

# Meeting the Unique Needs of English Learners With or Suspected of Having Disabilities

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MASSACHUSETTS DEPARTMENT OF  
ELEMENTARY AND SECONDARY  
**EDUCATION**



# Agenda

- ★ Outcomes
- ★ Pop Quiz!
- ★ Laws & Regulations Surrounding EL-SWDs
- ★ ESE English Learners with Disabilities Guidance
- ★ Promising Practice
- ★ Final Thoughts



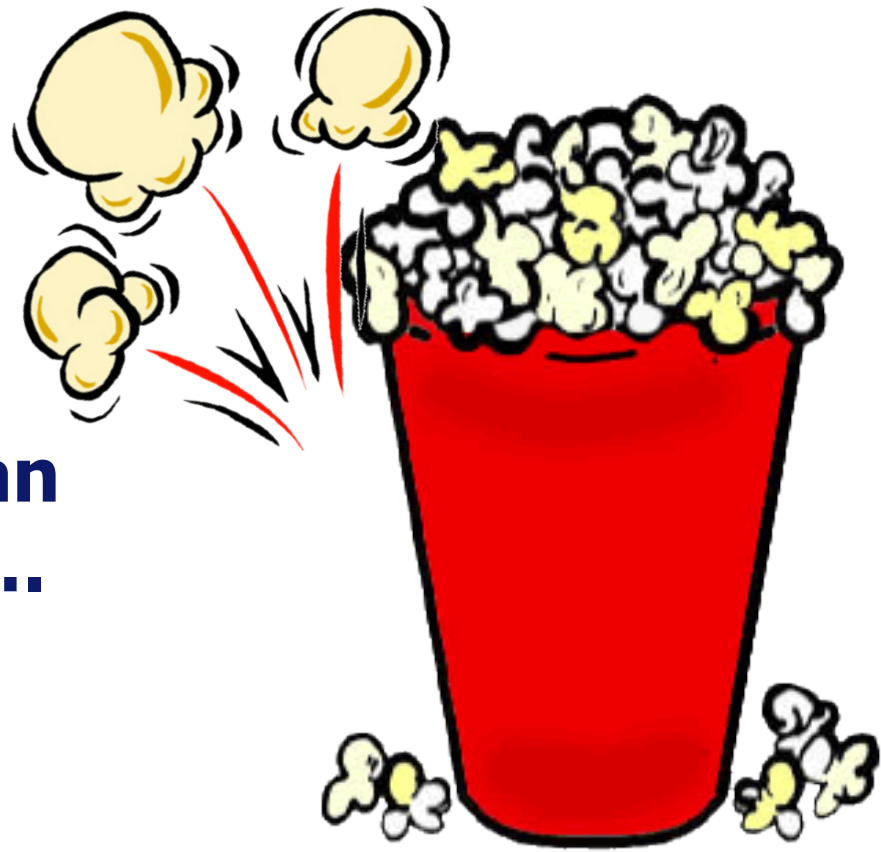
# Outcomes: Participants will...

- ★ Expand knowledge & understanding of the laws & regulations surrounding the identification & evaluation of English learners with disabilities (EL-SWD)
- ★ Become familiar with a promising practice for differentiating between language difference & learning disability



# Pop Quiz!

**Let's test your  
knowledge of an  
EL-SWD topic....**



# *Which program/service “trumps” the other?*

English  
Language  
Education  
(ELE)

**or**

Special  
Education &  
Related  
Services



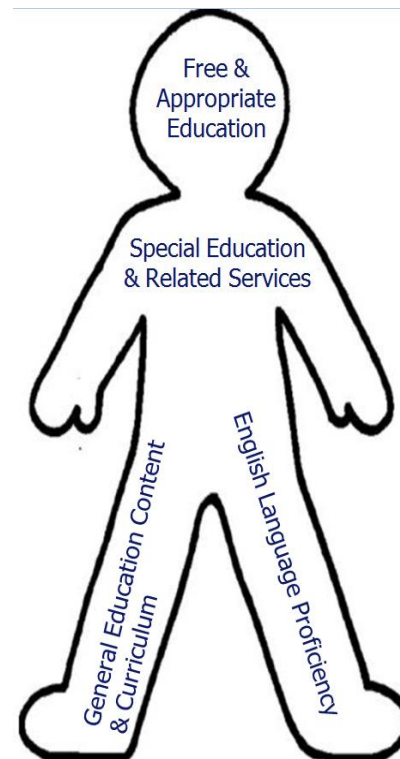
# Answer

## NEITHER!

“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.”

