DUALLY IDENTIFIED
TECHNICAL ASSISTANCE GUIDE

TEA

Texas Education Agency

Welcome Letter

Dear Fellow Texas Educators,

The Texas Education Agency (TEA) presents this guide for Texas educators to support holistic and effective programming for students who are dually identified as an emergent bilingual student and a student with a disability receiving special education services. This document serves as technical assistance for school districts but does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete rendition of state or federal laws.

Previously issued TEA guidance pertaining to compliance and practice for both student groups was reviewed and synthesized as part of the development of the content in this resource.

Questions, comments, and suggestions are welcome. Please direct them jointly to the Special Education Division at sped@tea.texas.gov and the Emergent Bilingual Support Division at emergentbilingualsupport@tea.texas.gov.

Sincerely,

TEA's Office of Special Populations and Student Supports

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Framing the Conversation

Why this guide?

Students: The need for a holistic approach

According to the 2023-2024 PEIMS (Public Education Information Management System) report, emergent bilingual students comprised 24.3% of the total student population in Texas, and students receiving special education services accounted for 14.0%. At the intersection of these two populations are 178,540 students who are dually identified as emergent bilingual and receiving special education services. Dually identified students comprise 13.3% of all emergent bilingual students in Texas and 23.0% of students receiving special education services.

Dually identified students require instructional services that reflect language proficiency levels, considerations for second language acquisition, and disability related services. In practice, there are a variety of ways in which these students are served. To serve dually identified students holistically, educators, leaders, and support personnel are tasked with effective collaboration to ensure each dually identified student has an integrated service plan that supports all of their academic, linguistic, and functional needs.

A holistic or integrated service plan is more than the sum of its parts. Multilingual services and special education services should interact in a complementary manner to effectively serve the dually identified student. This requires multi-disciplinary teams to adopt a holistic approach and the development of an integrated service plan. If services provided to dually identified students are not intentionally integrated, then service delivery and a student's educational experience may become fragmented.

DUAL IDENTIFIED STUDENT FAST FACTS

1.35M Emergent Bilingual Students

179K Dually Identified Students

775K Students Served by Special Education
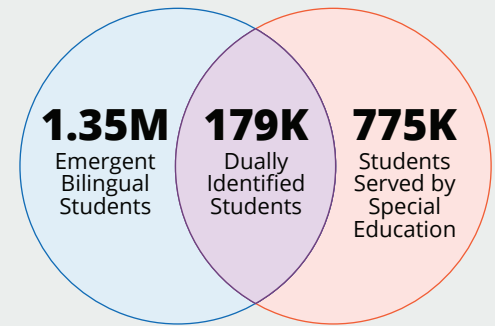
24.3% of the student population are identified as **Emergent Bilingual.**
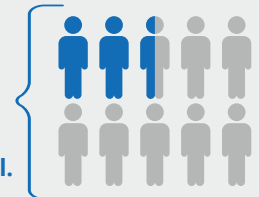
14.0% of the student population are served through **special education.**

3.2% of the student population are **dually identified.**

Families: Cultural considerations about language and disability

Many families of emergent bilingual students have strong cultural beliefs about language and disability that are often tied to their cultural values and identities. These beliefs and values guide how families feel about a disability, its origin, function and if, when, and how it should be addressed. In a similar vein, families also have specific thoughts and expectations about their home language, and how, when and by whom their children will learn English (Ting-Toomey and Chung, 2004). Though these widely diverse beliefs and values cannot be fully known to all educators, there are still effective methods of collaboration with families to help educators better understand how families view the presence of a disability in their child, family beliefs about language acquisition, and how educators can holistically support families.

To be true partners in their child's education, families of dually identified students should be aware of how their child's school supports disability and language, as well as the intersection of the two programs that provide holistic educational services. It is vital for families to fully understand and participate in all stages of identification as an emergent bilingual student; it is equally vital for them to understand and participate in the process for an evaluation of a suspected disability. Districts, which include open-enrollment charter schools and districts of innovation (DOI), must ensure meaningful participation for families during the referral, evaluation, and admission, review, and dismissal (ARD) committee meeting process, including providing interpreters and/or materials in the family's home language (34 CFR §300.322). Required documents such as the Notice of Procedural Safeguards, Parent's Guide to the ARD Process, and Overview of Special Education for Parents are available in multiple languages. The multidisciplinary evaluation team should be cautious about relying solely on forms when gathering information from families. Members of the multidisciplinary evaluation team and ARD committee should be prepared to conference with families in person or virtually, including with the support of an interpreter. Throughout the process(es) families should feel confident that their values related to both language and disability will be incorporated into their child's educational experience. Additionally, since families are key contributors to all information gathering related to their child's education, they need a strong sense of trust in the school leaders enabling them to share openly and authentically for the benefit of their child.

Educators: Who is involved and how
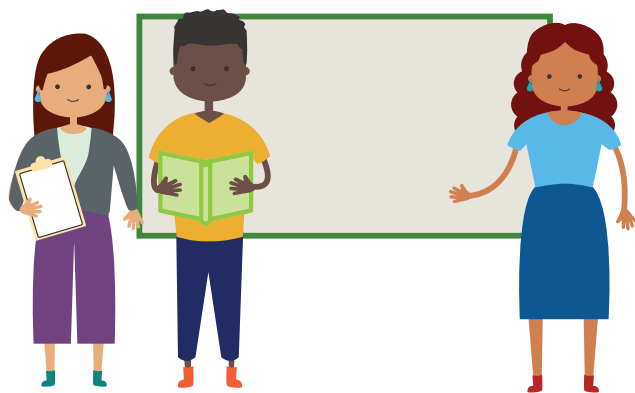
The goal of this document is to ensure each dually identified student and their family experience a positive and holistic approach to service delivery. The TEA will foster this approach by providing guidance to district and campus personnel that promotes coherent systems for ensuring integrated programmatic supports are delivered consistently and with quality. Students are primed for positive outcomes when well-designed systems and processes are in place at each level. Although roles and responsibilities vary across and within districts, all educators play a role in the holistic approach to service delivery for this population. District leaders, campus leaders, instructional specialists, teachers, and paraprofessionals should have an aligned understanding for serving dually identified students, and their respective roles in the education of dually identified students. Furthermore, campus staff should be provided with protected time to create integrated service plans, and opportunities to mitigate challenges collectively as they arise. It is critical that educators engage in continuous professional development regarding dually identified students. All classroom teachers and paraprofessionals should be afforded multiple opportunities to deepen their knowledge of second language acquisition and disabilities, including how these concepts impact pedagogy and instructional practices. It is especially essential for classroom teachers and paraprofessionals to have opportunities for job-embedded coaching and support as they grow their knowledge and expertise in these areas.

DISTRICT LEADERS:

From a district perspective, coherent systems that ensure coordination and continued opportunities for professional learning should be established and consistent throughout the district. For example, Human Resources teams should adhere to defined recruitment and hiring processes and be well versed in certification requirements and pathways for teachers serving this population of students. Intentional coordination and collaboration among the Special Education department, Multilingual department and principal supervisors are essential components to safeguard critical teacher placements throughout the year, and the scheduling of relevant and timely professional development. Overall, district leaders should understand how dually identified students experience education in their districts. They should have up-to-date knowledge of both disability and language services to create sustainable and supportive district-wide systems that offer a holistic approach to service delivery and eliminate the existence of any fragmented program that does not address students' aggregate needs.

CAMPUS LEADERS:

Campus leaders, as decision-makers, should carve out and solidify planning and preparation time for professional learning and job-embedded coaching opportunities that focus on the various aspects of serving dually identified students. Campus leaders should support are opportunities for cross-team collaboration with special education teachers. Campus leaders should also ensure that professional learning opportunities are appropriate for their staff. For example, campus leaders should provide campus-wide professional development related to content-based language instruction (CBLI) and Universal Design for Learning (UDL) for general educators during teacher in-service days or targeted professional learning related to specific behavior intervention strategies that include appropriate guidance for culturally and linguistically diverse students. An example of job-embedded coaching would be targeting instructional practices for implementing an individualized education program (IEP) that includes biliteracy goals.

STUDENT SUPPORT TEAMS:

In order to review the information from a variety of perspectives, the Multi-Tiered System of Supports (MTSS) problem-solving team (or another locally determined student support team) should be multidisciplinary and consist of members that have expertise in critical areas including second language acquisition, speech and language development, evaluation of students with disabilities, educational expectations, and linguistic and cultural differences of students who are emergent bilingual.

