

DIFFERENTIATING LANGUAGE DIFFERENCES FROM SUSPECTED DISABILITIES

The intended audience for this document is school teams that support an English Learner (EL) having difficulty engaging in learning activities, and suspect the EL may have a disability. The purpose of this document is to assist teams in understanding language learning and cultural influences and the multiple factors potentially affecting EL progress.

While there is no minimum amount of time required to wait before beginning the referral process, teams should ensure they have data showing evidence-based strategies implemented with fidelity in the classroom, data from interventions, and evidence of high quality, differentiated instruction to submit with a referral for suspected disability.

The [Handbook for Educators of English Learners with Suspected Disabilities](#) (VDOE, 2019) provides detailed information about pre-referral procedures to identify ELs with suspected disabilities for possible evaluation to provide special education and disability-related services. School teams are encouraged to incorporate information from VDOE resources as they develop tools and instructional strategies to serve ELs with suspected disabilities within a tiered model of support.

GATHER A SCHOOL TEAM FOR THE PRE-REFERRAL PROCESS*

*VDOE recommends not using the term “child study” since it was removed from regulations in 2009. Current guidance on school teams can be found [here](#), pages 10-11.

- Team members may include administrators, classroom or content teachers, instructional specialists, school support or resource staff, exceptional education specialists, and/or parents. An ESL-endorsed teacher must be present.
- Team members plan for instruction to ensure that intervention strategies are cohesive, authentic, appropriate, and clearly connected to the core curriculum.
- Team members gather information and data on EL responsiveness to consistent, quality instruction. (See sections below to support information gathering). Team members articulate and record high-leverage and best practices that have been used based on the student’s EL status and current English language proficiency level (ELP). Virginia regulations require evidence of and data to indicate that the student’s difficulties are not primarily or predominately based on EL status in order to activate the eligibility process.

BUILD THE PROFESSIONAL KNOWLEDGE OF THE SCHOOL TEAM AND DISCUSS:

- The intersection of language learning and disabilities such as:
 - influences on language, learning, and behaviors that might be misinterpreted as a learning disability (e.g., cultural practices and linguistic structures from the primary language);
 - the language learning process, including a silent period; and
 - learning disabilities and characteristics (present in all languages a student may speak).
- Effective practices and multiple tiers of support focusing on enrichment, instructional enhancement, and meaning-making rather than remediation:
 - The use of differentiated linguistic supports when assessing student content knowledge or working to develop proficiency
 - Integrated literacy and academic language instruction across content areas, including structured opportunities for interaction
 - Incorporation of culturally responsive instructional practices
- Valid academic assessments and assessment practices (e.g., normed for ELs, in the student’s primary language when feasible and appropriate based on the EL’s primary language literacy)



CONSIDER FACTORS THAT INFLUENCE LEARNING OTHER THAN A DISABILITY

Integral Factors	Data Examples
<p>Academic Achievement and Instructional Factors</p> <p>Student strengths, instructional practices and strategies specific to EL language development needs</p>	<ul style="list-style-type: none"> • Gather longitudinal information on student academic performance based on classroom observations, grades, notes from teacher/student conferences, credits earned, standardized test scores, intervention history, etc. • Collect information on student attendance patterns and date of entry into a United States (U.S.) school. • Collect and examine performance-based tasks with rubrics across the content areas (common assessments). • Have students complete performance-based tasks in mathematics (with low linguistic demands and accompanying manipulatives and other visual supports) and examine outcomes over time (complement to standardized mathematics test scores). <p style="text-align: center;">How does the EL best communicate content knowledge?</p> <p style="text-align: center;">How does the teacher scaffold and differentiate content for a variety of language development levels?</p>
<p>Cross-Cultural Factors</p> <p><i>(Note: cross-cultural considerations must be taken into account within all of the factors)</i></p>	<ul style="list-style-type: none"> • Interview students and families with regard to their expectations, values, and beliefs towards the educational experience as well as any strengths, knowledge, and expertise they possess. Interviews should be conducted in their primary language when needed. • Consider the family's and student's views on disabilities and services. • Consider student, parent/family, and staff expectations in the decision-making process. • Ensure appropriate use of qualified interpreters, translators, and cultural brokers as a vehicle for communication and collaboration with students and their parents/families. • Survey students and parents/families to gather information about discussion topics of interest as well as their preferred times and locations for school-related meetings. <p style="text-align: center;">What are the family's expectations for the EL?</p> <p style="text-align: center;">Does the family of the EL feel welcome, valued, and included?</p>

