Determining Special Education Eligibility of English Learners

Is my student struggling because of limited English proficiency or a disability?

Determining whether a student is eligible for special education is often a difficult task for elementary educators, and it can be even more challenging when the students is an English learner. Many elementary educators report they are often unsure whether an English learner is struggling due to their limited ability to communicate in English or as the result of an underlying disability (Artiles & Klingner, 2006). This uncertainty may lead to the inappropriate provision of special education services to English learners who do not have a disability, or to a delay or lack of services to those who do (Artiles et al., 2010).

Several recent studies have outlined key practices that support the accurate determination of special education eligibility for young English learners (see review in Burr, Haas, Ferriere, & West, 2015; Artiles & Klingner, 2006;

Wagner, Francis, & Morris, 2005). These include:

- Fostering cross-team collaboration
- Engaging in culturally responsive practices
- Implementing Response to Intervention (RTI) and progress monitoring strategies prior to special education referral

In the spring of 2019, a team from REL Northeast & Islands worked with four school districts in the REL Northeast & Islands region to learn about the policies and practices they use to identify disabilities among English learners. The team spoke with 30 school administrators and early elementary school teachers about their challenges and successes in implementing practices that promote accurate identification of English learners according to the research literature.

This document provides a summary of lessons learned and considerations for how school leaders can support special education determination for English learner students.

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Opportunities for teachers to collaborate, especially with ESL teachers, may not be formally incorporated into the school day

What the research says: Addressing the complex needs of young English learners who may have a disability requires a team effort. English learners interact with many teachers. A classroom teacher may welcome them in the morning, for example, then an English as a Second Language (ESL) teacher may pull them aside for a session focused on building English proficiency. Later in the day the student, like their English- speaking peers, may be pulled out by a reading or math interventionist, followed by separate lessons with music, art, and physical education teachers. Collaboration across the adults who interact with an English learner permits the alignment of learning goals and sharing information on effective instructional strategies (Sanchez et al., 2010; Park et al., 2017). This collaboration can also help ensure that educators have a more complete picture of an English learner's school experiences before making a referral for special education.

What we heard in interviews with educators: Unfortunately, in the districts we interviewed, these types of regular cross-teacher interactions often relied on personal relationships or happenstance. Nearly all the teachers with whom we spoke described grade-level meetings of classroom teachers, but these meetings rarely included ESL teachers. When these interactions did take place, it was often because a classroom teacher and ESL teacher happened to be in spaces located on the same side of the school or had similar planning periods. One teacher pointed out, "Unless we carve out a special time for that, it's impossible in the daily elementary day, to try to touch base." Cross-teacher collaboration appeared to pick up briefly when an English learner was referred for special education evaluation, but once a decision was made, the interactions became relegated to the annual reconsideration of the student's individualized education plan.

Many elementary school leaders with whom we spoke were unaware of the difficulties of cross-teacher collaboration. Although many classroom teachers

described challenges connecting with their English language development (ELD) and special education colleagues, we rarely heard such concerns from principals and other school leaders.

What school leaders can do: School leaders can create a culture of collaboration by providing clear expectations for shared responsibility for all students (Sanchez et al., 2010; Park et al., 2017). They can protect time for ESL, special education, and general education teachers to meet formally. In one school, the principal set aside one of the four monthly professional learning meetings for ESL, special education, and general education teachers to discuss the progress of shared English learners.

Educators are aware of the need for cultural responsiveness but do not always know what it means in practice

What the research says: English learners in U.S. schools often do not share the same cultural background as their teachers (La Salle, Wang, Wu, & Rocha Neves, 2019). Implementing culturally responsive practices means that children's culture, language, and experiences are valued and used to facilitate learning and development, and to make learning encounters more relevant and effective (Gay, 2010; Klingner et al., 2005).

In classrooms and schools that implement culturally responsive practices, ethnic and linguistic

minority students are more engaged and have better achievement (Aronson & Laughter, 2016). Educators who are more aware of and attuned to their students' cultural contexts may also be less likely to attribute cultural differences to disability, making them better able to accurately identify English learners for special education (Hoover & Erikson, 2015; Sanchez et al., 2010).

