



LANGUAGE DIFFERENCE OR DISABILITY? SORTING THE MUDDY WATERS

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Nampa School District

WHO ARE WE?



OBJECTIVES

- Understand why it's important to differentiate between a disability and learning English when a student who is learning English is being considered for special education services
- Determine the relevant background information and key data needed to support your EL/SPED investigations in assessing whether observed behaviors stem from English language acquisition or indicate a potential disability.
- Learn about our process for reviewing evidence to determine whether English language acquisition is a primary factor before making a Special Education referral.

WHY THE WORK BEGAN?

- Previously district had history of over identifying MLs as having disabilities
- Pre-referral packet was begun to help correct overidentification
- Inherited the process but wanted to add more clarity for ourselves and teams
 - Felt vibey and less data based
- Began researching initial special education identification (preschool, elementary, etc.) to address system concerns

BACKGROUND: DUAL IDENTIFICATION STATS

- What percentage of students are identified with a disability?
 - Idaho: 12%
 - National Average: 15%
 - National Center for Statistics – 2022-2023 school year
- Of those, what percentage of students are also English learners?
 - Idaho: 34%
 - National Average: 45%
 - According to WIDA Focus Bulletin – November 2023
- Why is this important?

Sources: <https://nces.ed.gov/programs/coe/indicator/cgg/students-with-disabilities> &
<https://wida.wisc.edu/sites/default/files/resource/FocusBulletin-Identifying-Multilingual-Learners-Specific-Learning-Disabilities.pdf>

IMPORTANCE OF CORRECT IDENTIFICATION



- “Understand that in many cases a special education evaluation is very difficult to process with accuracy when there is no history of targeted interventions, when there is no evidence of ‘core’ instruction on the area of concern.”
- ”A child is not to be found eligible for something that can be addressed within the general education setting.”

Source: The ELL Critical Data Process – 3rd Edition: Distinguishing between disability and language acquisition, Gill & Nanayakkara

WHAT DOES THE STATE DEPARTMENT SAY?

- First identify the learning behaviors or ‘symptoms’ of the suspected struggles.
- Collect evidence
- Find patterns
- Ask yourself, is it a disability or language acquisition?

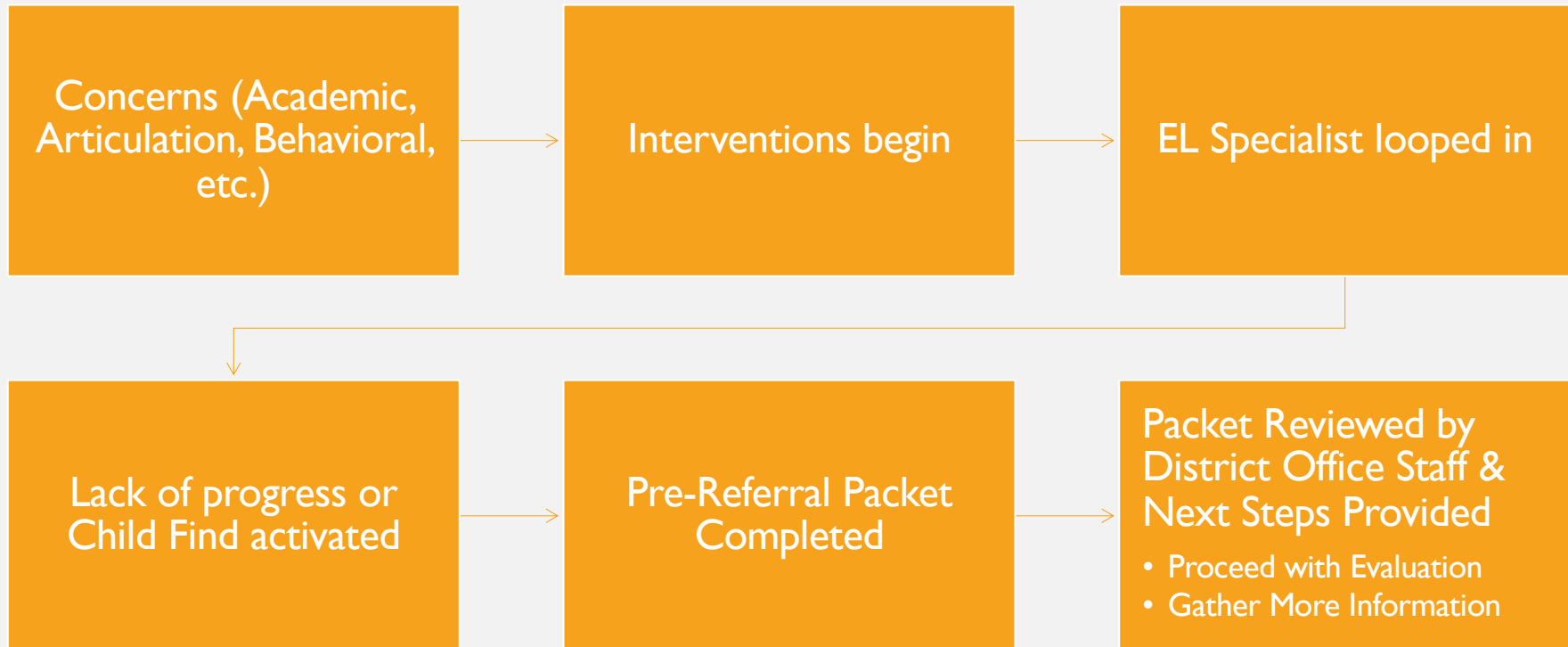
The “INTERVENTION AND EVALUATION FOR ENGLISH LEARNER (EL) STUDENTS” guide outlines steps for intervention but also gives tables that compare learning behaviors between Language acquisition and possible disability.