(DCL, 2015, p.24)

### Least Restrictive Environment



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# Laws & Regulations Surrounding EL-SWDs



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# Civil Rights Laws & Free and Appropriate Public Education Obligations, (DCL, 2015)

- ★ Located, identified, & evaluated
- ★ Appropriate identification
- ★ Assess & evaluate in appropriate language
- ★ Inclusion of participants knowledgeable of student's language needs
- ★ Simultaneous provision of ELE-SPED services
- ★ Parent/guardian-meaningful participation
- ★ Consider how the student's language needs relate to the IEP



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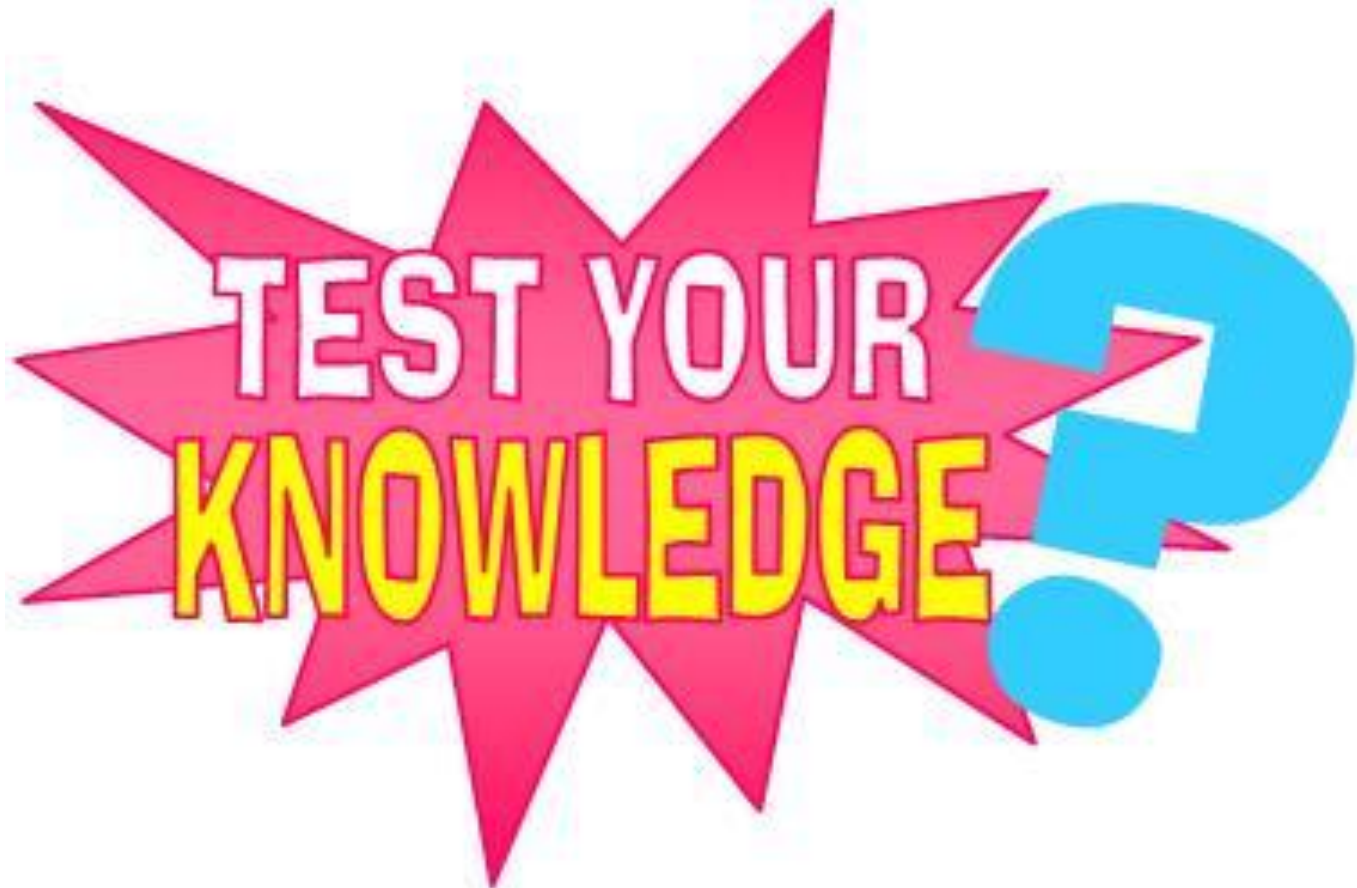


# ESE English Learners with Disabilities Guidance Topics

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Let's ...



