculum.

Block Scheduling: Method, typically used in secondary schools, to extend instructional periods from a traditional program of shorter sessions to longer class periods that meet fewer times each day and week.

Comprehensive Evaluation: Use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist with determining whether the child is a child with a disability under §300.8.

Designated English Language Development: Instruction to develop the English language proficiency of EL students based on the student's English language proficiency level and grade level; instruction shall be distinct from content-area instruction.

Eligibility Determination Team: Group of people who determine whether the student is eligible for and in need of special education and related services under one or more of the eligibility categories defined by IDEA (2004). This group must include the student's parents, general education teacher(s), special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the student (as appropriate).

English Language Development: Instruction designed specifically for English learner students to further develop their listening, speaking, reading, and writing skills to achieve English language proficiency.

English Language Development Standards: New Mexico's statewide English language development standards under 6.29.5 NMAC.

English Learner: Students whose home or heritage language influence is not English, and who are unable to speak, read, write, and understand English at a level comparable to their grade-level English proficient peers, as determined by objective measures of proficiency.

Elementary and Secondary Education Act: Federal statute that funds primary and secondary education passed in 1965. It also emphasizes equal access to education and establishes high standards and accountability.

Ethnographic Interviews: Open-ended interviews that allow the interviewer to gain deep understanding of an interviewee's perspectives, beliefs, and understandings.

Extrinsic Factors: Variables including the quality of classroom instruction, designated and integrated English language development instruction, physical and psychological factors (personal and cultural), language factors, and previous and current learning environment factors that affect learning and are external to disability.

Free and Appropriate Public Education: Under IDEA (2004), public schools are required to provide each student with a free and appropriate public education (FAPE) in the student's least restrictive environment, at no cost to the student's family.

Heritage Language: Language other than English that is inherited from a family, tribe, community, or country of origin—whether the student is proficient in the language.

Holistic Observation: Framework for gathering information on a student before a referral is made to have the student evaluated for special education eligibility.

Home Language: Language other than English that is the primary or heritage language spoken at home or in the community.

Individualized Education Program: Legal document required by the Individuals with Disabilities Education Act that spells out a child's learning needs, the services and accommodations the school will provide, and how progress will be measured.

Individualized Education Program Team: Group responsible for reviewing, developing, or revising the Individualized Education Program for a student with a disability. The team must include the student's parents, general education teacher(s), special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the child (as appropriate).

Initial Fluent English Proficient: Formerly known as "never ELL"; may refer to a student whose language usage survey indicates that there is no influence of languages other than English in the student's home (Native English speaker) or it may refer to a student who scored proficient on the English language proficiency screener (WIDA Screener for Kindergarten or WIDA Screener for Grades 1–12).

Integrated English Language Development: Integrated instruction to attain English language proficiency and meet content standards and benchmarks; it shall occur in all content-area instruction.

Language and Culture Division: New Mexico Public Education Division responsible for meeting federal obligations to EL students by providing policy and guidance on EL programs, leveraging Title III English Language Acquisition Subgrants to maximize positive outcomes for EL and immigrant students, implementing state-funded BMEPs, providing effective world language instruction, providing guidance on the Seal of Bilingualism-Biliteracy on the New Mexico Diploma of Excellence, and implement culturally and linguistically responsive instruction.

Language Proficiency: Measures how well an individual can speak, read, write, and comprehend a language comparable to the standard expected for native speakers of the language. Language proficiency is composed of oral (listening and speaking) and written (reading and writing) components, as well as academic and non-academic language and comprehension of said language.

Language Usage Survey: Identifies LOTE in a student's background to determine if language screening is necessary, as federally required.

Least Restrictive Environment: Requirement in federal and state law that students with disabilities receive their education, to the maximum extent appropriate, with nondisabled peers. Special education students should not be removed from regular classes unless, even with supplemental aids and services, education in regular classes cannot be achieved satisfactorily.