Reading Comprehension and Vocabulary

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student does not understand passage read, although may be able to read w/ fluency and accuracy	Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	Student doesn't remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
Does not understand key words/ phrases; poor comprehension	Lacks understanding of vocabulary and meaning in English	The student's difficulty with comprehension and vocabulary is seen in L1 and L2


Source: <https://sde.idaho.gov/sped/files/shared/EL-and-SPED-Guidance.pdf>

OUR PROCESS



STEP I – PROCESS CLARITY & TEAM MEMBERS

- State exactly what the process is to refer a student to Special Education
- State exactly what the process is to “Pre-Refer” an identified English Learner to Special Education
- Identify team members that will investigate and compile data
- Have a final review team


NSD EL Pre-Referral Process					
 Instructions and Steps					
<p>*A pre-referral packet must be completed and then reviewed by district special education consulting teacher (Luisa Lowry) and EL Coordinator (Alejandra Howell) PRIOR to referral to special education. You may consult with the SPED consulting teacher/EL Coordinator at any time during the process.*</p>					
Student Is Identified					
1	When a general education teacher, EL Specialist, or RTI/MTSS team identify concerns regarding an EL student, the team will begin an EL Pre-Referral Packet, using gathered information to guide:				
	A - Additional Interventions		General Education Staff		
	B - EL Interventions / Co-Teaching Supports		EL Specialist		
	C - MIOS Screener completed by parent and classroom teacher		SLP & EL Specialist		
*may also choose to use the Basic Expressive Spanish Skills Screener					
Interventions					
2	The intervention team will implement interventions and review multiple points of data from targeted interventions provided over a 6 week period of time.				
Packet Review & Referral Determination					
If data indicates sufficient growth, the team will continue with interventions. If data indicates insufficient growth, the Pre-Referral Packet will be sent to the district office for review. Alejandra Howell (EL Coordinator) and/or Luisa Lowry (SpEd Consultant) will remain available through the process.					
3	Team Names				
	General Ed Teacher				
	EL Specialist				
	SpEd Teacher				
	Psychologist				
	SLP (If Applicable)				
	District SpEd Consulting Teacher		Luisa Lowry		
District EL Coordinator		Alejandra Howell			
A - Date Packet was turned in					
B - Date of Packet Review			Proceed with SpEd Referral		
Determination and Final Steps					
4	More intervention data is needed to make an informed decision on whether or not language acquisition can be ruled out as the primary factor.				
	Proceed with referral for special education, because language acquisition can be ruled out as the primary factor. The district consulting teacher and EL Coordinator will remain available to consult throughout the process.				
	Other:				

Pre-Referral Packet developed by Luisa Lowry and Alejandra Howell for the Nampa School District - Fall 2024
Last Update: 8/19/2024

STEP 1 – PROCESS CLARITY & TEAM MEMBERS

What is the current process in your district to take into consideration English Language Acquisition before referring to Special Education evaluation?