GENERAL EDUCATION TEACHERS:
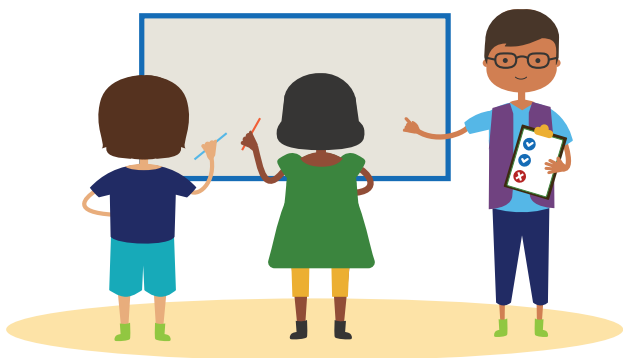
To ensure dually identified students receive an equitable educational experience, general education teachers' knowledge and skills related to implementing a variety of instructional and linguistic accommodations are vital. All teachers who support dually identified students should have timely and relevant professional development provided, including job-embedded coaching, that allows them to strategically provide supports that ensure students can access the general education content and curriculum.

SPECIAL POPULATIONS EDUCATORS:

Educators who serve students with disabilities have a wide variety of specialized knowledge, skills, and roles. These educators are essential for ensuring any child served through special education receives the appropriate instructional and/or behavioral accommodations and supports. Additionally, Bilingual and English as a Second Language (ESL) educators are responsible for providing linguistic supports and scaffolds for emergent bilingual students, ensuring equitable access to instruction. These special populations educators should have access to relevant and timely information related to their students' academic and behavioral progress, as well as protected time to plan with others.

MYTH BUSTER

MYTH: "The only way to serve a dually identified student in special education is if the teacher is certified in both bilingual and special education."

MINDSET SHIFT: A dually identified student must be served by certified teachers in both departments as defined by the ARD committee and Language Proficiency Assessment Committee (LPAC) representative to meet annual IEP goals. In the case of a student in a self-contained special education classroom, the method of service delivery depends on the type of linguistic goal(s) in the student's IEP. Two examples are outlined below:

IEP Goal Area	Setting	Instructional Delivery
Responding appropriately to teachers and peers in the home language and English	During home language instruction in a general education bilingual classroom	Multilingual services via inclusion minutes
Student responds to instructions given in the home language and English	"Push in" to the self-contained special education classroom	Individualized instructions are provided by bilingual certified educator

If there is no bilingual program on campus, or no bilingual certified staff member to provide services, and the special education teacher is listed on the bilingual exception, it is still possible to use bilingual staff such as bilingual paraprofessionals. These staff can provide exposure to the home language as appropriate to support IEP goals and progress monitor under the supervision of the special education teacher. In this way, the student still benefits from access to the home language and progress can still be documented. For more information on certification requirements, please see question 6 in the Bilingual Education Exception and ESL Waiver FAQ.

It is essential that all levels of educators maintain an appropriate level of understanding and skills to support dually identified students' academic achievement. Attaining this goal will ensure educational systems are appropriately developed and sustained and curricular content is delivered in a holistic and integrated manner.

Identification and Evaluation

Overview

All students in Texas should have access to an education that prepares them for success in college, career, or the military. This mission is realized when all students have equitable access to high quality instruction and materials throughout their academic experience. This means that intentional focus and support for early identification of students' diverse learning needs is needed. Effective systems for emergent bilingual student identification and special education evaluation are essential components that ensure equitable access to high quality educational experiences that yield positive outcomes for this unique population of students.

Identification of Emergent Bilingual Students

The first step in identifying a student as an emergent bilingual begins at initial enrollment in a Texas public school with the administration of the Home Language Survey (HLS). All families who enroll in Texas public schools complete an HLS.

The current HLS poses the following three questions that help school staff understand the current and early language experiences of the student:

1. **Which languages are used in the home?**

2. **Which languages are used by the child in the home?**

3. **If the child had a previous home setting, which languages were used?**
   If there was no previous home setting, answer Not Applicable (N/A)

In instances where any one of the answers to the three questions is a language other than English, the child is assessed with the preLAS or LAS Links assessment of language proficiency, within four calendar weeks of their enrollment. Results of the language assessment are then considered, and the LPAC makes a placement decision. At that time, the school staff are expected to explain the benefits of program participation to the parent and obtain parental permission for program placement. At each phase of this process, school staff are highly encouraged to talk with families about their child's exposure to other languages and the benefits of bilingualism.

If a student is unable to respond to test prompts due to their level of English proficiency or due to a suspected or identified disability, a failed response is considered an incorrect response (19 TAC 89.1226(h)). In this case and any situation where the distinction between language proficiency and a suspected or identified disability is unclear, the LPAC and other relevant staff should confer and discuss multiple data sources to determine the most appropriate path forward for the individual student. Details describing the considerations and process for special education evaluations are found in a subsequent section "Evaluation for Special Education Services." Observations, progress monitoring, and data collection tell an informed story of how a student uses language. Any subsequent decisions made for a dually identified student should be based on multiple data points and progress over time. Subsequent sections of this guide will provide more information on coordination of LPAC and ARD committees.

Bilingual education and ESL classroom settings are general education settings where students have access to specialized Tier 1 instruction and any linguistic accommodations, determined by the LPAC. At any time, if the student demonstrates a need for linguistic or academic intervention, the student support team should carefully consider how to support the student most appropriately from a holistic approach. Educators should ensure all students are provided instruction to allow appropriate access to content and language supports commensurate with their peers. The MTSS model described in the next section provides helpful details for this process.

Multi-Tiered Systems of Support (MTSS)

As educators aim to deliver a holistic approach to serving this population, it is important to consider how interventions for struggling learners are addressed. This section details the MTSS process. An MTSS framework provides an integrated system to support the academic, behavioral, and mental health needs of students. A primary component of MTSS is using data to drive differentiated instruction, supports, and decision making for all students. Through MTSS, schools identify students in need of additional intervention.

A well-implemented MTSS will support all learners, including students who are emergent bilingual. Strong implementation of MTSS provides educators with a framework for accurately identifying and addressing emergent bilingual students' unique academic and linguistic needs and for providing efficient and high-quality supports when gaps in achievement are identified. Ultimately, when implemented well, a linguistically responsive multitiered framework ensures that groups of students are not disproportionately referred for supplemental interventions or special education services. Similarly, MTSS helps ensure that students who are experiencing academic difficulties that are not due primarily to language acquisition are provided the appropriate supports, including referrals for special education services when necessary.

The MTSS Tiers

UNIVERSAL
TIER 1

TARGETED
TIER 2

INTENSIVE
TIER 3

UNIVERSAL
TIER 1
80%
of all students
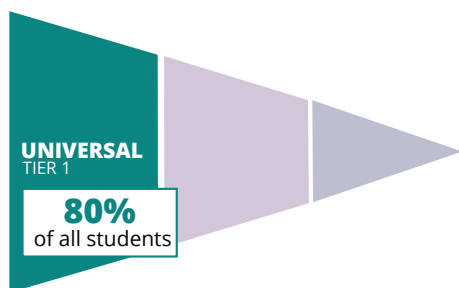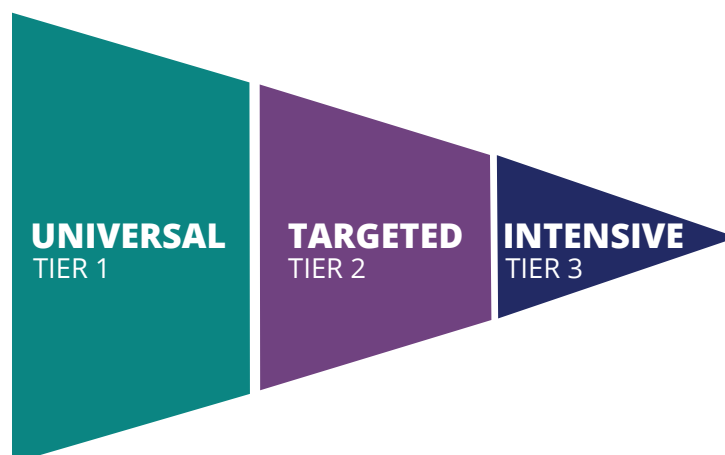
Universal instruction, also referred to as **Tier 1** or primary prevention, is designed for all students. Universal instruction occurs in general education classrooms and settings. All students participate in universal instruction. It includes evidence-based practices, research-based curricula, differentiation, scaffolded instruction, and Universal Design for Learning (UDL). Universal instruction alone meets the needs for about 80% of a school's population for both academics and behavior.