Modifications: Changes in procedures or materials that fundamentally *alters* the content or performance expectation for a student.

Multi-Layered System of Supports: Comprehensive instructional framework that aims to provide support to all students. It is a research-based framework for effective teaching and learning.

Professional Learning Community: Group of educators that meets regularly, shares expertise, and works collaboratively to improve teaching skills and students' academic performance.

Student Assistance Team: School-based group of people, including educators, administrators, and the student's parents, who develop a plan to provide targeted, supplemental, and individualized supports for students who are performing below expectations and for whom universal interventions and supports prove insufficient.

Teachers of English to Speakers of Other Languages Endorsement: Given to elementary- and secondary-licensed teachers qualified to teach English as a second language classes.

Universal Design for Learning: Teaching approach that works to accommodate the needs and abilities of all learners and eliminates unnecessary hurdles in the learning process. The four UDL principles are engagement, representation, action, and expression.

WIDA Screener and WIDA Screener for Kindergarten: Screening tests approved by the New Mexico Public Education Department to measure English language proficiency as part of the English learner identification process.

WIDA: Multi-state consortium that developed a proprietary English Language Development standards framework for language learning, aligned assessments, resources, and provides professional development opportunities that support educators of language learners.

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Appendix A

Parent Questionnaire—Additional Questions

1. Which language did your child first learn to speak?
 - a. Home/heritage language = language other than English-LOTE
 - b. English
 - c. Both

(Answer choices for the next questions: Yes/No/Investigating)

2. Do language barriers exist within the family? (for example: child no longer speaks the home/heritage language proficiently enough to speak with family members)
3. Is family support available for your child with homework routines, academic vocabulary (in English or the home/heritage language) and content, etc.?
4. Please consider the family living arrangement, does this impact your child's learning?
5. Does the family have access to community support systems?
6. Is the family a member of a community that shares its language and culture?
7. Has your child experienced a traumatic event that could affect their learning? (for example: warfare, natural disasters, terrorist incidents, extreme poverty, experiences in refugee camps, serious accidents, or personal assaults or abuse)
8. Has your child-endured separation from family members (for example, parent(s) living abroad, immigration, military deployment, divorce)?
9. Has your child moved schools frequently?
10. Has your child's education been interrupted or not consistent?

Language Acquisition Specialist Questionnaire— Student Language Development

(Answer choices for the next questions: Yes/No/Investigating)

1. Is there evidence that the student has received systematic designated English language development (ELD) instruction?
2. Has the student been shown how language works to express ideas, intentions, and information?
3. Are there opportunities for the student to interact and talk in at least three lessons a day?
4. Does the teacher(s) use explicit oral and written language models in every lesson?
5. Are the oral and written language models at and slightly above the student's language level?
6. Are the oral and written language models at and slightly above the student's grade level?
7. If grammar and vocabulary errors affect meaning (instruction in the home/heritage language or English), does the student receive positive and explicit feedback?
8. Are a variety of structures used in the classroom(s) for instruction (for example partner talk, small group, large group, teacher directed, student directed) every day?
9. Is sufficient wait-time given to student (average 3-5 seconds) before responses are expected?
10. Is there listening and speaking data from all languages (home/heritage language(s) and English?

11. Is there reading and writing data from all languages (home/heritage language and English) of instruction?
12. Has available data related to the student's language development been collected and reviewed?
13. Has language use information been gathered from various contexts (home, playground, classroom, lunchroom) and sources (parent, teacher, other school staff)?
14. Does the EL program match the student's English language proficiency level?
15. Was the student ever formally instructed in their home language?
16. Have there ever been any limited educational opportunities related to attendance, tardies, gaps in instruction, and time in school, district, or country?