- State exactly what the process is to refer a student to Special Education
- State exactly what the process is to “Pre-Refer” an identified English Learner to Special Education
- Identify team members that will investigate and compile data
- Have a final review team

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	Other:				

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STEP 2 – STUDENT DEMOGRAPHICS AND AREAS OF CONCERN

- What areas of concern need to be investigated?
- Suspected Disability
- Academic/Behavioral Concerns
- Medical History
- Other outside factors

Student Demographics and Areas of Concern	
<small>Instructions for filling out the packet: Areas highlighted in Blue must be filled out. Any areas in Orange are optional. If you feel the information would help us make a more informed decision. Green areas denote the start of a new section. Please do not change formatting.</small>	
Identifying Information	
Student Name	
Grade	
Age	
Date of Birth	
School	
Parent/Guardian Names	
Areas of Concern	
<small>Please be as detailed as possible in explaining the concern.</small>	
Suspected Disability	
Academic	ELA:
	Math:
	Other:
Speech/Language	
Social/Emotional	
Behavioral	
Medical Concerns <small>Investigate if student has any visual or hearing concerns.</small>	
Necessary Health Records	
Family History	
Attendance	
Mobility	
McKinney Vento	
Regular, Reduced, or Free Lunch	

STEP 3 – PARENT/GUARDIAN INTERVIEW AND BACKGROUND

- What information should you discuss with families?
- Cultural and Residential Background
- Developmental and Medical History
- Student's Language Considerations
- School Background

Parent/Guardian Interview and Background		
Student's Language Considerations		
1	What was the student's first language learned?	
2	Did the child first learn more than one language at the same time? If so, what languages?	
3	Is there exposure to literature (i.e. books, magazines, newspaper, etc.) in the child's native language(s) in the home? If so, do parents read to the child?	
4	Have parents reported concerns or delays in the student's native language development? If so, explain.	
5	At what age was English introduced to the student and in what setting?	
6	When English was first introduced was the student doing any of the following in their native language ? Listening/Understanding? - Speaking? - Reading? - Writing? - Explain:	
7	Are parents/caregivers teaching child in native language academic skills? (read, write, math, etc.)	
Language Use Frequency: Please use best estimate.		
Question	Type in language for "Other"	Select % of Time
1	What language(s) does the child speak? English Other Home Language (Type In): Other Communication Mode (Type In):	100% <div style="width: 100%; height: 10px; background-color: green;"></div>
2	What language(s) does the child speak to parents/guardians? English Other Home Language (Type In): Other Communication Mode (Type In):	 <div style="width: 0%; height: 10px; background-color: green;"></div>
3	How do parents/guardians communicate with the child? English Other Home Language (Type In): Other Communication Mode (Type In):	 <div style="width: 0%; height: 10px; background-color: green;"></div>
4	What language does the child speak with brothers, siblings, or friends? English Other Home Language (Type In): Other Communication Mode (Type In):	 <div style="width: 0%; height: 10px; background-color: green;"></div>
5	What language does the child speak with other relatives/caregivers? (e.g. grandparents, babysitters, daycare) English Other Home Language (Type In): Other Communication Mode (Type In):	 <div style="width: 0%; height: 10px; background-color: green;"></div>
6	What language(s) does the student speak when not at school? English Other Home Language (Type In): Other Communication Mode (Type In):	 <div style="width: 0%; height: 10px; background-color: green;"></div>

STEP 4 – EL SUPPORTS AND INTERVENTION

An honest determination of EL student supports, and progress needs to be part of the conversation. If students as a whole are not making adequate progress, an evaluation of Tier I structures must be reviewed.

- Student Language Use at School
- ELD Supports (With or without the EL Specialist)

EL Supports and Intervention		
This section to be filled out by the Student's Gen Ed teacher(s) and EL Specialist		
Student Language Use at School		
What language does the student speak most often in academic settings? <small>(Give Frequency percentage if possible)</small>	English	
	Other Home Language (Type in):	
	Other Communication Mode (Type in):	
What language does the student speak most often in non-academic settings and social interactions at school? <small>(Give Frequency percentage if possible)</small>	English	
	Other Home Language (Type in):	
	Other Communication Mode (Type in):	
ELD Supports (With or without the EL Specialist)		
How long has the student been receiving English Language Development in an academic setting?	Years/Months:	
	Have there been interruptions?	
	Explain if needed:	
What ELD supports is the student receiving in the classroom? <small>(Including but not limited to: - Sensory supports (realia, manipulatives, illustrations, videos, models, figures) - Graphic Supports (charts, tables, timelines, number lines) - Interactive supports (cooperative learning groups, Internet Software, L1 support) - Printing accepted (no curve) - Note taking support (copy of teacher notes with highlighted target vocabulary) - Pre-teaching/Background building - Vocabulary scaffolding / Modify linguistic complexity - Read aloud text directions, questions, options (not reading passages if a reading comprehension assessment) - Allow extra time)</small>		
What ELD specific interventions or small group help has the student been receiving? <small>(If different than information given above)</small>		

