ENGLISH LEARNERS WITH DISABILITIES

I. Introduction

This section provides information and resources regarding best practices and regulatory requirements for identifying, providing services, and reclassifying English Learners (EL) with disabilities.

II. Supports for English Learners within a Multi-Tiered System of Supports Framework

California's Multi-Tiered System of Supports (MTSS) model establishes an integrated and comprehensive framework focused on quality teaching and learning for all students in all content areas, which includes comprehensive English language development (ELD) for English learners, along with any necessary supplemental and intensive instruction students may need to be successful. Created to meet the needs of all students, this framework unifies and amplifies the range of support systems for English learners, students with disabilities, students who are identified as gifted and talented, and students who are academically underperforming and at risk of not succeeding. A key notion of the MTSS model is that all students can be academically successful and that instruction and support systems must be designed to be accessible to all learners.

Because the MTSS framework is designed to support all students, an important question regarding English learners is this: What must be explicitly leveraged in California's MTSS framework to specifically support English learners? This chapter addresses this questionand in doing so provides guidance and a systematic pre-referral process for avoiding over-identification and under-identification of English learners for special education services.

Student-centered learning and close attention to addressing individualized student needs, beginning with the core instruction1 in which all students are enrolled, is at the heart of California's MTSS. For this reason, the MTSS aligns all systems necessary for all students' academic, behavioral, and social-emotional supports with an understanding that these supports are interrelated and work together to promote student academic achievement and overall well-being.

Implementing the MTSS framework in California schools involves using comprehensive and systematic processes to identify and address student needs to facilitate each individual student's highest level of achievement. Collaboration of teaching teams, including program specialists and English specialists to provide effective services to students is vital, as is the collaboration of site and LEA leadership teams in designing, implementing, and cultivating the needed systems for student success. All decisions in the MTSS framework are data-driven, informed by evidence and research, and based upon multiple assessment methods for ascertaining student knowledge and skills. Although this chapter primarily addresses guidance for teachers and school and LEA administrators, the MTSS encompasses a whole systems approach and involves all participants in the LEA, including students, families, communities, and policymakers. In the MTSS framework, "all" means "all."

In the MTSS framework, evidence-based practice is essential. Careful selection and effective implementation of evidence-based practices that have been shown to be effective for English learners is critical in all tiers of instruction. Evidence-based core instruction, supplemental supports, and interventions for English learners must address their particular academic, linguistic, social-emotional, and behavioral learning needs, which will vary by the range of diverse groups of English learners (e.g., immigrant, migratory, long-term, newcomer). Culturally and linguistically relevant, responsive, and sustaining practices are paramount.

These high quality multi-tiered instruction and interventions are based on state guidance in California's standards and curriculum frameworks, including the *CA ELD Standards and ELA/ELD Framework*. Delivered through high quality instruction in a single schoolwide, standards-based accountability system, the tiered system is driven by data-based and evidence-informed decision-making. In an effective and inclusive MTSS framework, students of color, ethnically diverse students, English learners, students living in poverty, and students with disabilities are expected to succeed because they are provided with equitable opportunities to learn.

When English learners are not making progress in academic achievement, teams of educators must ask whether the students' instruction, which includes comprehensive ELD, has been evidence-based, standards-aligned, and culturally and linguistically appropriate and whether it has been of sufficient quality. This is important to avoid assigning Tier II and Tier III interventions or referral to special education services when what is happening is a lack of appropriate instruction for English learners. Some English learners will be identified, through a systematic process described in this guide, as having a disability or multiple disabilities and will need special education services. It is through a clear system of tiered supports and pre-referral processes that it can be ascertained if they will need these services. The interventions provided within the MTSS framework are recognized as pre-referral core instruction and interventions.

> (Source: California Practitioners' Guide for Educating English Learners with Disabilities, California Department of Education, 2019.)

III. Linguistically and Culturally Sensitive Assessments

The California Practitioners' Guide for Educating English Learners with Disabilities contains comprehensive guidance on the proper assessment considerations across a wide variety of topics, including:
> Determining a Student's Primary Language
> Determining Language of Assessment
> Assessor Sensitivity to Linguistics and Culture
> Recommended Use of Interpreters for Bilingual Assessments
> Language of Assessment Options
> Academic Assessment Options for English Learners
> Multiple Measures of Student Progress

Assessments must be "provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer" (*EC* 56320[b][1]) (accessible at: https://bit.ly/2V1FROH). Determining how best to assess an