One important evidence-based support for the universal level that is critical for emergent bilingual students is implementation of culturally and linguistically sustaining practices. Classroom teachers who are linguistically responsive recognize that conversational language proficiency is fundamentally different from academic language proficiency. Conversational language is the language used in everyday social interactions, whereas academic language is specific to the school setting. Due to the complexity of academic language (think of all the different content area vocabulary words, for example), it can take students who are emergent bilingual several more years to develop fluency in academic English than it takes them to develop fluency in conversational English. Therefore, high quality oral language instruction, that focuses on academic language must be incorporated into universal/Tier 1 instruction.

Teachers who are linguistically responsive also know that emergent bilingual students with well-established native-language skills are more likely to achieve parity (or equivalent linguistic ability) with native-English-speaking peers than are those with developing native-language skills. A safe, welcoming classroom environment with minimal anxiety about performing in a second language is essential for students to learn. When students feel comfortable, safe, and valued, they can take risks with language in ways that they may not feel comfortable doing so in other spaces.

Linguistically Appropriate Universal Screening

Universal screening measures are quick and are administered at a single point in time. They are used to identify students who need additional support in acquiring key skills—for example, phonological awareness and phonics in reading English, computation skills in mathematics, and spelling in writing. Universal screening measures are also used to establish students' current proficiency in the home language and/or English as a second language. Within linguistically responsive multitiered systems, educators select measures in English or students' home language with established validity and reliability with students from various linguistic and cultural backgrounds. They also ensure that screening measures are linguistically matched to the languages of instruction.

Screening Recommendations:

▶ Emergent bilingual students are screened in their home language (to the extent possible) and English to ascertain a more accurate understanding of their current literacy skills in both languages (to the extent possible).

▶ Screening tools match the language(s) of instruction, as appropriate in the district's chosen bilingual programs.

▶ Educators consider students with similar language backgrounds when interpreting screening data.

Additionally, for emergent bilingual students it is important to remember that linguistic scaffolds and supports that enable the student to access grade level content are considered universal supports or Tier 1 instruction. Often teachers implement a variety of CBLI practices to ensure their emergent bilingual students access the appropriate content, alongside their monolingual peers.

An understanding and ability to apply key principles of second-language learning is essential for being linguistically responsive. Teachers know that explicit attention to linguistic form and function is essential to second-language learning.

Key Classroom Practices for Second-Language Learning:

The following five key classroom-level practices can be used at the Universal level of MTSS to specifically support emergent bilingual students.

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1 Relationships

Educator Goals: Get to know students to establish strong relationships with them and their families; Build community

Suggestions for Execution:

• Engage in "Get to know you" activities
• Provide positive and consistent reinforcements

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2 High Expectations

Educator Goals: Ensure all students are held to same expectations and curriculum is rigorous and engaging

Suggestions for Execution:

- Ensure fidelity to curriculum implementation
- Provide multiple means of internalization, representation, and demonstration

3 Scaffolds

Educator Goals: Provide students with needed supports and linguistic scaffolds to ensure they can access curriculum and reach their potential

Suggestions for Execution:

- Sentence stems, when appropriate
- Task-analysis
- Home language supports, when appropriate

4 Funds of Knowledge

Educator Goals: Validate student language practices and funds of knowledge from their home and community and familiarize self with language and culture of students

Suggestions for Execution:

- Build rapport by showing interest in students' lives and the community
- Support students use of translanguaging

5 Representation

Educator Goals: Ensure representation of culture and lived experiences

Suggestions for Execution:

- Maintain diverse literary selections in classroom library
- Display visuals representing and reflecting the diversity of the community
- Curriculum should include teaching about diverse cultural groups and their experiences

For expansive details related to MTSS, please see MTSS TEALearn courses and resources on the TEA Texas SPED Support website.

For emergent bilingual students it is important that educators consider information beyond the universal screening results when identifying students for intervention.

Additional data and information to consider includes:

▶ The impact of the first language (L1) and the second language (L2) acquisition process on literacy development

▶ Quality of core and supplemental instruction

▶ Home and community factors

▶ Information from caregivers and families

▶ Past educational placement

▶ Academic data in home language and English

In addition to screening and progress-monitoring data, educators should use these other sources to corroborate trends and student needs. It is essential to note that universal screening scores alone cannot distinguish between potential learning difficulties and language differences. MTSS teams or other locally determined student support teams should include individuals with expertise in second language acquisition in order to support the team in understanding the student's language proficiency. Language proficiency in both languages should be considered in reviewing screening and planning any subsequent intervention.

TARGETED
TIER 2
10-20%
of all students
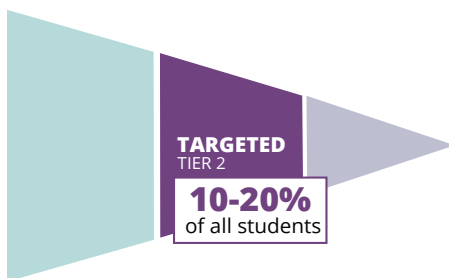
Targeted intervention, often referred to as Tier 2 or secondary prevention, is designed for students experiencing difficulty in academics or behavior. Typically, 10- 20% of students require targeted intervention. Targeted intervention can occur in many different settings— inside or outside of the general education classroom. Students receiving targeted intervention should continue to receive universal instruction. If many students need targeted intervention, schools need to evaluate the universal instruction to ensure that it is sufficient at preventing academic or behavioral gaps from forming.

INTENSIVE
TIER 3
1-5%
of all students
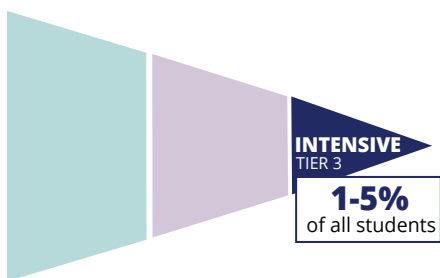
Intensive intervention, often called Tier 3 or tertiary intervention, is designed for students who demonstrate inadequate response to universal and targeted intervention or who have significant skill gaps. Intensive intervention may occur within or outside of general or special education settings. Intensive intervention generally occurs for a smaller number of students, typically about 5% or less. For emergent bilingual students, it is essential to consider the student's linguistic development as part of making decisions about the efficacy of provided interventions.

MTSS involves universal instruction for all, targeted intervention for some, and intensive intervention for a small number of students.

Evaluation for Special Education Services

The identification of a suspected disability condition in students that are emergent bilingual requires an investigation into the cultural, linguistic, and educational background of the student. There is a typical progression of skills that occurs during second language acquisition that could be misinterpreted as a disability condition. However, it should not be assumed that an emergent bilingual student cannot have a disability. With this population of learners there are risks of both over and under identification for special education services. Educators who serve large populations of emergent bilingual students may be more likely to face challenges with under identification, whereas districts who serve small populations of emergent bilingual students may be more likely to face issues with over identification. District and campus leaders should regularly monitor their referral and identification data and use it to develop policies and procedures that ensure proper identification of emergent bilingual students who also have disabilities. Refer to the Child Find and Evaluation Guide for more information.

Referral Considerations

It is important for schools to establish procedures that allow families who speak languages other than English to be able to request an evaluation if they believe their child may have a disability. Families possess invaluable insights into their child's strengths and areas needing support, making their input in this process vital. These procedures strengthen collaboration between families and schools.

When an emergent bilingual student demonstrates difficulties in the educational setting, the MTSS or student support team should use a variety of data-gathering strategies and tools that yield meaningful evidence to make sound decisions. Gathering and reviewing data will assist teams as they consider whether identified learning challenges appear to be associated with the process of second language acquisition or a suspected disability. If evidence of the latter is true, then a referral to special education is needed, and should never be delayed. A student who is emergent bilingual with a suspected disability will demonstrate learning challenges in their home language as well as in English. That said, evaluators should take into consideration the language used in the student's home, the language of instruction and how these factors may impact learning in one or both languages. It is recommended that when considering a special education referral for an emergent bilingual student that a multidisciplinary team of educators with expertise in areas of second language acquisition, speech and language development, evaluation of students with disabilities, educational expectations, and linguistic and cultural differences come together to review a variety of formal and informal student data measures. TEA has developed the following guiding questions and a response form tool that can help teams consolidate and analyze a variety of information to assist in differentiating between a suspected disability and language and cultural differences. As teams work through the questions, they should be mindful not to compare emergent bilingual students to monolingual peers. Comparisons should be limited to other students learning English with similar backgrounds related to culture, linguistic experience, school attendance, and literacy exposure who are making typical progress over time.