# Question...

Is there a specific wait-time before referring ELs for special education evaluation?



# Answer: **NO**

Delaying disability evaluations of EL students for special education and related services for a specified period of time based on EL status is impermissible under IDEA and Federal civil rights laws.

(DCL, 2015, p.25)



# Identification of Students Who Have or May Have Specific Learning Disabilities

“SEAs and school districts must ensure that all EL students who may have a disability, like all other students who may have a disability and need services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner.”

(DCL, 2015, p.24)



# Fact Gathering Activity

## *todaysmeet.com*

1. Using an internet-connected device, scan the QRC code or enter the following web address:



[https://todaysmeet.com/MATSOL2017\\_EL-SWD](https://todaysmeet.com/MATSOL2017_EL-SWD)

2. Create a "nickname"
3. You are now ready to post your comments!





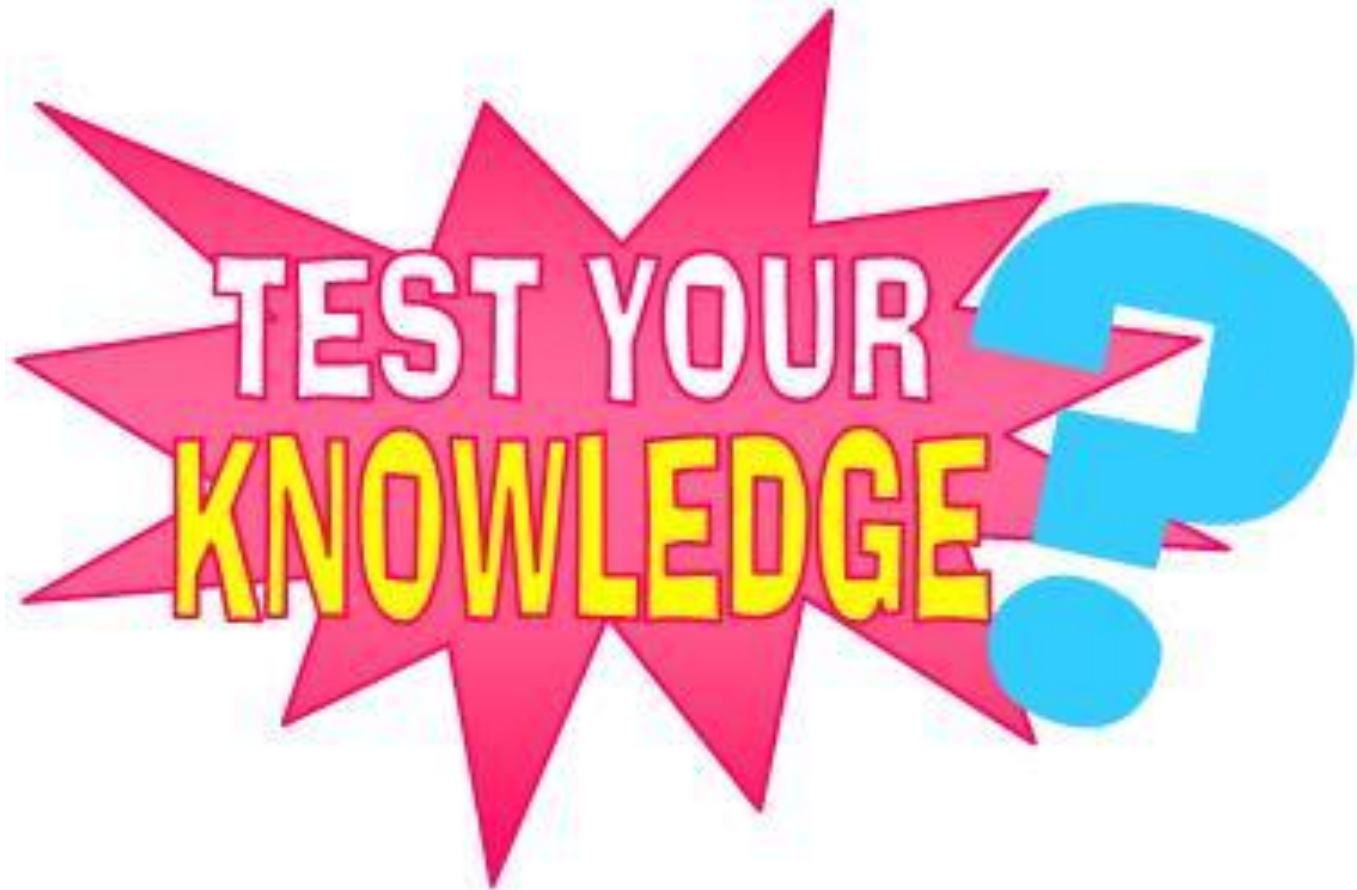
# Activity #1: Identifying Students Who Have or May Have Disabilities