Integral Factors	Data Examples
<p>Learning Environment Factors</p> <p>Teachers and instruction, resources, service models, role of primary language and culture</p>	<ul style="list-style-type: none"> • Gather information about the types of program models and designs provided to ELs in the school, including details on the extent of services received (e.g., amount of time receiving direct LIEP service). • Complete teacher self-assessment checklists that include information about the knowledge, competencies (including culturally responsive practices), and use of supports needed to: <ul style="list-style-type: none"> • foster the learning and development of ELs; and • meaningfully partner with families of ELs. • Video record lessons to “conduct observations” to gather evidence of culturally and linguistically responsive instructional practices and materials (<i>for self-reflection or use within a professional learning community</i>). <p>How does the EL respond to different learning environments and contexts (e.g. whole group, small group, independent work)?</p> <p>How does the student’s cultural belief system align with their school experiences?</p> <p>How does the teacher create a learning environment that promotes EL success?</p>
<p>Oral Language and Literacy Factors</p> <p>Primary language(s) literacy development, English language development, opportunities for explicit academic language and literacy practice and support</p>	<ul style="list-style-type: none"> • Interview families about the extent of the EL’s exposure to and development of English and the primary language (since birth). • Record oral language samples over time (e.g., retellings of narratives or explanations of events, digital storytelling, interviews, video film making, oral presentations, and impromptu classroom conversations). • Analyze recordings or transcriptions of student oral language over time using a WIDA Speaking Rubric. • Ask students to periodically read back the texts from their orally dictated stories and other narratives (note the nature of miscues, fluency and comprehension of these re-readings). • Complete phonological processing assessments and phonics/ spelling inventories that take into consideration phonological differences between languages and recognize that some sounds may be absent in the primary language. • Examine writing samples over time using WIDA Writing Rubrics. • Examine WIDA Screener or ACCESS for ELLs scores to identify student initial listening and speaking English language proficiency levels. • Examine <i>performance measures</i> for student listening, speaking, reading and writing periodically throughout the year. • Conduct study groups with team members to gather information about the students’ primary languages including grammatical structures and potential areas of transfer to English. <p>What is the current level of literacy in the EL’s primary language(s)?</p> <p>How is the EL engaged in the development of the primary language(s) or English at home?</p> <p>What information is available about the EL’s primary language development?</p>

Integral Factors	Data Examples
<p>Personal and Family Factors</p> <p>Experiences, motivation, family dynamics</p>	<ul style="list-style-type: none"> Interview families and students in culturally and linguistically responsive ways to gather information about their interests, goals, funds of knowledge, expertise and strengths that can be incorporated into curricular units of study, multicultural learning environments, and school improvement plans. <p>Who can provide academic and literacy support to the EL (in the primary language or English) outside of the school environment?</p>
<p>Physical and Psychological Factors</p> <p>Health conditions</p>	<ul style="list-style-type: none"> Conduct well-being surveys (e.g., depression, anxiety, trauma, etc.). Determine which, if any, hearing, vision, or other medical assessments have already been conducted. Set clear expectations and have students self-assess to monitor expected behaviors within a supportive and safe learning environment. Consider student and family perspective and response related to society's expectations of assimilation. <p>Are there any conditions, perspectives, or experiences to consider that may impact how the EL participates/reacts (e.g., trauma or disruptions to home life, access to food and healthcare)?</p>
<p>Previous Schooling Factors</p> <p>Extent and quality of previous formal education (in primary language and English)</p>	<ul style="list-style-type: none"> Gather records from schools students previously attended in a home country and the U.S., including any early childhood or learning programs prior to compulsory education. Conduct interviews with students and families about previous schooling and life experiences, including any previous academic concerns shared by staff or the family. Research the school systems of the students' countries of origin and previous U.S. school divisions. <p>Has the EL had access to consistent and formal schooling?</p> <p>What school experiences might the EL have had in the U.S. and in the home country that can connect to expectations for success in the current school and classroom?</p> <p>How do the EL's prior school experiences compare with the rigor expected in the current classroom?</p>

Modified from WIDA's Sample Protocol within their *Response to Instruction and Intervention Handbook* to focus on the classroom level.

DIFFERENTIATE PRIMARY LANGUAGE AND CULTURAL INFLUENCES FROM INDICATORS OF DISABILITY

ELs are often misinterpreted as having special learning needs based on the influence of their primary language and/or culturally-dictated behaviors. When school teams explore eligibility for special education and disability-related services for ELs, they should consider:

Is the observed difference in learning and performance a result of the EL’s linguistic and cultural background?