It is important to note that all communications with family should be provided or delivered in their home language. The following questions are excerpts from Guidelines When Considering an Initial Referral for Special Education for Emergent Bilingual (EB) Students. They represent the types of questions and data the team should review when considering referrals and making decisions about whether a disability and need for special education is suspected:

Questions about Home and Background such as:

☐ Has the student had periods of interrupted or limited formal education?

☐ What language(s) does the student use most to interact with family?

☐ Do the parents/caregivers have concerns about the child's learning or development?

Questions about Speech and Language Development such as:

☐ Is the student's language proficiency in their home language at an appropriate level for their age?

☐ Do parents/caregivers report any delays or difficulties with speech or language when the child first acquired the home language?

☐ How long has the student been learning English?

Questions about Educational History and Performance such as:

☐ Has the student received any intervention in school and what were the results?

☐ What are the student's language proficiency levels in each language?

☐ Is the student's performance in language development and academics comparable to similar peers?

Questions about Formal and Informal Assessments such as:

☐ Has the student taken the Texas English Language Proficiency Assessment System (TELPAS) and what were the results? (past and current)

☐ Do formal and informal assessments indicate difficulties only in the home language? Difficulties only in English? Difficulties in both languages?

☐ Are there any outside evaluations that the parents/caregivers can share?

Social Developmental and At-Risk Factors such as:

☐ Does the student play appropriately with siblings, other family members or students who share their home language?

☐ What norms, behaviors, and expectations in the native culture may influence current observed behaviors?

☐ Are these behaviors noted when instruction is provided in the student's home language?

☐ Are these same behaviors observed at home and in the student's community?

☐ What do coaches or adults who work with the student in the community or during extracurricular activities report about behavior, learning, and skills?

The goal of the multidisciplinary team is to look for patterns and evidence that help distinguish second language acquisition from indicators of disability. The team may consider cultural factors, linguistic factors, environmental or economic disadvantage factors and/or factors regarding reading and math instruction. Information such as attendance trends, academic history, progress monitoring data from intervention, teacher reports, and caregiver information regarding outside educational support can help differentiate second language acquisition from indications of disability. The answers gathered will help provide evidence as to why a special education referral is or is not initiated for the student. If the student is referred for a special education evaluation, this data informs the determination of eligibility. In cases where a student is found eligible, the appropriate special education and related services should be determined in coordination and collaboration between the ARD committee and LPAC.

Special Education Evaluations for Emergent Bilingual Students

When conducting the full and individual initial evaluation (FIIE) for an emergent bilingual student suspected of having a disability the school district should use a variety of assessment tools and strategies to gather relevant functional, linguistic, developmental, and academic information, including information provided by the parent or family member. Professionals evaluating emergent bilingual students need to have background knowledge regarding second language acquisition and the bilingual or ESL program in which the student participates. Knowledge about these factors enables school personnel to incorporate linguistically appropriate procedures into their assessment practices and the eligibility decision-making process.

The evaluation will assist in determining:

▶ If, or how the child's present levels of language development may be affecting their learning,

▶ Whether the student is a student with a disability in need of special education and related services, and

▶ If the student is identified as eligible for special education services, the content of the student's IEP including information related to enabling the student to be involved in and progress in the general education curriculum, and if appropriate a bilingual or ESL program.

Additionally, the following practices should be conducted when considering the student's linguistic abilities:

▶ **Gather data in both languages.** Assessing language development and proficiency and documenting whether there is a learning challenge that is evident across multiple languages cannot be established without data in each of the student's languages.

○ Data sources may include norm-referenced assessments such as Woodcock-Munoz Language Survey, Woodcock-Johnson and Bateria Texas English Language Proficiency Assessment System (TELPAS), and Language Proficiency Assessment Committee (LPAC) records.

▶ **Use both formal and informal assessment methods.** Various methods allow for different aspects of language skills to be assessed.

○ Evaluators need to understand the limitations that result from examiner role, testing situation, content selection, questioning, dialect varieties of the target language, use of interpretation, and social-emotional factors.

○ Informal methods measure how language is used in real-life situations, including the classroom.

○ Data sources could include observations in a variety of settings, questionnaires, teacher observations, storytelling/story retelling, cloze techniques, and language samples (in both languages).

▶ **Collect information on language development.** The progression of language development is described as basic interpersonal communication skills (BICS) and cognitive academic language proficiency (CALP).

○ Data sources could include norm-referenced assessments, TELPAS, LPAC documentation, and the above-mentioned informal methods of assessment.

○ It is important during data collection for evaluators to gather information from family members. It is important to also confirm current languages spoken in the home or previous home settings.

▶ **Assess receptive and expressive skills.** Both receptive and expressive skills are important for the

learning process and informing recommendations.

○ Data sources include both formal and informal methods mentioned above.

When completing a comprehensive evaluation for an emergent bilingual student, 34 CFR §300.304 requires the multidisciplinary evaluation team do the following:

Use a **variety** of assessment tools and strategies to gather relevant **functional, linguistic, developmental**, and **academic** information about the child, including information provided by the parent or family member.	**Not** use any **single measure or assessment** as the sole criterion.	Utilize **technically sound** instruments administered in the student's home language or mode of communication.	Ensure the student is **assessed in all areas** related to the suspected disability.

The assessments and other evaluation materials must be:

▶ **Nondiscriminatory** based on race or culture.

▶ Likely to yield accurate data on what the student knows and can do **functionally**, **linguistically**, **developmentally,** and **academically.**

▶ Used for the purposes for which they are **valid** and **reliable.**

▶ Administered by **trained** and **knowledgeable** personnel.

▶ Administered according to **instrument instructions.**

▶ Aligned to specific areas of **educational need.**

▶ Reflective of the student's **aptitude** and **achievement**.

The evaluation MUST be adequately comprehensive to identify all the student's special education and related service needs, regardless of whether those needs are directly linked to the disability or not.

**Furthermore, evaluations for emergent bilingual students must:**

▶ Consider the student's linguistic, cultural, and educational history.

▶ Use multiple sources of data that consider the student's language and culture.

▶ Interpret data from a cross-linguistic perspective with comparison to emergent bilingual peers.

The following considerations specifically related to language development

and proficiency are critical when reviewing and interpreting all the evaluation data:

▶ Consider what is known about the student's previous educational services as well as the literacy practices in the home.

▶ Consider to what degree the student's language abilities differ from those of students with similar backgrounds.

▶ Consider the data across formal and informal language measures to determine consistency.

▶ Consider where the student is along the second-language acquisition continuum using an analysis of the student's TELPAS scores by domain (listening, speaking, reading, and writing). This readily available data point also has corresponding proficiency level descriptors for each level (Beginner, Intermediate, Advanced, Advanced High).

Interpreting data from a cross-linguistic perspective
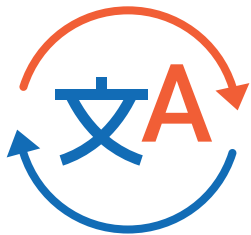
Research shows that bilingual children demonstrate cross-linguistic influences between their two developing languages. Cross-linguistic transfer is assisted or delayed by the degree of similarity in the systems of the two languages. For additional information regarding special education referrals for emergent bilingual students, please view Appropriate Special Education Referrals of Culturally and Linguistically Diverse Learners recorded webinar.

MYTH BUSTER

MYTH - "The student uses words from the home language and English in a single sentence, so if he is not confused then he must be linguistically deficient."