- ★ What are your district/school's current procedures for identifying students who have or may have disabilities?
- ★ Who are the individuals responsible for conducting these procedures?
- ★ As an English Learner Education professional, what steps can you take to improve identification practices in your district/school?

**Post your responses on our "Today's Meet" classroom wall!**



Let's ...



# True or False?

When determining the eligibility of an EL for special education services, ELE professionals are optional IEP team members.



# Answer: **FALSE**

“To ensure that EL children with disabilities receive services that meet their language and special education needs, it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student’s limited English proficiency and the student’s disability.”

(DCL, 2015, p.27)



# Evaluation for Special Education & Related Services

“When conducting such evaluations, school districts must consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used. School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.”

(DCL, 2015, p.24)



# Activity #2:

## Evaluation of Students for Special Education Services

- ★ In your district/school, how is language proficiency considered when selecting appropriate assessments and other evaluation materials for special education evaluation?
- ★ Who are the individuals responsible for selecting assessments and other evaluation materials?
- ★ As an English Learner Education professional, what steps can you take to improve evaluation practices in your district/school?

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# Promising Practice: Differentiating Between Language Difference & Learning Disability





# What is a “Specific Learning Disability (SLD)?”

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think speak, read, write, spell, or to do mathematical calculations.

(603 CMR 28.00; 34 CFR §§300.8(c)(10); 300.309)



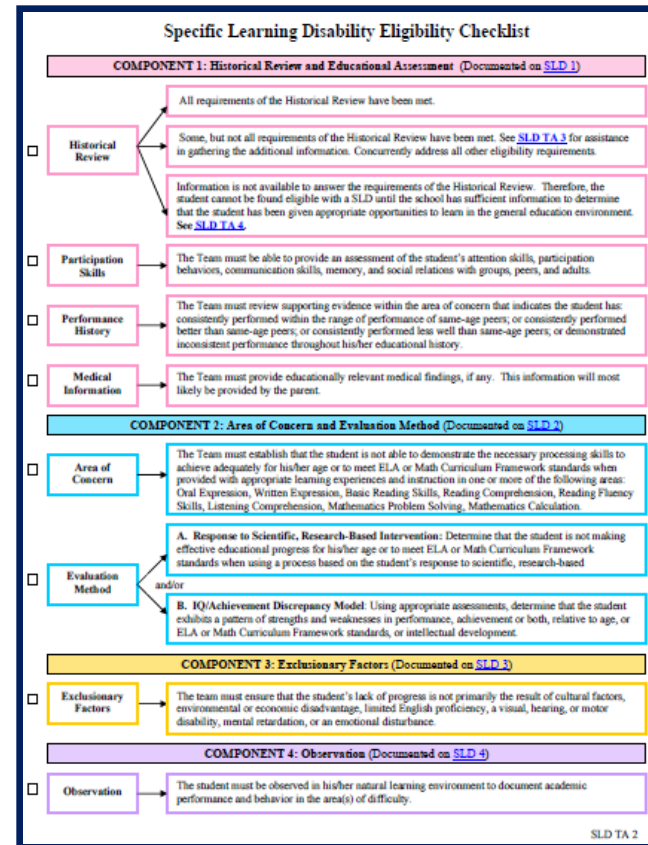
# MA SLD Determination: Comprehensive, 4 Component Process

★ Historical Review and Educational Assessment

★ Area of Concern and Evaluation Method

★ Exclusionary Factors

★ Observation



# Promising Practice: Culturally & Linguistically Responsive Instruction & Intervention

High Quality Core  
Curriculum &  
Instruction School-  
wide/behavior & social  
rules, supports,  
expectations



Tier 3-  
Intensive  
& Core

Research-based  
Interventions &  
Assessment  
Practices

Tier 2-  
Supplemental  
& Core

Universal  
Screening &  
Progress  
Monitoring

Core  
Instruction/Universal  
Behavioral Supports

Collaborative School-  
Family Problem Solving

*Adapted from [Massachusetts Tiered System of Support Overview](#), September 2012.*



# Delaying or Denying Evaluation

“The regulations at 34 CFR §300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-300.311, to a child suspected of having a disability under 34 CFR §300.8.”