STEP 5 – INTERVENTION DATA

Beginning Date	9/1/22					Ending Date	11/7/22		
Frequency (x/week)	4x a week for 30 min								
Specific Skill(s)	decoding cvc words and blends								
Curriculum Used	Really Great Reading curriculum								
Progress Monitoring Tool	tracking using 1st grade fluency passages								
Supporting Data									
Date	9/8/22	9/15/22	9/22/22	9/29/22	10/7/22	10/14/22	10/21/22	10/28/22	11/5/22
words read correct	2	5	10	7	12	15	16	20	25
accuracy	50	75	83	75	87	75	82	83	95

- How many weeks of intervention are needed to support referral?
- What is the improvement threshold you should consider to determine if interventions are helping or not?
- We recommend 6 weeks of intervention
- Include specific skill(s) being targeted
- Accuracy of student responses
- Compare to rate of growth of other students in the same group

STEP 6 – PEER COMPARISONS



Guidelines for choosing peers in order of importance:

- Not already identified as SpEd
- Same Grade
- Similar Screening year/baseline/test
 - Ensures students have been receiving ELD supports for the same amount of time
 - Similar Test ensures continuity of data comparison
- Language/Home background
 - Not all languages share cognates, grammatical structures, phonetic production, so acquisition will look different
 - Similar home backgrounds ensure students are learning in similar environments
 - Were they newcomers when screened?
- Gender
 - Similar genders will tend to perceive and learn in similar ways due to developmental factors

How?

- Download/copy a list of ELs at your school/district wide
 - Select students by grade/gender
- Check that they are not already SpEd
 - Check Program Enrollment Date
- Go To Transfer Info
 - Check that date of screener enrollment matches enrollment in US Schools.
- Check Screener data
 - Should have similar overall scores
 - If using students from different schools, reach out to teachers to find out more on background.

WHAT DO YOU NOTICE?

	Student A.A. Male		Peer 1 B.B. Male		Peer 2 C.C. Female		Peer 3 D.D. Male	
In US schools since what year?	2021		2020		2024		2021	
WIDA Kinder Screener 8/31/2021 date	L & S	1,1	L & S	29	L & S	4,3	L & S	3,2
	Reading	1	Reading	4	Reading		Reading	1
or	Writing	1	Writing	5	Writing		Writing	1
IELA (date)	Overall	1	Overall	Exceptional	Overall	3.5	Overall	1.5

Is it an example or a non-example?

NON-EXAMPLE

WHAT DO YOU NOTICE?

	Student A.A. Male		Peer 1 B.B. Male		Peer 2 C.C. Male		Peer 3 D.D. Male	
In US schools since what year?	2022		2022		2022		2022	
WIDA Kinder Screener 9/30/2022 date	L & S	1,6	L & S	2,5	L & S	4,4	L & S	3,5
	Reading		Reading		Reading		Reading	
or	Writing		Writing		Writing		Writing	
IELA (date)	Overall	4.5	Overall	4	Overall	4	Overall	4.5

Is it an example or a non-example?

EXAMPLE

STEP 7 – PROCESS CLARITY & TEAM MEMBERS

- Patterns observed from data collected
- Opportunity for all professionals involved to share anecdotal evidence or to summarize their findings

Team Observation Narratives	
Patterns observed from Data Collected	
Describe the patterns and/or lack of growth or other trends with the data provided from interventions.	
Describe the patterns you observed from the peer comparisons collected.	
MIOS Interpretation - Share your conclusions from this survey, or why your team did not deem this section necessary.	
Classroom Observations	
Classroom Teacher Observations	
EL Specialist Observations	
SpEd, SLP, or other support staff observations	

STEP 8 – MIOS – OPTIONAL MULTILINGUAL INPUT-OUTPUT SURVEY

- Use when the background information already collected is still vague
- Gives a more detailed snapshot of student language use.
- District created resource based on the BIOS and BESA