MINDSET SHIFT: Emergent bilingual students' knowledge of language is not located in two separate silos, but in one linguistic repertoire which draws on both the home language and English. The phenomenon of code switching, and the more recently defined term of translanguaging, recognize that emergent bilingual students have more vocabulary and linguistic structures from which to choose when expressing themselves. An emergent bilingual student who says to a (non-bilingual) teacher "We visited my abuela this weekend." is not confused nor linguistically deficient; they are integrating their Spanish-speaking world into the English-speaking world of the teacher. In the same way, a student who says "The oruga (caterpillar) goes into his capullo (cocoon) and then comes out as a mariposa (butterfly)" demonstrates accurate knowledge of science content. More information about code switching and translanguaging can be found here.
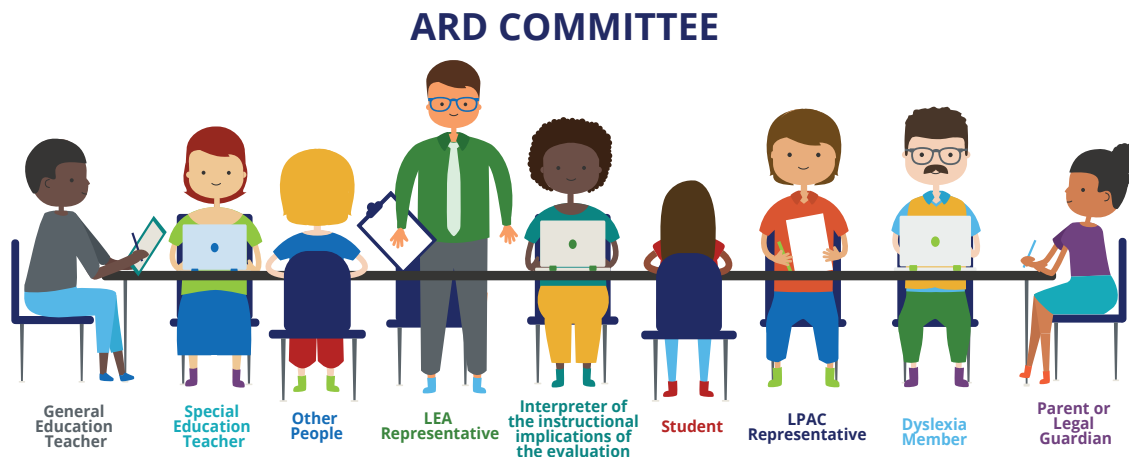
Educator Collaboration: A holistic approach to service delivery

While all educators have a role in holistic service delivery, their responsibilities are varied. As we know, teachers and support staff are responsible for ensuring content attainment and language acquisition via implementation of specific instructional strategies designed to support students' access to curriculum. For district and campus instructional leaders, understanding how different instructional strategies connect or integrate for dually identified students is critical, as is ensuring all teachers and support staff have ongoing training and professional development on such topics. District leadership and executive decision-makers also maintain responsibility for the education of dually identified students. Specifically, district staff are responsible for making well-informed decisions regarding policy, funding, staffing, training, resources, and curriculum; overall developing sustainable systems of integrated support.
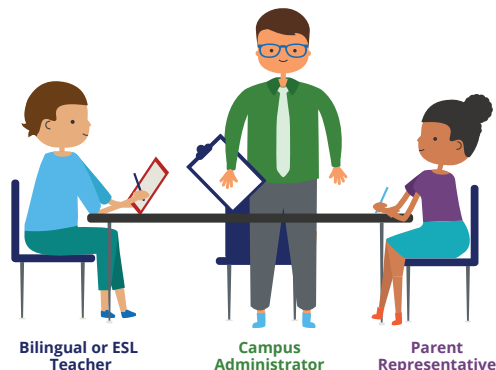
Imagine a scenario in which an LPAC and an ARD committee take time together to consider each instructional need of an emergent bilingual student who has recently qualified for special education services. The committees use their collective expertise to design an effective and efficient integrated plan of services for the dually identified student. Time is prioritized for the multilingual department staff to understand the impact of the disability and the resulting IEP, and for special education staff to understand the student's language proficiency levels and corresponding linguistic accommodations. Decision-making is collaborative between the LPAC and ARD Committee; it is also intentional and includes the families and students when appropriate. Professionals operate as allies working together to ensure the student's success. Annual IEP goals are drafted collaboratively and prioritize the student's needs. They also outline the special education and related services to be provided to the student with intentional awareness of the student's bilingualism. They should consider the progress monitoring method and shared ownership between the LPAC and ARD Committees for the review of data related to the student's growth toward those goals. Families of dually identified students experience a collaborative approach that values the student's linguistic and cultural identities and intentionally includes them as partners in their student's education.

Required committee participation

Committee attendance and participation for ARD committee and LPAC meetings are not the same. ARD committee meetings include, but not limited to, a district representative or campus administrator, the special education teacher, a general education teacher, the student's parent or caregiver, and if assessment or evaluations are being discussed, the appropriate professionals who can interpret these results. For a student with a disability that is also identified as an emergent bilingual student, an LPAC representative is also required to be a participant on the ARD committee. Their role in the meeting is to speak to the child's linguistic progress, discuss any designated supports and offer expertise in second language acquisition. Additionally, students should be invited to participate in their ARD meeting. ARD committees meet to make instructional decisions and determine the student's academic progress at least one time per year (34 CFR §300.321). Refer to the Individualized Education Program (IEP) Development Guide for more information.

ARD COMMITTEE

General Education Teacher · Special Education Teacher · Other People · LEA Representative · Interpreter of the instructional implications of the evaluation · Student · LPAC Representative · Dyslexia Member · Parent or Legal Guardian

LPAC MEETINGS

Bilingual or ESL Teacher   **Campus Administrator**   **Parent Representative**

LPAC meetings are conducted differently. The LPACs meet to discuss the linguistic progress of several emergent bilingual students at one time. LPACs require a campus administrator, a Bilingual or ESL teacher and a parent representative. LPACs determine placement, secure parental permission for program participation and determine linguistic accommodations for all emergent bilingual students on their campus. LPAC members meet three times per year, at the beginning, middle and end of the year to review the students' linguistic progress and determine designated supports.

Encouraged or optional committee participation

It is important to gather and consider meaningful input from a variety of other key stakeholders. First and foremost, it is critical to gather information from the students themselves. However, for LPACs student input is encouraged but not required. Including the student in as much of the process, discussion, and decision-making as appropriate, is critical to the success of the student. Additionally, support staff such as coaches, elective teachers, office staff and counselors can offer a view from a different lens. Since these staff engage with students in such vastly different ways, it is likely they will provide a unique perspective on the student. Though this list of other stakeholders is not exhaustive, it is also not expected that each stakeholder listed be included; rather this is a list of potential individuals who can inform instructional decisions based on how they interact with the student.

Collaboration across professionals on a multidisciplinary team to support programming for dually identified students is an ongoing, data-informed process. As previously noted, while the participation of an LPAC representative is required as a foundational compliance requirement for a dually identified student, to ensure the provision of high-quality programming, collaboration should extend beyond annual ARD committee participation. Effective collaboration occurs when multilingual personnel, special education personnel, general education staff, administrators, and families engage in regular review of a student's progress as well as addressing critical decision-making points throughout the duration of a school year.

Collaboration Prior to the ARD Committee Meeting

Once a student is dually identified, a team that includes both special education and multilingual professionals should meet to review all relevant and assessment reports, classroom, and language proficiency data and identify the types of integrated supports to put in place for efficient progress. The team also discusses what other data may be needed now or in the future to ensure the student is progressing linguistically, functionally, and academically. All the discussions should be done with intentional collaboration where one area is not superseding the other and a variety of data is taken into consideration.

MYTH BUSTER

MYTH – "The ARD Committee overrides the LPAC."

MINDSET SHIFT: Both special education and bilingual programs work together via ongoing ARD committee/LPAC collaboration to determine the best combination of services to meet the individual student's needs. District-wide systems must be in place to provide training and processes to systematize this collaboration.

LAW REFERENCE: Office for Civil Rights (OCR) complaint Salt Lake City (UT) School district 8/18/2016 – The OCR found that the district had discriminated against emergent bilingual students through over-identifying students for special education services or as students with disabilities under Section 504 of the Rehabilitation Act. It was reported that school staff stated that special education trumps English-as-a-Second Language services. This is not accurate. Students with disabilities should participate in both emergent bilingual programs and special education and -related services unless it is inappropriate to provide dual services due to the documented nature of the student's disability. Furthermore, students with disabilities who are emergent bilingual must receive instruction from qualified bilingual teachers and all emergent bilingual students with disabilities should receive appropriate English acquisition services as documented in their IEP or Section 504 Plan and their LPAC folder. (Salt Lake City School District, No. 08-16-1193, Office for Civ. Rts. Ltr. of Finding (U.S. Dep't of Justice August 18, 2016))

ARD Committee and LPAC Considerations

Consider the answers to the prompts below:

- ☐ Do you have the right team members at the table?
- ☐ Do these individuals have the skills and knowledge about language acquisition and specialized instruction, and the ability to assign/provide resources?
- ☐ Do all participants meet the ARD committee membership requirements?
- ☐ Did you follow the evaluation and IEP goals sections?
- ☐ Did you address statewide assessment assignments, STAAR and TELPAS, for the grade level?
- ☐ Are you considering this student as a unique individual with their own specific needs?
- ☐ Does every dually identified student have an IEP tailored to their unique needs?
- ☐ Are the meeting and IEPs interpreted in the family's home language?
- ☐ Is the interpreter at the meeting qualified and knowledgeable about education vocabulary?