Student Questionnaire

1. What language do you speak at home, with your parents?
2. What language do you speak at home with your brothers and sisters?
3. What shows do you mostly like watching on TV or online? What language do they speak in the show?
4. Do you miss things the teacher says because you do not understand what is being said?
5. Does the teacher speak too fast for you to understand what the directions are?
6. When you think to yourself for example when you count, what language do you think in?
7. What language do you mostly speak with your friends in the neighborhood or community?
8. What language do you mostly to speak on the playground with friends?
9. Have you been shown how language works to express ideas, intentions, and information for various situations (academic topics, in the community, at school)?
10. Do you feel that your home/heritage language and culture are valued in your school?

Adapted from California Practitioner's Guide for Educating English Learners with Disabilities:

California Department of Education (CDE). (2019). California practitioner's guide for educating English learners with disabilities. <https://www.cde.ca.gov/sp/se/ac/documents/ab2785guide.pdf>

Appendix B

English Learner Student with a Disability Profile for Annual IEP Meeting

Learner profiles provide a space to gather information from students, families, and educators to create a full picture of a student.

Objectives

- To empower students to recognize their uniqueness, discover their strengths, reflect on opportunities for growth, advocate for their needs, and monitor their progress.
- To empower families with information about their children's strengths and learning goals, and to share their own knowledge with educators.
- To empower educators to create individualized and asset-based learning opportunities based on students' strengths and learning needs.
- To build relationships and facilitate communication among students, families, and educators.

Educators complete a revised student profile as data changes (e.g., A new school year begins, when new ELP scores are received, when an annual IEP meeting occurs, when examination of student work occurs)

Student Name (or pseudonym): _____

Age and Grade Level: _____

Considerations	Responses
Student Interview	
What do you most like to do?	
What do you most want to learn about?	
What motivates you to learn something new?	
How do you like to show your learning?	
Describe a time you felt proud.	
What helps keep you going when something gets difficult?	
What are things that make you unique?	

Considerations	Responses
Family Interview	
Prior Schooling	

Considerations	Responses
Where has the child attended school? How long/which grades? What was the language of instruction?	
<p>Language Resources</p> <p>What language(s) does the student speak at home? With whom? What language does the student use with peers? With other family members?</p>	
<p>Interests</p> <p>What does your child most enjoy doing outside school? What are your child's hobbies or interests?</p>	
<p>Other interests</p> <p>What are some of your child's favorite books, movies, music, or video games?</p>	
<p>Academic strengths</p> <p>Does your child seem drawn to any subjects at school (for example, math, science, or reading)?</p>	
<p>Character strengths</p> <p>Describe a few of your child's character strengths. (examples: honest, caring, kind, empathetic, helps others, shows loyalty, works hard, resilient, independent, cooperative)</p>	
<p>Social strengths</p> <p>Describe a few of your child's social strengths. [examples: shares and takes turns, makes and keeps friends, good listener, accepting of others' differences, asks for help when needed, accepts personal responsibility for actions (good and bad), tells the truth, can apologize when needed, has a good sense of humor]</p>	
Family Interview	
Other strengths and talents	

Considerations	Responses
Describe a few of your child's other strengths and talents. [examples: creative/artistic, dances/acts/sings/plays an instrument, sports or games (including video games), practices yoga, mindfulness, or meditation, takes care of animals or younger children, entertains people with jokes or stories, does community service, helps out in the house]	
ELD Teacher Interview	
Linguistic Strengths	
ELP Scores	
Other strengths, talents, and interests (see examples of character strengths, social strengths, and other strengths and talents from parent interview section)	
Instructional practices to support student learning success	
Special Education Teacher Interview	
Academic Strengths	
Annual IEP Goals (summary)	
Progress toward IEP goals (summary)	
Special Education Teacher Interview	
Accommodations	
Modifications	
Other strengths, talents, and interests (see examples of character strengths, social strengths, and other strengths and talents from parent interview section)	