Characteristic or Learning Behavior demonstrated by the student	Indicator of Primary Language and Cultural Influence <i>Progress is made over time and with quality, explicit, and responsive instruction (culturally and linguistically).</i>	Indicator of a Possible Disability
<p>Communication (Language Reception)</p> <ul style="list-style-type: none"> Delays responses to questions 	<ul style="list-style-type: none"> May be translating the question mentally before responding verbally. Is still developing the speaking skills or vocabulary needed (for social and academic purposes) in English and can respond nonverbally when the directions or questions are accessible. 	<ul style="list-style-type: none"> In all languages, even in social situations, responses consistently take a longer time.
<p>Language Production, Articulation, and Prosody*</p> <p>*Prosody generally refers to intonation, stress pattern, loudness variations, pausing, and rhythm.</p> <ul style="list-style-type: none"> Verbal fluency issues (e.g., pauses, omits words) Does not speak much, if at all Sound omissions or alternate pronunciations Differences in loudness, pitch, intonation, etc. 	<ul style="list-style-type: none"> May be translating the question mentally before responding verbally. Does not yet have or have confidence in using the needed vocabulary or sentence structures in English; can and does communicate fluently in the primary language. May still be experiencing the silent period and internalizing the new language and rules. Primary language may not include specific English sounds, so student is not accustomed to hearing or producing those (e.g., beginning /s/ on a word, or /r/ for /l/ pronunciations) (See Phonemic Inventories and Cultural and Linguistic Information Across Languages for more information. Teachers may work to consult with the school or division’s Speech Language Pathologist for any additional questions.). Using prosodic features and patterns of the primary language. 	<ul style="list-style-type: none"> In all languages, speech is unintelligible to others. In all languages, the student rarely speaks. In all languages, there are sound omissions or inappropriate prosodic (timing) features.

Characteristic or Learning Behavior demonstrated by the student	Indicator of Primary Language and Cultural Influence <i>Progress is made over time and with quality, explicit, and responsive instruction (culturally and linguistically).</i>	Indicator of a Possible Disability
<p>Academic Functioning: Foundational Literacy Skills</p> <ul style="list-style-type: none"> • Decoding, remembering letter sounds, blending letter sounds • Spelling 	<ul style="list-style-type: none"> • Primary language may not have specific sounds, so the student is not accustomed to hearing or producing those sounds (e.g., short and long vowel sounds) or those sounds develop later in age (See Phonemic Inventories and Cultural and Linguistic Information Across Languages for more information). • Borrowing sounds, overgeneralizing phonetic rules, and spelling from primary language. 	<ul style="list-style-type: none"> • In all languages, student cannot remember the sounds after follow-up instruction even when the sounds are common across languages spoken. • Makes letter substitutions and reversals not related to primary language, can decode sounds in isolation but unable to blend to decode an entire word. • Consistently confuses letters/sounds that look alike. • Errors such as writing the correct beginning/end sound(s) with random letters. • Overreliance on context rather than word-attack strategies. Skips or misreads little words (e.g., at, to, of).
<p>Academic Functioning: Reading Comprehension</p> <ul style="list-style-type: none"> • Reads fluently and accurately but does not understand 	<ul style="list-style-type: none"> • Does not have the required background knowledge of the topic in English; has not acquired context skill strategies yet. • Does not yet have the needed vocabulary or sentence structures in English; it typically takes five years (and up to ten+) to develop grade-level academic language and reading proficiency. This does not preclude the team from proceeding with a pre-referral process if a disability is suspected. 	<ul style="list-style-type: none"> • In all languages, does not remember or comprehend what was read (if received reading instruction in the primary language). • In all languages, difficulty with comprehension and vocabulary. • Does not apply skills and strategies taught, (e.g., higher-order inferencing and drawing conclusions even when provided context and EL support).

Characteristic or Learning Behavior demonstrated by the student	Indicator of Primary Language and Cultural Influence <i>Progress is made over time and with quality, explicit, and responsive instruction (culturally and linguistically).</i>	Indicator of a Possible Disability
<p>Academic Functioning: Writing</p> <ul style="list-style-type: none"> • Handwriting and copying errors • Errors with mechanics (punctuation, capitalization, grammar) • Difficulty generating longer texts (but can express ideas orally) 	<ul style="list-style-type: none"> • Inexperience with writing in the English alphabet or using symbols associated with writing in English. • Errors reflect primary language influence (e.g., different rules for conventions; grammar and syntax difference such as verb tense and form, use and placement of verbs and adjectives). • Does not yet have the needed extent of language skills for extended writing tasks. • Seems to have motor difficulties that could be related to inexperience with holding writing utensils for an extended period of time. 	<ul style="list-style-type: none"> • Difficulty copying visual materials to include shapes, letters, etc. • Consistent and inconsistent errors even after on-going instruction in mechanics. • In all languages in which the student has been taught to write, makes random errors such as word omissions, missing punctuation, or grammar. • Seems to have motor difficulties and avoids writing, difficulty paying attention for extended periods of time or remembering information previously learned that are needed for the longer writing task. • Difficulty remembering how common or simple words are spelled after instruction, or the same word is spelled differently multiple times within the same writing sample.