Consideration of the above responses is the start of the process of designing a holistic environment for the student to be successful. Best practice is an interdepartmental collaboration of resources joining together to make a unique system of supports. Like a symphony performance combining musicians, melodies, instruments, and performance space into a cohesive unit leading to a glorious production of sound. In similar fashion, a district can develop a holistic program and overall environment to ensure success for dually identified students.

Creating an IEP for Dually Identified Students

What does the collaboration look like?

A holistic education program for a dually identified student means both disability-related and linguistic factors are considered at every step of the IEP development process from drafting the student's Present Levels of Academic Achievement and Functional Performance (PLAAFP) to special education or bilingual/ESL program dismissal. An emergent bilingual student's cultural and linguistic variables affect every aspect of their school experience. Therefore, although there are two departments that provide expertise and insight into each component, the resulting education program should reflect an integrated view of student supports and services.

Creating an IEP for dually identified students means each component is viewed through a culturally and linguistically appropriate lens. When determined eligible for special education and related services, data from the Full Individual and Initial Evaluation (FIIE) and data collected from a variety of assessments (formal and informal) from the special education teacher, general education teacher(s), and the Bilingual/ESL teacher should be obtained and reviewed. Through continuing collaboration, and with combined expertise, a holistic plan is created, implemented, and monitored to support the student. It is important to note that the ARD committee's role is to ensure the student has appropriate supports which allow maximum participation in the general education setting and that the student has access to grade level curriculum. The ARD committee, which must include an LPAC representative, should intentionally discuss how identified linguistic accommodations would also address the student's needs.

Sequence of Support for an Emergent Bilingual Student Eligible for Special Education Related Services

The steps described below should be determined once the ARD committee and LPAC have concluded the emergent bilingual student is eligible for special education services. Eligibility means the student has one of the 13 disability conditions under federal law and the student needs special education and related services. For each step in the process the ARD committee, together with the LPAC representative or Bilingual/ESL teacher should confer on the most effective supports including linguistic accommodations.

1	**DEVELOPMENT OF PLAAFP**

Utilizing the findings from the evaluation report, ARD committee, which must include an LPAC representative develop present levels of academic achievement and functional performance (PLAAFP) to identify academic, linguistic, and/or functional strengths and needs. The PLAAFP clearly identifies how both disability and proficiencies in both languages impact the student's access to and progress in the general curriculum. Baseline performance in the PLAAFP is written in a measurable way and supports the team in determining the annual IEP goals and benchmarks for a student as well as the appropriate services and supports needed for the student to achieve those goals.

2	**WRITING ANNUAL GOALS**

ARD committee + LPAC representative develop measurable annual goals and short-term objectives, if appropriate, to be achieved within one year. Each goal contains a timeline, condition, behavior, and criterion. Academic goals should be aligned with the student's enrolled grade-level standards. Linguistic goals are aligned with the proficiency level descriptors that correspond to the student's Texas English Language Proficiency Assessment System (TELPAS) proficiency levels. Students with beginning and intermediate levels of English proficiency may have a specific language goal. Students with advanced and advanced-high levels of proficiency may have academic goals that also address language proficiency.

Annual goals should be measured using a method comparable to the method through which baseline performance data reported in the PLAAFP was measured.

NOTE: While IEPs are developed using the student's annual grade level standards, linguistic proficiency goals should be developed with the knowledge that 1 academic year's progress is not commensurate with 1 linguistic proficiency level.

3   REPORTING PROGRESS

ARD committee + LPAC representative includes a description of how progress towards annual goals and benchmarks/objectives will be measured and when progress reports will be provided to the student's family in their home language. Additionally, linguistic progress should be included in the IEP as this information adds relevant context to the student's progress toward meeting identified goals.

4   LEAST RESTRICTIVE ENVIRONMENT (LRE)

ARD committee + LPAC representative ensures a student with a disability is not removed from the bilingual/general education environment unless the nature or severity of the student's disability is such that they cannot be educated in bilingual/general education classes, even with the use of supplementary aids and services. Recall in the MTSS section above, it is noted that bilingual or ESL classrooms are designated as general education instructional settings. Furthermore, a variety of interventions and accommodations can be delivered in bilingual and/or ESL settings, allowing the dually identified student to have full access to their range of instructional supports.

5   ASSISTIVE TECHNOLOGY

FEDERAL REGULATIONS , 34 CFR §300.324, require ARD committees to consider the child's need for assistive technology (AT) in the development of the student's individualized education program (IEP). ARD committee, including the required LPAC representative must consider whether the student needs AT devices and services. An AT service means any service that directly assists a student with a disability in the selection, acquisition, or use of any assistive technology device. An AT device is defined as any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, used to increase, maintain, or improve the functional capabilities of a student with a disability. These can be high tech such as the use of tablet or computer system or low-tech such as picture symbols on flash cards. Additionally, considerations for the language(s) of the AT devices and services are critical components to address.

AT can be an excellent support throughout the campus and in the classroom. AT is also identified based upon the assessment results documented in the FIE, the PLAAFP, and the goals of each unique and individual student. These may include but are not limited to:

- Sound field systems for the whole classroom
- Picture communication systems
- Augmentative voice devices
- Object communication systems
- Visual schedules
- Graphic organizers
- Switches

6   ACCOMMODATIONS AND MODIFICATIONS

Accommodations are strategies and other supports a student uses to access the curriculum at the same level as their peers and can be linguistic or disability related. Accommodations are determined by the student's ARD committee + LPAC representative, using data from the family, special education and multilingual teams, formative and summative assessments, PLAAFP, and IEP goals. Accommodations are specific to a student's individual needs, language proficiency levels, and disability.

Modifications are changes to what the student is expected to master. ARD committees should keep in mind that using modifications may have adverse implications for closing the achievement gap. Modifications typically require a student to learn less material or learn material below grade level and/ or complete or be tested over less complex problems. The decision to modify is a significant one, however some students will require modifications. Decisions to modify should be data driven and individualized for the student.

NOTE: Accommodations and modifications may vary across settings and content areas. What a student needs to access the curriculum in math may be different than what he/she needs to access reading or history.

7   SPECIAL EDUCATION AND RELATED SERVICES, SUPPLEMENTARY AIDS AND SERVICES

ARD committee + LPAC representative includes a statement of the special education and related services, as well as the supplementary aids and services the student needs. This statement should consider appropriate language of instruction for all services. The IEP also contains a statement of the program accommodations and modifications or supports for school personnel that will be provided, also to include the language of service delivery.

8   STATE AND DISTRICT ASSESSMENTS

ARD committee + LPAC representative addresses the student's participation in statewide and district assessments, including language of assessment, when applicable. Allowable accommodations are identified based on the linguistic and disability-related needs of the student and whether the student routinely receives the accommodation during classroom instruction and testing.

Assessments

State Assessments

Through collaboration prior to the ARD and/or LPAC meetings, the special education and multilingual teams should meet to develop a draft assessment plan to formally discuss at the meeting. The plan should be based upon the data from the FIE, the draft PLAAFP, the individual proposed goals, grade level, performance, eligibility, and linguistic progress for applicable state assessments.

The Texas Assessment Program is a statewide testing program that includes State of Texas Assessments of Academic Readiness (STAAR®), STAAR Spanish, and STAAR Alternate 2. In addition, online embedded supports (i.e., content and language supports, oral administration via text-to-speech, speech-to-text, and spelling assistance) are available on STAAR for eligible students. Information about these embedded supports and other designated supports can be found on the Accommodation Resources webpage on Student Assessment.

TEA also designed the Texas English Language Proficiency Assessment System (TELPAS) and TELPAS Alternate to assess emergent bilingual students' annual progress toward English proficiency. To view all emergent bilingual student resources related to state assessments, visit the Assessments for Special Populations page. For assistance on the implementation of state and federal guidance regarding program services for EB students, visit txel.org.