Considerations	Responses
Instructional practices to support student learning success	
General Education Teacher Interview	
Academic Strengths	
Other strengths, talents, and interests (see examples of character strengths, social strengths, and other strengths and talents from parent interview section)	
Instructional practices to support student learning success	
Related Service Provider Interview	
Strengths (in terms of related services) Example: For a student receiving speech therapy, what are the student's strengths in speech?	
Annual IEP Goals (in terms of related service)	
Related Service Provider Interview	
Progress toward IEP goals (in terms of related service)	
Other strengths, talents, and interests (see examples of character strengths, social strengths, and other strengths and talents from parent interview section)	
Instructional or therapeutic practices to support student learning success	

Appendix C

Categorías de Discapacidades Bajo la Ley IDEA

Una publicación del NICHCY
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Introducción

Cada año, millones de niños con discapacidades reciben servicios especiales diseñados de acuerdo a sus necesidades únicas bajo la ley federal conocida como el Acta para la Educación de Individuos con Discapacidades (“Individuals with Disabilities Education Act,” o IDEA). Los bebés y niños pequeños con discapacidades desde el nacimiento hasta su tercer cumpleaños reciben servicios especiales junto con sus familias por medio del *sistema de intervención temprana*. Para los niños y jóvenes en edad escolar (desde los 3 hasta los 21 años de edad), los servicios de *educación especial y servicios relacionados* son proporcionados por medio del sistema escolar. Estos servicios pueden ser muy importantes para ayudar a los niños y jóvenes con discapacidades a desarrollar, aprender, y tener éxito en la escuela y otros ambientes.

¿Quién es Elegible para Recibir Servicios?

Bajo IDEA, los Estados son responsables de cumplir con las necesidades especiales de los niños elegibles con discapacidades. Para averiguar si el niño es elegible para recibir servicios, él o ella debe primero recibir una evaluación individual y completa. Esta evaluación es gratis. Dos propósitos de la evaluación incluyen:

- Averiguar si el niño tiene una discapacidad, tal como es definido bajo IDEA, y
- Averiguar en detalle cuáles son sus necesidades especiales.

Los bebés y niños pequeños, desde el nacimiento hasta el tercer cumpleaños. Bajo IDEA, “los bebés y niños pequeños con discapacidades” son definidos como niños “desde el nacimiento hasta el tercer cumpleaños que necesitan servicios de intervención temprana porque ellos—

— están experimentando retrasos en el desarrollo, tal y como es definido por el Estado y medido por procedimientos e instrumentos de diagnóstico apropiados, en una o más de las siguientes áreas:

- desarrollo cognoscitivo;
- desarrollo físico, incluyendo la visión y audición;



es el

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- desarrollo en la comunicación;
- desarrollo social o emocional;
- desarrollo en la adaptación; o

— tienen una condición física o mental con una probabilidad alta de resultar en un retraso en el desarrollo.



en el desarrollo en una o más de las áreas siguientes:

- desarrollo físico,
- desarrollo cognoscitivo,
- desarrollo en la comunicación,
- desarrollo social o emocional, o
- desarrollo en la adaptación, y...

...que, por causa de los retrasos en el desarrollo, necesita servicios de educación especial y servicios relacionados.

“Retrasos en el desarrollo” son definidos por el Estado y deben ser medidos por los instrumentos y procedimientos diagnósticos apropiados.

Niños de 3 a 9 años de edad. Es importante saber que, bajo IDEA, los Estados y agencias educacionales locales pueden usar el término “retraso en el desarrollo” con los niños de 3 a 9 años de edad, en lugar de una de las categorías de discapacidad enumeradas a continuación. Esto significa que si ellos lo deciden, los Estados y las agencias educacionales locales no tienen que decir que el niño tiene una discapacidad específica. Para los niños de 3 a 9 años de edad, el Estado y las agencias educacionales locales pueden incluir como “niño elegible con una discapacidad” a un niño que está experimentando retrasos