MIOS - Multilingual Input-Output Survey									
Instructions: Please complete the following two tabs through a parent interview. This interview should include the EL specialist and at least one other team member, which may include the Speech Language Pathologist. A district level interpreter can also be scheduled to help facilitate this parent interview.									
Student Name					Date Completed:				
Home Language									
WEEKDAY									
	Who the child interacts with (parent, sibling, peer, grandparent, etc.)	Participant Input				Child Output			
		Home Language	Both	English	Total	Home Language	Both	English	Total
	6:00 AM	2	1	0		2	1	0	
	7:00 AM	2	1	0		2	1	0	
	8:00 AM	2	1	0		2	1	0	
	9:00 AM	2	1	0		2	1	0	
	10:00 AM	2	1	0		2	1	0	
	11:00 AM	2	1	0		2	1	0	
	12:00 PM	2	1	0		2	1	0	
	1:00 PM	2	1	0		2	1	0	
	2:00 PM	2	1	0		2	1	0	
	3:00 PM	2	1	0		2	1	0	
	4:00 PM	2	1	0		2	1	0	
	5:00 PM	2	1	0		2	1	0	
	6:00 PM	2	1	0		2	1	0	
	7:00 PM	2	1	0		2	1	0	
	8:00 PM	2	1	0		2	1	0	
	9:00 PM	2	1	0		2	1	0	
	10:00 PM	2	1	0		2	1	0	
	11:00 PM	2	1	0		2	1	0	
		Weekday Input				Weekday Output			
						0			

STEP 9: DOCUMENT REVIEW & ANALYSIS MATRIX

The Analysis Matrix addresses 16 considerations to be discussed based on the evidence provided in the EL Pre-Referral Packet.

FACTORS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Data supports referral																
Between Neutral and Supports Referral																
Neutral																
Between Neutral and More Interventions																
Data supports more intervention(s)																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

- Helps guide discussions between the EL Coordinator and SpEd Consultant to determine if the evidence points towards:
 - **Disability** - SpEd Referral
 - OR
 - **More intervention** (English language acquisition cannot be ruled out)

FINAL STEP: ANALYSIS MATRIX

FACTORS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Data supports referral																
Between Neutral and Supports Referral																
Neutral																
Between Neutral and More Interventions																
Data supports more intervention(s)																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

1	Student's Primary Language	9	Red Flag Area: Approach taken with regards to ELL Services (NO Neutral, refer to data)
2	Students who speak multiple languages (only for students who speak 2+ lang. other than English. Mark Neutral if not.)	10	Red Flag Area: Rate of Growth on the state language acquisition test
3	Red Flag Area: Language Development and transition in Multilingual homes (Mark neutral if only one language is spoken in the home)	11	Red Flag Area: Intervention Description
4	Red Flag Area: Red Flag Area: Education in Primary/Native Language	12	Red Flag Area: Expectations in the General education classroom
5	Parental Literacy in primary language	13	Classroom Observations
6	Red Flag Area: Student did not learn to read in the primary language	14	Comparison student data
7	Red Flag Area: Years learning English	15	Red Flag Area: The parent interview
8	Attendance History	16	Developmental History

FINAL STEP: ANALYSIS MATRIX

FACTORS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
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Between Neutral and Supports Referral																
Neutral																
Between Neutral and More Interventions																
Data supports more intervention(s)																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

- There is **no magic number** that correlates with a disability versus English language acquisition.
- Highlights which of the two outcomes has more ‘weight.’
- Helps to align recommendations to move forward with a SpEd Referral, ask for more intervention, OR to gather more data.

ANALYSIS MATRIX SOURCE

- Developed by Steve Gill and Ushani Nanayakkara
- “Contains resources and guiding documents to help teams understand whether or not a special education referral is an appropriate action for your student. This includes processes and materials for completing the ELL Critical Data Process for K-12 and preschool students.”

Source - <https://www.stevegillell.com/books>



STEP 10 – FINAL EL PRE-REFERRAL DETERMINATION

- Reviewers document decision with next step recommendations and date determination
- School based team reviews recommendations and implements them

Final EL Pre-Referral Determination	
Date	Recommendations from SpEd Consulting Teacher & EL Program Coordinator and Coach
Determination:	
	More intervention data is needed to make an informed decision on whether or not language acquisition can be ruled out as the primary factor.
	Proceed with referral for special education, because language acquisition can be ruled out as the primary factor. The district consulting teacher and EL Coordinator will remain available to consult throughout the process.
	Other:

THANK YOU FOR COMING TO OUR SESSION!

All resources are available on the app.

Don't forget to leave us feedback on the Eventify app!

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Contact Information

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- Luisa Lowry
 - SpEd Consulting Teacher
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SOURCES

Gill, S., & Nanayakkara, U. (2014). The ELL Critical Data Process.

National Center for Education Statistics. (2024). Students With Disabilities. Condition of Education. U.S. Department of Education, Institute of Education Sciences. Retrieved January 2025, from <https://nces.ed.gov/programs/coe/indicator/cgg>.

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