(OSEP, 2011)

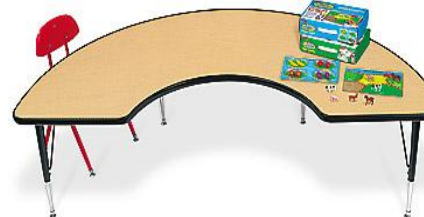
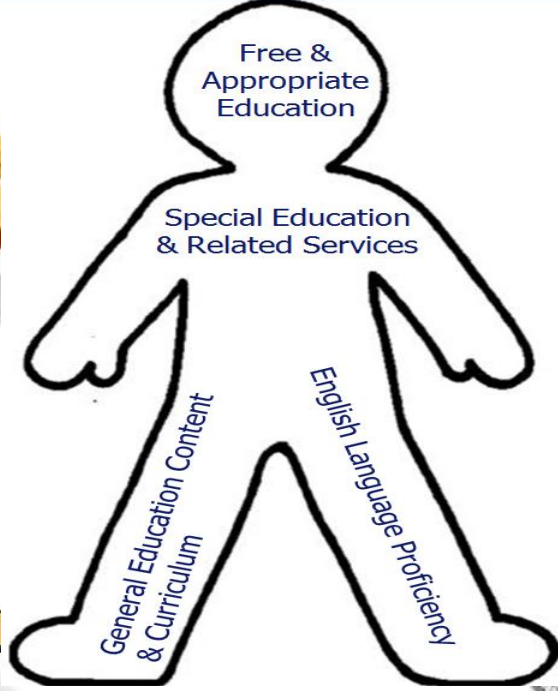


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# The Integrated Needs of EL-SWDs



# Final thoughts...



# Contact Information

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# Resources

- ★ Klingner, J., & Eppolito, A.M. (2014). [English Language Learners: Differentiating Between Language Acquisition and Learning Disabilities](#). Arlington, VA: Council for Exceptional Children.
- ★ Massachusetts Department of Elementary and Secondary Education & Federation for Children with Special Needs. (2012). [Massachusetts Tiered System of Support-Federation for Children with Special Needs \*Visions of the Community, March 2012\*](#). Presentation.
- ★ Massachusetts Department of Elementary and Secondary Education. (2015). [Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners](#). Malden, MA: ESE.
- ★ Massachusetts Department of Elementary and Secondary Education. (2015). [Specific Learning Disabilities: Eligibility Determination under IDEA 2004](#). Professional Development. Malden, MA: ESE.
- ★ Massachusetts Department of Elementary and Secondary Education. (2016). [Guidebook for Inclusive Practice Inclusive Practice Tool: Accessibility Review Tool](#). Malden, MA: ESE.
- ★ Massachusetts Department of Elementary and Secondary Education. (2016). [Guidebook for Inclusive Practice Foundations for Inclusive Practice: Online Courses](#). Malden, MA: ESE.



# Resources, cont.

- ★ WIDA. (2013). [Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention \(RtI<sup>2</sup>\) for English Language Learners](#) *Connecting to WIDA Standards, Assessments, and Other Resources*. Madison, WI: Center for Education Research.
- ★ WIDA. (2017). [Focus On Providing ELLs with Disabilities with Access to Complex Language](#). Madison, WI: Center for Education Research.
- ★ U.S. Department of Justice and U.S. Department of Education (USED) Office of Special Education Programs (OSEP). (2011, January 21). Memorandum: [A Response to Intervention \(RTI\) Process Cannot Be Used to Delay – Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act \(IDEA\)](#).
- ★ U.S. Department of Justice and U.S. Department of Education. (2015, January 7). [Dear Colleague Letter: English Learner Students and Limited English Proficient Parents \(January, 7\)](#).
- ★ U.S. Department of Education. (2015, October 6). [English Learner Tool Kit \(OELA\)](#) [Pamphlets; Reference Materials].