Niños y jóvenes de 3 a 21 años de edad. Bajo IDEA hay 13 categorías diferentes de discapacidad bajo las cuales los niños de 3 a 21 años de edad podrían ser elegibles para recibir servicios. Para que un niño sea elegible para recibir servicios, la discapacidad debe afectar el rendimiento académico del niño. Las categorías de discapacidad de acuerdo a IDEA son:

- autismo,
- sordo-ciego,
- sordera,
- trastorno emocional,
- impedimento auditivo,

- discapacidad intelectual (antes conocida como retraso mental),
- discapacidades múltiples,
- impedimento ortopédico,
- otro impedimento de la salud,
- discapacidad específica del aprendizaje,
- impedimento del habla o lenguaje,
- lesión cerebral traumática, o
- impedimento visual (incluyendo la ceguera).

Bajo IDEA, el niño no puede ser identificado como “un niño con una discapacidad” sólo por el hecho de hablar otro idioma que no sea inglés y por no poder hablar o comprender bien el inglés. Tampoco puede ser identificado como “niño con discapacidad” si no ha recibido suficiente instrucción en matemáticas o lectura.



¿Cómo Son Definidas las 13 Categorías de Discapacidades Bajo IDEA?

IDEA proporciona definiciones de las 13 categorías enumeradas más arriba. Estas definiciones federales guían cómo los Estados definen quién es elegible para recibir una educación pública gratis y apropiada bajo IDEA. Las definiciones de los términos de discapacidad son las siguientes:

1. Autismo...

...significa una discapacidad del desarrollo que afecta significativamente la comunicación verbal y no verbal y los intercambios sociales, generalmente evidente antes de los 3 años de edad, que afecta adversamente el rendimiento académico del niño. Otras características frecuentemente asociadas con el autismo son la ocupación en actividades repetitivas y movimientos estereotípicos, la resistencia a cambios ambientales o a cambios en las rutinas diarias y respuestas poco comunes a las experiencias sensoriales. El término autismo no se aplica si el rendimiento académico del niño es afectado adversamente principalmente porque el niño tiene un trastorno emocional, tal como se define en el número 4 más abajo.

Un niño que exhibe las características de autismo después de los 3 años de edad

podría ser diagnosticado como tener autismo si se satisfacen los criterios arriba.

2. Sordera-Ceguera...

...significa impedimentos auditivos y visuales concomitantes (simultáneos), cuya combinación causa necesidades tan severas en la comunicación y otras necesidades educacionales y del desarrollo que no se pueden acomodar en los programas de educación especial sólo para niños con sordera o niños con ceguera.

3. Sordera...

...significa un impedimento auditivo tan severo que el niño está impedido en el procesamiento de información lingüística por vía auditiva, con o sin amplificación, que afecta adversamente el rendimiento académico del niño.

4. Trastorno Emocional...

...significa una condición que exhibe una o más de las siguientes características a través de un periodo de tiempo prolongado y hasta un grado marcado que afecta adversamente el rendimiento académico del niño.

(a) una inhabilidad de aprender que no puede explicarse por factores intelectuales, sensoriales o de la salud.

(b) una inhabilidad de formar o mantener relaciones



interpersonales satisfactorias con sus pares y maestros.

(c) conducta o sentimientos inapropiados bajo circunstancias normales.

(d) un humor general de tristeza o depresión.

(e) una tendencia a desarrollar síntomas físicos o temores asociados con problemas personales o escolares.

El término incluye esquizofrenia. El término no se aplica a los niños que son socialmente malajustados, a menos que se determine que tienen un trastorno emocional.

5. Impedimento Auditivo...

...significa un impedimento en la audición, ya sea permanente o fluctuante, que afecta adversamente el rendimiento académico del niño pero que no se incluye bajo la definición de “sordera.”



6. Discapacidad Intelectual

(antes conocido como el "retraso mental")...

