

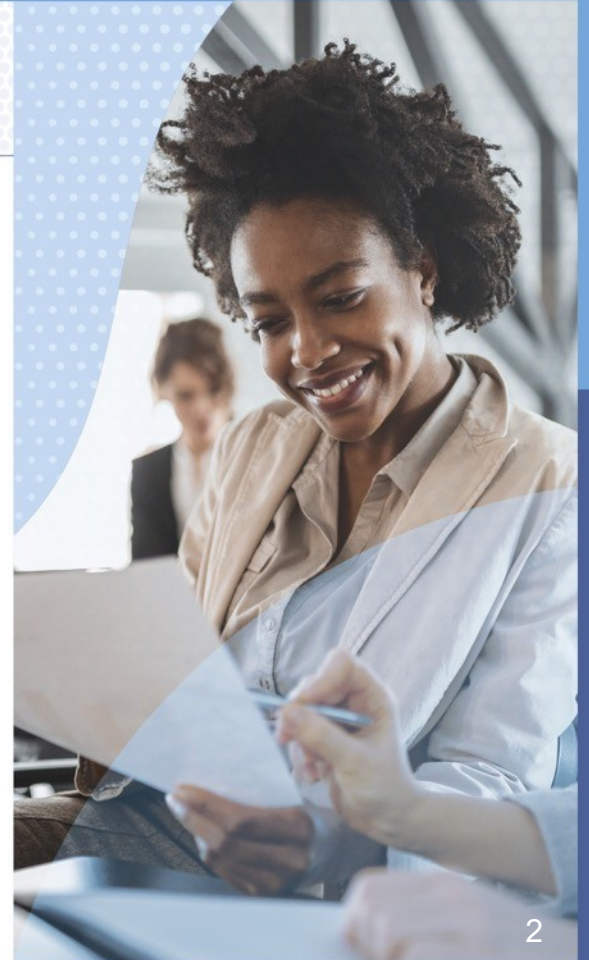
Effective Instruction Collaborative

March 24, 2026



Agenda

- Evidence in Action
- State IEP Guidance
 - California and New Mexico guidance with Silvia DeRuvo
 - Other Resources
- Next Steps & Upcoming Events



Evidence in Action

State Resource: Transition Planning for Multilingual Learners

[Transition Planning for English Learners \(ELs\) Webinar \(DC-OSSE\)](#)

(2 hr.)

- Provides a comprehensive overview of how educators can support English learners in preparing for postsecondary education, employment, and independent living.
- Addresses the unique barriers ELs face and the employability skills needed for long-term success.
- Incorporates research-based recommendations and resources.

OSSE Webinar Topics

- Who EL students are and demographic trends (2017)
- Academic and postsecondary outcomes for ELs
- Federal transition requirements for students with disabilities
- The absence of formal transition regulations for EL-only students

OSSE Webinar Topics (cont.)

- The importance of economic, social, academic, and language capital
- Challenges and opportunities for dually identified students
- Disability and EL disclosure considerations
- Employability skills and how to foster them
- Work plan exemplars and resources for implementation

Providing State Guidance on Writing IEPs

California Guidance

California Guidance (1)

AB 2785 was prompted by a 2013 lawsuit by the ACLU of California. The suit alleged the state failed to provide mandatory English language instruction to tens of thousands of English Learner (EL) students.

- AB 2785 aimed to ensure that school districts properly identify, report, and provide necessary services for English learners.
 - Guidance was to support LEAs in identifying, assessing, supporting, and reclassifying English learners who may qualify for special education services
- Resulting Guidance: [California Practitioners Guide to Educating English Learners with Disabilities \(2019\)](#)

Key Aspects of the California Guidance (1)

- Identification of ELs & Pre-Referral Interventions
 - Multi-tiered Systems of Support (MTSS) interventions for ELs
- Pre-Referral, Referral, Assessment & IEP Development
 - Referral processes
 - Assessment best practices
- Education Programs and Instructional Strategies
 - IEP goals and instruction



Key Aspects of the California Guidance (2)

- **Exiting Special Education Services**
 - Process steps for exiting an EL from special education services
- **Reclassification of EL Status**
 - Process steps for reclassifying ELs from learner status



New Mexico Guidance

New Mexico Guidance (1)