Considerations for STAAR (including accommodations)

For students who take STAAR or STAAR Spanish, there are content and language supports available. These designated supports are available on STAAR and STAAR Spanish online tests in the form of pop-ups, rollovers, prereading text, and supplementary materials. Although STAAR Spanish uses the same guidelines for content and language supports as the English version, some of the accommodations in the pop-ups and rollovers may not be identical due to linguistic differences.

For dually identified students, LPACs are required to work in conjunction with the applicable committee (student's ARD committee, Section 504 committee, MTSS team, or student assistance team) to determine any designated supports based on the student's language proficiency and disability. This collaboration helps ensure that factors related to disabling conditions and second language acquisition are both carefully considered. Comprehensive information regarding designated supports can be found on the Student Assessment Accommodation Resources webpage.

Considerations for TELPAS (including accommodations

All identified emergent bilingual students are required to take TELPAS each year to determine their levels of English proficiency in four domains: Reading, Writing, Speaking and Listening. Data from this language assessment can and should inform instructional decisions.

The Accommodation Resources page of the TEA website identifies accommodations that apply to both STAAR and TELPAS. However, accommodations related to second language acquisition that may apply to the STAAR English (content and language supports, and oral administration) are not appropriate for the TELPAS since progress in English language proficiency is being assessed, not mastery of TEKS-based content, or the student's disabling condition.

Reclassification as English Proficient

Emergent bilingual students, regardless of program placement, are eligible to be reclassified as English proficient when they meet specific reclassification criteria at the end of the school year. Reclassification is not permitted prior to the end of first grade.

For emergent bilingual students who are also eligible for special education services, the standardized process for reclassification is followed in accordance with applicable provisions as described in TEA's Guidance on Identification and Reclassification of Dually Identified Students. The annual review of student progress and decision to reclassify should be determined through focused coordination and collaboration of the LPAC and ARD committees. In rare cases, an emergent bilingual student with the most significant cognitive disability who is receiving special education services may qualify to be reclassified using permitted criteria, which gives special consideration to the student for whom assessments and/or standards used in the standard reclassification process are not appropriate because of the nature of a student's disability. Students considered for the permitted criteria should only be those who meet the definition of a student with the most significant cognitive disability as determined by the ARD committee in coordination and collaboration with the LPAC.

Designing a Holistic Educational Program

Programs and Services for Dually Identified Students

Overview

Students who are dually identified may participate in a variety of programs/settings depending on the results of the IEP and their second language acquisition needs. As mentioned in the holistic programming above, all student needs should be considered when developing an appropriate placement including supports and services from both the multilingual and special education departments. This section discusses the variety of options the ARD committee and LPAC might consider when making decisions surrounding placement and services. Remember, students may be served in any of these programs/settings/placements with appropriate coordinating services from both departments.

MYTH BUSTER

MYTH - "Bilingual program and special education? You have to choose one program."

MINDSET SHIFT: A student who qualifies for support from both programs has the right to access services from each regardless of master scheduling configurations, misunderstandings regarding bilingual development, and a misconception that emergent bilinguals identified as eligible for special education services would experience "confusion" if instructed in more than one language. Texas Administrative Code (TAC) supports this at Section 89.1230(a) where it is stated, "School districts . . . shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability."

Program Participation

Program placements must be made available when an ARD + LPAC representative determines it is appropriate to the individual needs of a student. This placement must be specified in the student's IEP. Additionally, the IEP must document the necessary supplementary aids and services the student needs in the setting. If the ARD committee with the LPAC representative determines the student will not participate in the general/multilingual education classroom and/or curriculum, the rationale must be documented in the IEP. All decisions about program placement and services are made collaboratively by the ARD committee, including the LPAC representative. Overall, there should be data to support all decisions.

Some districts use the terms "push-in" or "pull-out" services. Below are general definitions of each:

PUSH-IN SERVICES

Push-in services are when staff or resources are provided in the general/multilingual education setting and may include special education staff or other resource supports to meet the services and goals outlined in the IEP.

PULL-OUT SERVICES

Pull-out services are when staff removes the student from the general/multilingual education setting to provide specific instructional supports to address specific goals outlined in the IEP.
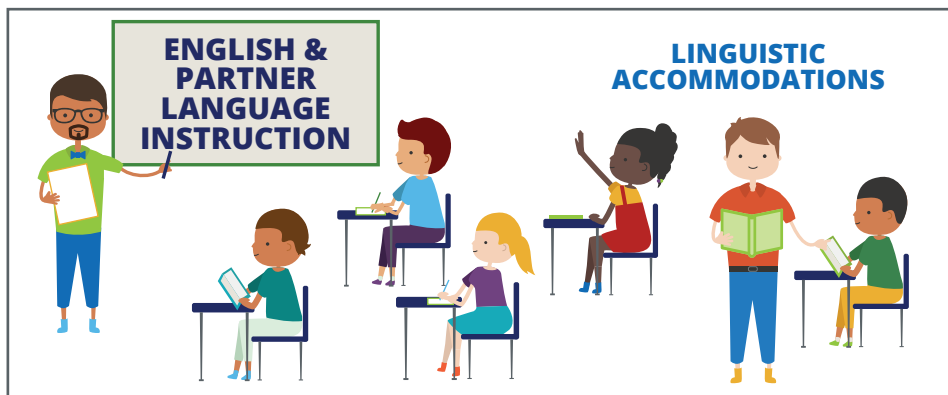
Language Programs

Often, a dually identified student is identified as emergent bilingual and placed in a bilingual or ESL program first, as identification is required within 4 weeks of initial enrollment in Texas public schools. When the student subsequently qualifies to receive special education, their participation in a bilingual or ESL program is not in jeopardy. Rather, program participation is part of their instructional experience.

MYTH BUSTER

MYTH – "Students with disabilities will be confused by instruction in two languages."

MINDSET SHIFT: Emergent bilingual students in the United States already function in a world of at least two languages. Every day they negotiate when and how to use both languages based on context. A bilingual program utilizes two languages daily and exposes students to learning opportunities in both languages in a strategic way. Students in ESL programs do not have home language instruction in school but can and should continue to build their home language oracy and literacy at home when parents are empowered and encouraged to do so. Bilingualism has been linked to several neurological strengths, including accelerated cognitive development, efficient sensory processing, and improved executive function. Removing an emergent bilingual student's access to home language development puts them at a distinct disadvantage.

## DUAL-LANGUAGE IMMERSION (DLI) PROGRAM

A student in a **dual-language immersion (DLI) program** develops literacy in two languages and learns concepts via instruction in both languages as well. The program's language allocation plan defines when each language is used and for what purpose, but the student is always immersed in the partner language for at least 50% of the instructional day. The ultimate goals of the DLI program are bilingualism, biliteracy, and sociocultural competence. In other words, when a student reaches the last year of the program (5th grade at the earliest), they will be able to converse about academic concepts in both the partner language and English and will be able to learn grade level content in either language as well. Sociocultural competence means that the student will develop an inclusive, asset-based view of the world, understanding the importance and value of their own cultural identity and that of others. These goals seem lofty at first glance, and there may be a tendency to doubt that dually identified students can be successful in this type of environment. It is important to remember 19 TAC §89.1230 (a) which states that districts "shall establish placement procedures that ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability." As well described throughout this document, strong guidance is provided that demonstrates how the DLI teacher and special education teacher are expected to have prioritized time to collaborate and design an integrated, holistic instructional program for the dually identified DLI student. The same is true for students participating in an ESL or transitional bilingual education (TBE) program.