...significa un funcionamiento intelectual general significativamente bajo del promedio, que existe concurrentemente [al mismo tiempo] con déficits en la conducta adaptativa y manifestado durante el periodo de desarrollo, que afecta adversamente el rendimiento académico del niño.

7. Discapacidades Múltiples...

...significa impedimentos concomitantes [simultáneos] (tales como el retraso mental-ceguera, retraso mental-impedimento ortopédico, etc.), cuya combinación causa necesidades educacionales tan severas que no se pueden acomodar en los programas de educación especial dedicados únicamente a uno de los impedimentos. El término no incluye la sordera-ceguera.

8. Impedimento Ortopédico...

...significa un impedimento ortopédico severo que afecta adversamente el rendimiento académico del niño. El término incluye impedimentos causados por una anomalía congénita, impedimentos causados por una enfermedad (por ejemplo, poliomielitis, tuberculosis ósea) e impedimentos por otras causas (por ejemplo, parálisis cerebral, amputaciones y fracturas o quemaduras que causan contracturas).

9. Otro Impedimento de la Salud...

...significa tener fuerza, vitalidad, o vigilancia limitada, incluyendo una vigilancia elevada a los estímulos ambientales, que resulta en vigilancia limitada con respecto al ambiente educacional, que—

(a) se debe a problemas crónicos o agudos de salud como el asma, desorden deficitario de la atención o desorden deficitario de la atención/ hiperactividad (AD/HD), diabetes, epilepsia, una condición cardíaca, hemofilia, envenenamiento con plomo, leucemia, nefritis, fiebre reumática, anemia falciforme y síndrome de Tourette; y

(b) afecta adversamente el rendimiento académico del niño.

10. Discapacidad Específica del Aprendizaje...

...significa un desorden en uno o más de los procesos psicológicos básicos involucrados en la comprensión o uso del lenguaje, oral o escrito, que puede manifestarse en la habilidad imperfecta para escuchar, pensar, hablar, leer, escribir, deletrear o hacer cálculos matemáticos. El término incluye tales condiciones como las discapacidades perceptuales, lesión cerebral, disfunción cerebral mínima, dislexia, y afasia del desarrollo. El término no incluye a los problemas del aprendizaje que son principalmente el resultado de discapacidades visuales, auditivas o motrices, de discapacidad intelectual, de trastorno emocional, o de una desventaja ambiental, cultural o económica.

11. Impedimento del Habla o Lenguaje...

...significa un desorden en la comunicación como, por ejemplo, el tartamudeo, un impedimento de la articulación, un impedimento del lenguaje o un impedimento de la voz, que afecta adversamente el rendimiento académico del niño.



12. Lesión Cerebral Traumática...

...significa un daño adquirida al cerebro, causada por una fuerza física externa, la cual resulta en una discapacidad funcional, total o parcial, o en un impedimento psico-social, o ambos, que afecta adversamente el rendimiento académico del niño. El término se aplica a heridas abiertas o cerradas que resultan en impedimentos en una o más áreas como la cognición; el lenguaje; la memoria; la atención; el razonamiento; el pensamiento abstracto; el juicio; la resolución de problemas; las habilidades sensoriales, perceptuales, y motrices; la conducta psico-social; las funciones físicas; el procesamiento de información; y el habla. El término no incluye ni las heridas cerebrales que son congénitas o degenerativas ni las heridas cerebrales inducidas por trauma en el nacimiento.

13. Impedimento Visual, Incluyendo la Ceguera...

...significa un impedimento en la visión que, aún con su corrección, afecta adversamente el rendimiento académico del niño. El término incluye la vista parcial y la ceguera.