Characteristic or Learning Behavior demonstrated by the student	Indicator of Primary Language and Cultural Influence <i>Progress is made over time and with quality, explicit, and responsive instruction (culturally and linguistically).</i>	Indicator of a Possible Disability
<p>Productivity and Attention/Memory</p> <ul style="list-style-type: none"> • Does not respond to oral directions • Needs frequent repetition of directions • Difficulty paying attention and remembering • Does not complete tasks and/or homework 	<ul style="list-style-type: none"> • Does not yet understand academic language or the vocabulary of the directions or expectations for the task in English but can understand in the primary language. • May not have the background information or English language skills to fully engage at this time in their development process or have not had much exposure to class routines in their previous schooling. • May be experiencing fatigue due to double work of task of learning new content in a new language and new context. • Does not commit concepts or directions to memory when they are presented without explicit instruction in order to connect to prior knowledge. • Homework may be viewed, valued and defined differently. ELs may not have access to homework support or have other obligations that take priority after school hours (e.g., caring for a sibling, working a job for family income). 	<ul style="list-style-type: none"> • In all languages, often forgets directions, consistently demonstrates confusion with verbal directions, and/or needs further explanations.

Characteristic or Learning Behavior demonstrated by the student	Indicator of Primary Language and Cultural Influence <i>Progress is made over time and with quality, explicit, and responsive instruction (culturally and linguistically).</i>	Indicator of a Possible Disability
Social and Behavioral <ul style="list-style-type: none"> • Appears inattentive and/or easily distracted • Appears unmotivated or disengaged • Appears angry or aggressive 	<ul style="list-style-type: none"> • Does not yet understand the vocabulary of the directions or expectations for the task in English but can understand in the primary language. • Does not see connections or relevance to their personal experience and background skills. • May still be experiencing the silent period and internalizing the new language and rules. • Possible shy personality or not yet comfortable in a whole group setting. • Does not feel successful or is experiencing other esteem or affective factor issues (e.g., adjusting to the new learning environment and demands, reflecting on trauma or experiencing other severe emotional circumstances). • Could be a cultural influence. Cultural variations in appropriate behavior and nonverbal responses include: degree of directness and response to authority figures, level of emotionality, expressions of consideration, verbal turn-taking, reactions to conflicts, attitudes toward personal space and sharing, time and punctuality, etc. 	<ul style="list-style-type: none"> • Inattentiveness even when language is comprehensible. • In any language, does not understand instruction across contexts. • Seems unable to complete tasks and homework consistently even when offered time and assistance. • Persistent social and behavioral issues that are not in the native culture and not attributable to adjustment to the new culture and learning context.

This chart was adapted from the [US Department of Education, EL Toolkit, Chapter 6, Tool #2](#).

EXPLORE ADDITIONAL REFERENCES AND RESOURCES FOR EXTENDED LEARNING

- [Asking the Right Questions: RTI and ELLs](#) (Collier, 2007) Available on Colorín Colorado
- [Cultural and Linguistic Differences](#) (IRIS Center)
- [Cultural Influences on Behavior](#) (IRIS Center)
- [Evaluation and Eligibility for Special Education and Related Services: Guidance Document](#) (VDOE, 2018)
- [Handbook for Educators of English Learners with Suspected Disabilities](#) (VDOE, 2019)
- [Identifying ELLS with Specific Learning Disabilities: Facts, Advice, and Resources for School Teams](#) (WIDA, 2017)
- [Processes and challenges in identifying learning disabilities among students who are English language learners in three New York State districts](#) (REL Northeast & Islands, 2010)
- [Promoting the Educational Success of Children and Youth Learning English](#) (The National Academies of Sciences, Engineering, Medicine, 2017)
- [Response to Instruction and Intervention](#) (WIDA, 2013)
- [The RIOT/ICEL Matrix: Organizing Data to Answer Questions About Student Academic Performance and Behavior](#) (Interventioncentral.org)
- [Tools and Resources for Addressing English Learners with Disabilities](#) (US Department of Education's EL Toolkit, Chapter 6, 2015)
- [Virginia Tiered System of Supports](#) (VCU)