What we heard in interviews with educators: Many of the elementary educators with whom we spoke were aware of the importance of culturally responsive practices. They endorsed the value of their school's cultural diversity and acknowledged cultural differences in how students engage with adults. For example, one classroom teacher said, ". . . students who are Hispanic, for example, they don't always look you in the eye . . . so we are cognizant of things like that. If they look down, it's a sign of respect as opposed to looking you in the eye." Teachers and administrators in one district described efforts to bridge cultural divides through an annual multi-cultural night that celebrated their students' cultural heritage through food, dress, and music. Others described learning about their students' cultural backgrounds through reading books about immigrant students' experiences and discussing them with their colleagues.

However, as with many teachers whose schools take on culturally responsive practices (Lim et al., 2019), these efforts often did not proceed beyond the superficial. Some teachers also showed a deficit perspective. For example, one teacher discussing a recent English learner she had referred for special education evaluation commented, "[He] would just, basically, trash talk everybody on the playground. . . I don't know what you would consider street language, but it's stuff that he may have heard at home and with his family and how they may speak with each other."

What school leaders can do: A culturally responsive school uses student assets in daily instruction, so that children's culture, language, heritage, and experiences are valued and used to facilitate learning. School leaders can be the drivers in creating culturally responsive practices within the school. They can guide teachers and other school personnel in expanding their understanding of behavior and culture (Minkos et al., 2017) and engaging in cultural humility and self-reflection to better understand their own cultural frames of reference (Rychly & Graves, 2012). Other ways that school leaders can encourage culturally responsive practices include:

- Incorporating students' cultural backgrounds and home language and accommodating language proficiency needs in classroom instruction

- Establishing authentic relationships with students' families

- Involving families in multidisciplinary teams

- Engaging in self-reflection to build awareness of existing cultural frames of reference

Multi-tiered systems of support (MTSS) with English learners may require different interventions and different responses

What the research says: The use of multi-tiered systems of support (MTSS) is a cornerstone for supporting struggling students in the elementary schools in the districts studied. The tiered system depends on high-quality Tier 1 core instruction, which means that all educators need to see themselves as educators of English learners and build the skills and expertise in providing high-quality instruction to English learners in their classrooms. Standard English language supports like ESL are part of that core instruction. With MTSS, students who do not respond to high-quality Tier 1 instruction receive progressively more intensive, evidence-based supports while educators carefully track whether their skills improve. Students who do not demonstrate improvement may eventually be referred for special education. For those students who are suspected of having a disability, this process helps to ensure that special education referral is reserved only for those students who truly need additional services to access the general education curriculum.

Unfortunately, MTSS may not always work well for English learners. Like most evidence- based interventions, MTSS is designed to support struggling monolingual English-speaking children, and may not be optimized to account for English learners' varied levels of English proficiency. In addition, many of the data collection tools used to measure student progress are not valid measures of the progress of English learners, and finding valid measures is not always easy. Because of these challenges, educators may hesitate to provide MTSS services until a student improves their English proficiency, which can then lead to delays in providing a student with needed interventions or in identifying a disability and providing needed services. In other cases, the use of inappropriate data tools can mean that educators are not able to observe a student's true progress, leading to an inappropriate referral for special education.

What we heard in interviews with educators: In two of the districts where we interviewed educators, teachers described using MTSS practices with English learners even when the existing process was not necessarily well-designed for them. For example, in one district there was a belief that students need to reach a certain level of English proficiency in order to participate in MTSS. A teacher in that district described advocating for MTSS for a student who was at the most preliminary level of English proficiency. She said, "[MTSS] sometimes doesn't happen . . . until their level in ESL comes up a little bit. But with this one I pushed pretty hard through the MTSS process . . . 'Listen, I really feel there's something else going on and he needs more.'" Many teachers provided similar examples of adapting existing processes to meet student needs.