- Martinez/Yazzie v. New Mexico lawsuit called for increased funding and programming for at-risk students, including children who are English Learners.
- Resulting Guidance: [Identifying and Serving English Learner Students with Disabilities Guidance Manual \(Sept. 2023\)](#)
- Key Directives:
 - Evaluating in the home language and English
 - Ruling out language proficiency as the cause of learning challenges
 - Tailoring IEPs to include both language development and special education services

Key Aspects of New Mexico Guidance (1)

- Assessment & Identification
 - Distinguish between language acquisition and disability
- Preventing Misidentification
 - Ruling out “extrinsic factors” before determining eligibility
- Evaluation Process
 - Conducted in native language when feasible



Key Aspects of New Mexico Guidance (2)

- IEP Development
 - Reflect unique linguistic and academic needs
- Instructional Approach
 - Framework to address learning needs
- Collaboration
 - Multidisciplinary teaming at all levels including the family and student



Common Areas Addressed in Both Guidance Documents

- EL classified students disproportionately identified with disabilities
 - Secondary students over-identified
 - Pre-school and elementary students under-identified
- Over classification in SLD and SLI categories
- Varied practices of EL special education identification
- Lack of collaboration within the multidisciplinary team
- IEP development lacking EL specific programming and supports
- Specially designed instruction lacking ELD support

Challenges

- SEA Challenges
 - Siloed systems that were learning how to work together
 - Different perspectives on how to address the issues
 - Questions related to who “owns” the document
 - Dissemination to the field

Challenges & SEA Solutions

- Stakeholder input into the content
- Stakeholder feedback throughout
- Ongoing collaborative conversations within the agency
- Contracts to provide dissemination support

Requirements: Evaluating and Serving English Learners (1)

- LEAs must identify, locate, and evaluate ELs with disabilities in a timely manner
- LEAs must consider the English language proficiency of ELs with disabilities in determining appropriate assessments and other evaluation materials
- LEAs must provide and administer special education evaluations in the child's native language, unless it is clearly not feasible to do so, to ensure that a student's language needs can be distinguished from a student's disability-related needs

34 CFR § 300.324(a)(2)(ii)

Requirements: Evaluating and Serving English Learners (2)

- LEAs must not identify or determine that EL students are students with a disability because of their limited English language proficiency
- LEAs must provide EL students with disabilities with both language assistance and disability-related services they are entitled under federal law

34 CFR § 300.324(a)(2)(ii)

Areas to Consider When Developing Guidance for EL Students

- Assessment Practices
- Determining Eligibility
- Writing Linguistically Appropriate Goals
- Providing both EL and Special Education Services
- Providing Collaboratively Developed Instruction in the LRE

Your Questions or Comments

Other Resources

Other Resources & Examples

- [NCELA English Learner Toolkit – Chapter 6 ELs with Disabilities](#)
- [Massachusetts – Guidance for Supporting English Language Learners with Disabilities](#)
- [NM’s Identifying and Serving English Learner Students with Disabilities Guidance Manual](#)
- [Connecticut IEP Manual](#)
- [Guidance for Developing the IEP – Bureau of Indian Education](#)
- [IEP Working Group Report - New Jersey](#)

Next Steps & Upcoming Events

Upcoming Event

- Partnership with Nate Levenson of New Solutions K12
- Presenter from Louisiana Department of Education
- [Interest form](#) now open; deadline is April 17

SAVE THE DATE

Lessons Learned from Louisiana's Best in the Nation Growth for Students with Disabilities An NCSI SEA Workshop

WASHINGTON, DC
JUNE 24–25, 2026

WestEd | Washington, DC
1140 3rd Street NE, #360, Washington, DC



Next Meeting

- **No meeting in April**
- **Tuesday, May 26, 2026**
 - 11:30 AM -12:30 PM Eastern
 - Topic: Myths and Facts about Specially Designed Instruction (SDI) and Multi-Tiered Systems of Support (MTSS)
- **New June date:** June 16, 2026
- Questions or thoughts?
 - Reach out to us at ncsi-ei@wested.org



NCSI APR Survey

- We want your feedback to improve our efforts and for the Center's Annual Performance Report (APR).
- Thank you if you already completed the survey!
- If not, the survey is still open today.



Thank You

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