Para Mayor Información Sobre las Discapacidades

Las definiciones de términos de discapacidad bajo IDEA ayudan a los Estados, escuelas, proveedores de servicios, y padres a decidir si un niño es elegible para recibir servicios de intervención temprana o servicios de educación especial y servicios relacionados. Más allá de estas definiciones, hay una gran cantidad de información disponible acerca de discapacidades específicas, incluyendo discapacidades que no están enumeradas en IDEA. NICHCY le puede ayudar a buscar aquella información, comenzando con:

- nuestras hojas informativas sobre discapacidades y otras publicaciones sobre las discapacidades enumeradas bajo IDEA (disponibles en nuestro sitio Web);
- información acerca de cómo comunicarse con muchas organizaciones que se concentran en una discapacidad particular.

Para Mayor Información Sobre los Servicios

Hay servicios especiales disponibles para niños elegibles con discapacidades, los cuales pueden hacer mucho para ayudar a los niños a desarrollarse y aprender. Para los bebés y niños pequeños desde el nacimiento hasta el tercer cumpleaños, estos servicios son proporcionados por medio de un sistema de *intervención temprana*. Este sistema podría estar dirigido por el Departamento de Salud del Estado, u otro departamento como Educación. Si usted es padre y le gustaría aprender más sobre los servicios de intervención temprana en su Estado, incluyendo cómo solicitar que su niño sea evaluado sin costo alguno, pruebe algunas de las siguientes sugerencias:

- Solicite que el pediatra de su niño le dé información sobre el sistema de intervención temprana en su comunidad o región;
- Comuníquese con el departamento de pediatría en un hospital local y pregunte adónde debe llamar para conocer más acerca de los servicios de intervención temprana en su área;
- Llame a NICHCY y pida información acerca de cómo solicitar servicios de intervención temprana en su Estado. La oficina estatal le podrá referir a la persona de contacto o agencia en su área.

Para los niños y jóvenes de 3 a 21 años de edad, los servicios de *educación especial y servicios relacionados* son proporcionados por medio del sistema escolar público. Para aprender más acerca de estos servicios, llame a su escuela pública local. La escuela le informará acerca de las políticas de educación especial en su área o le puede referir a una oficina del distrito o condado, donde encontrará esta información. Si usted es padre y piensa que su niño puede necesitar servicios de educación especial y servicios relacionados, asegúrese de preguntar cómo puede hacer que su niño sea evaluado bajo IDEA para determinar su elegibilidad. A menudo hay materiales disponibles para informar a los padres acerca de las políticas locales y estatales para recibir servicios de educación especial y servicios relacionados.

Hay mucho que saber acerca de la intervención temprana, los servicios de educación especial y servicios relacionados, y los derechos de los niños con discapacidades bajo IDEA, la ley estadounidense sobre la educación especial. NICHCY ofrece muchas publicaciones, las cuales están disponibles en nuestra página de Internet o comunicándose directamente con nosotros. También podemos dirigirle a los materiales disponibles de otros grupos.

Otras Fuentes de Información para los Padres

Hay muchas fuentes de información acerca de los servicios para niños con discapacidades. Dentro de su comunidad usted puede comunicarse con:

- el Coordinador de Child Find (Identificación de Niños) en su distrito o condado (IDEA requiere que los Estados realicen actividades Child Find para identificar, ubicar y evaluar a niños con discapacidades desde el nacimiento hasta los 21 años de edad);
- el director de la escuela de su niño;
- el Director de Educación Especial de su distrito escolar o escuela local de su niño; o
- el Centro de Educación e Información para Padres (PTI) para su Estado, el cual es una excelente fuente de información.

Consulte la *Hoja de Recursos Estatales* de NICHCY para su Estado, la cual está disponible en esta página de Internet:

[http://nichcy.org/
state-organization-search-by-state](http://nichcy.org/state-organization-search-by-state)

También puede llamarnos por teléfono para pedir una copia de esta hoja para su Estado.

Allí encontrará su PTI, al igual que muchos otros recursos de información, tales como centros comunitarios de recursos para padres, organizaciones dedicadas a discapacidades específicas, y agencias estatales que proporcionan servicios para niños con discapacidades.

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