TRANSITIONAL BILINGUAL EDUCATION (TBE) PROGRAM
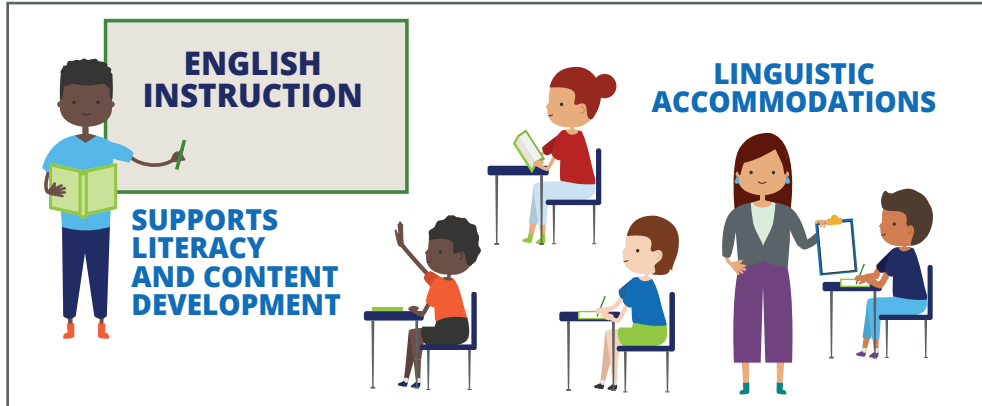
A student in a **TBE** program is developing or has developed home language literacy for the purpose of applying transferrable skills to English literacy and making cross-linguistic connections, which identify similarities and differences between the languages. The bilingual classroom teacher is proficient in the home language and can leverage what the student knows in the one language to support literacy and content development in the other. The goal of a TBE program is full English proficiency, achieved by maximizing the asset of home language knowledge. In cases when the special education teacher is not proficient in the home language, they would therefore not be able to leverage that asset for the student. Take the example of a student who participates in a Spanish/English TBE program. Given time to collaborate, the bilingual teacher can familiarize the special education teacher with the linguistic accommodations routinely used in the classroom during English instruction and can point out cross linguistic connections that the special education teacher might make. For example, for a lesson delivered in a special education setting were to focus on English suffixes like -tion and -ly, the bilingual teacher could point out the Spanish equivalents and provide a short list of word pairs/cognates such as imagination/*imaginación* and rapidly/*rapidamente* or share an anchor chart previously used in the bilingual classroom. It is not necessary for the special education teacher to teach completely in the student's home language; however, they should know how to support the student in making connections to what is already known.

ENGLISH AS A SECOND LANGUAGE (ESL) PROGRAM
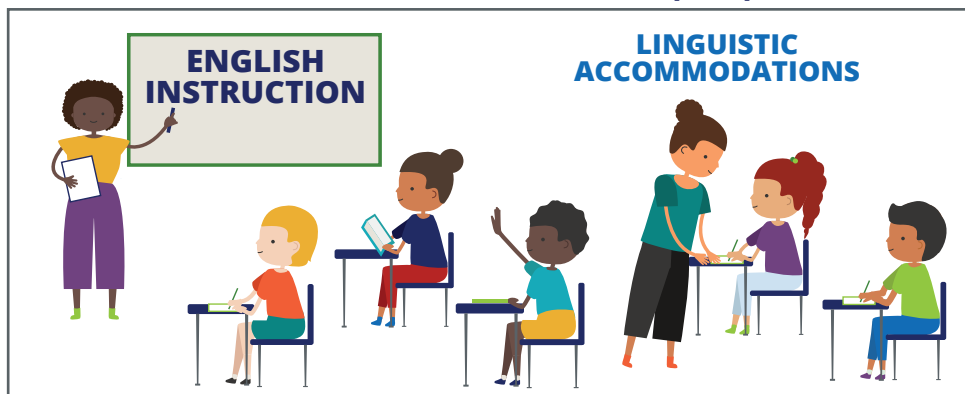
A student participating in an **ESL program** receives instruction in English, although the home language may be used for support depending on the level of literacy development. For example, a student may brainstorm thoughts for a piece of writing before drafting in English. When instruction is in English, the ESL certified teacher incorporates linguistic accommodations appropriate for each student's proficiency level with the goal of practicing behaviors associated with the next highest proficiency level descriptors. Given time to collaborate, the ESL teacher can familiarize the special education teacher with the linguistic accommodations routinely used in the classroom, and the special education teacher can share strategies that support the student's disability related needs. In an inclusion setting the two teachers leverage co-operative teaching and learning arrangements to support student learning and provide each other ongoing, regular feedback to enhance their collaborative practice.

Special Education Programs/Services

Any student eligible for special education services may participate in a variety of settings/placement options depending on the FIE data and IEP decisions for each individual student. In special education we refer to the least restrictive environment (LRE) when discussing settings/placements. Each individual student has their own determination of the LRE. For some students receiving special education services, a general/multilingual education setting with support services or, in some cases, only speech services would be the LRE. For other students, a residential or homebound setting might be the LRE. LRE is determined by the ARD committee inclusive of an LPAC representative, and based on the student's unique and individual needs at that time and may change throughout the student's school years.

IDEA requires that each school district ensures that a continuum of alternative placements is available to meet the needs of students with disabilities in the LRE. Generally, the least restrictive environment is the general education/multilingual classroom and hospital or home placement is the most restrictive placement. Additionally, each school district must make provisions for supplementary services to be provided in conjunction with general/multilingual class placement. In Texas, these settings are outlined in the Student Attendance Accounting Handbook, Section 4.7 and available at 19 TAC §89.1005 (e). Below are some of the settings/placement options for students receiving special education services from the least restrictive to the most restrictive placement.

▶ No Instructional Setting (Speech Therapy) (least restrictive)

▶ General education with supplementary aids and/or services

▶ Resource placement in special education classroom less than 40% of the day

▶ Self-contained placement in special education classroom more than 40% of the day

▶ Separate school

▶ Residential placement

▶ Hospital or home placement (most restrictive)

Overall, the theme weaved throughout this document is the urgency for a holistic and integrated approach to service delivery that provides educational benefits for the dually identified student. The TEA's goal is to establish clear and attainable guidance toward collaboration which paves the way for a holistic and integrated design of services ensuring dually identified students are provided equitable access to all services required by their unique needs.

Appendix

Laws and Policies to Frame Decisions

Federal Laws and Regulations

▶ The Code of Federal Regulations (CFR) Chapter III covers Special Education requirements.

▶ The Individuals with Disabilities Education Act (IDEA) is the special education law that provides specific requirements for states and local education agencies to follow.

▶ The Office of Special Education and Rehabilitative Services (OSERS) also provides guidance and funding for students with disabilities from birth through age 21.

Texas Laws and Regulations

Texas Education Code and Texas Administrative Code govern both special education (Chapter 89, Subchapter AA) and bilingual education (Chapter 89, Subchapter BB) requirements.

Glossary of Terms

Emergent bilingual student - As a result of House Bill 2066 in the 87th Texas legislature, the term "emergent bilingual student" replaced the term of "limited English proficient (LEP) student" used in the Texas Education Code (TEC), Chapter 29, Subchapter B, and thus, will be changing the term of "English learner (EL)" used in 19 TAC Chapter 89, Subchapter BB. These terms describe the same group of Texas students, referring to a student who is in the process of acquiring English and has another language as the student's primary or home language.

English learner – term synonymous with emergent bilingual student, used in federal documentation and guidance

Heritage language learner – a student who may speak or merely understand the language of his heritage, and may be, to some degree, orally bilingual in English and the heritage language

Dually identified - students identified as emergent bilingual who also receive special education services

Students who receive special education services - eligible students receiving services in accordance with all applicable federal law and regulations, state statutes, rules of the State Board of Education (SBOE) and commissioner of education, and the State Plan Under Part B of the Individuals with Disabilities Education Act (IDEA).

General education teacher – classroom teacher who may serve students receiving special education services

Special education teacher – teacher who holds a special education certification who may serve students receiving special education services in an inclusion, resource, or self-contained setting

Bilingual/ESL teacher – a general education teacher who holds supplemental bilingual or ESL certification in order to implement the district's bilingual or ESL program.

Special education department – personnel at the district and/or campus level who oversee or implement the provision of special education services

Multilingual department – personnel at the district and/or campus level who implement the district's bilingual and/or ESL program for participating students and oversee emergent bilingual students with a parental denial of program services

General/multilingual classroom setting – the general education classroom that may be a bilingual or ESL classroom

Current Technical Assistance Guides

- ▶ TEA Special Education Guidance Web Page

- ▶ Technical Assistance: Texas SPED Support

- ▶ Technical Assistance: Child Find and Evaluation

- ▶ Technical Assistance: Section 504

- ▶ Sensory Impairments Web Page

TEA Courses

- ▶ Universal Design for Learning

- ▶ TXCAN

  - ▶ Fundamentals of Inclusion

  - ▶ Universal Design for Learning

  - ▶ Building a Foundation for Supporting Students with Significant Cognitive Disabilities

- ▶ English Language Proficiency Standards (ELPS Academy)

Additional Links

- ▶ STAAR

- ▶ STAAR Spanish

- ▶ STAAR Alternate 2

- ▶ TELPAS

- ▶ TELPAS Alternate

- ▶ English Learner Portal

- ▶ Staffing Resources

- ▶ Support for Bilingual and ESL Certification