MTSS is designed to use frequent data collection and progress monitoring to ensure that students are receiving interventions that meet their learning needs. The teachers we spoke with identified more than 20 different sources of data to monitor student progress. One teacher described the use of "near peers" saying, "So we have a student who's making limited progress, and their profile looks like they're level two, and they've been in the country for three years, and they've had support for a year and a half, and so we'll look for other students that kind of fit a similar profile, and we'll look at their rates, and if their learning rates are significantly different then we go okay, well this child's peers have a similar profile, they're progressing at a much higher rate than this child."
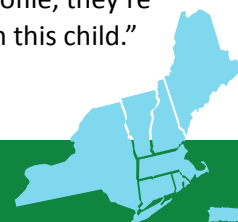
What school leaders can do: Elementary school leaders can help ensure that English learners in their schools have access to appropriate interventions and educators have the right tools to measure their progress (U.S. Department of Education, 2017; Rinaldi & Parker, 2016; Rinaldi, Ortiz & Gamm, nd). One way to do this is by directing teachers to training opportunities focused on effective instruction for English learners as part of MTSS and on benchmarks for English learners to chart progress. Leaders can also play an important role in modeling the responsible use of data by:

- Providing linguistically and culturally appropriate assessments

- Encouraging the use of multiple measures, including assessments, observations, and parent interviews

- Incorporating collaborative data review cycles in teachers' schedules

Identifying resources and changing culture to support student success

This project was originally motivated by variations in the proportion of English learners identified with disabilities across school districts, as well as the over-representation of disabilities in many school districts. Indeed, three of the four districts that participated in this project were found to have a higher proportion of English learners with disabilities in at least one of the three years from 2012 to 2015.

Despite this result, the educators we interviewed described practices that should enable them to effectively distinguish between a disability and language development, more than practices that might lead to the misidentification of a disability. It may be that the third and fourth grade educators we spoke with had dedicated time to the areas considered most effective for determining special education eligibility for English learners—collaboration, cultural responsiveness, and MTSS and data monitoring—while these practices might not have been implemented districtwide.

As with many aspects of elementary education, working with English learners requires educators to both faithfully apply evidence-based practices while adapting to best support the unique strengths and challenges of each student. Rigorous research and the experiences of other educators help provide some guidance. Collaboration allows each teacher to provide their expertise in the service of high-quality instruction for each student.

Culturally responsive instruction, including self-reflection about the biases we each bring to the classroom, along with strategies to be more inclusive of students' backgrounds and assets, can provide a climate that encourages students to learn. The MTSS process is helpful in identifying where students are facing challenges, but some approaches must be modified to work with English learners.
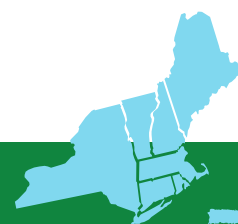
Additional Resources to Support English Learners

Below we have provided several resources related to English learners that may be helpful to you and in your work as educators.

COLLABORATION

The Coaching and Self-Reflection Tool for Competency in Teaching English Learners. This resource, which was developed by the Connecticut State Department of Education in collaboration with the regional educational service centers (RESCs), is a tool that can be used by administrators and practitioners regarding the instructional shifts and rigor inherent in the Connecticut English Language Proficiency (CELP) Standards. This tool can be used for professional development and discussions. https://portal.ct.gov/SDE/Publications/Coaching-and-Self-Reflection-Tool-for-Competency-in-Teaching-English-Learners

CULTURAL RESPONSIVENESS

The Principal's Guide to Building Culturally Responsive Schools. This brief report provides guidance to school administrators from National Association of Elementary School Principals for culturally responsive school leadership. It provides some practical suggestions on culturally responsive strategies and practices that school administrators can employ in their schools. https://www.naesp.org/sites/default/files/NAESP_Culturally_Responsive_Schools_Guide.pdf

Teachers' Perceptions of Culturally Responsive Pedagogy and the Impact on Leadership Preparation: Lessons for Future Reform Efforts. This journal article investigates the impact of a teacher-driven professional development effort to address culturally responsive teaching practices in a large Midwestern state district. https://files.eric.ed.gov/fulltext/EJ1103652.pdf

MULTI-TIERED SYSTEMS OF SUPPORT (MTSS) or RESPONSE TO INTERVENTION (RTI)

RTI for English Language Learners: Appropriately Using Screening and Progress Monitoring Tools to Improve Instructional Outcomes. This brief provides a framework for using Response to Intervention with English learners with a focus on screening and progress monitoring. https://mtss4success.org/sites/default/files/2020-07/rtiforells.pdf

OELA English Learner Toolkit. Chapter Six of the Toolkit provides specific tools for distinguishing between disability and language acquisition. https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf
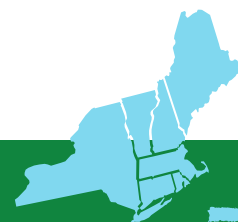
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