# CONSIDERATIONS FOR A DISABILITY FOR LEARNERS WHO ARE CULTURALLY AND LINGUISTICALLY DIVERSE (CLD):

- What evidence is there that the student has deficits in **both** languages and across various settings?
- Is it possible that deficits exhibited by the student are accounted for by limited experiences in using language?
- How does the level of proficiency in English impact instruction?
- Is the student demonstrating sufficient rate of progress in the skill in question as compared to their peers of similar background and culture?
- Has there been sufficient multi-tiered systems of support given to help the student access the curriculum?
- Is the student's rate of progress below the expected rate for LEP students?
- Are the student's academic skills significantly delayed?
- Does the parent regard the student as "different" or delayed?
- The student does not exhibit mastery of academics at their language and developmental level even after carefully planned and administered targeted interventions.

From CDE Resources: SLD Considerations for Learners Who Are CLD (Powerpoint)



### ESSU Technical Assistance

# Cultural and/or Linguistic Diversity & Specific Learning Disability

As with any student identified as having a Specific Learning Disability (SLD) and determined to be eligible for special education services within this educational disability category, the following two major criteria must be met as well as a determination of the need for special education services.

A child may be determined to have a Specific Learning Disability that prevents the child from receiving reasonable educational benefit from general education if a **body of evidence demonstrates** the following criteria are met:

- (1) The child does not achieve adequately for the child's age or to meet state-approved grade-level standards and exhibits significant academic skill deficit(s) in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards: Oral expression; Listening comprehension; Written expression; Basic reading skill; Reading fluency skills; Reading comprehension; Mathematical calculation; Mathematics problem solving; and
- (2) The child **does not make sufficient progress** to meet age or state-approved grade-level standards in one or more of the areas identified ... <above> ...when using a process based on the child's response to scientific, research-based intervention.

- Colorado ECEA Rule 2.08 (8) (b).

Particularly relevant to students who are culturally and/or linguistically diverse (CLD), the definition of Specific Learning Disabilities includes the following:

Specific Learning Disability does not include learning problems that are **primarily** the result of... **cultural factors**...or **limited English proficiency**.

- Colorado ECEA Rule 2.08 (8) (a).

Critical to making a determination of SLD is the consideration of the impact of one or both factors on learning and whether the student's learning difficulties are "primarily the result of..." either or both factors, i.e. cultural and/or linguistic diversity. However, either or both of the factors may co-exist with an appropriate identification of SLD and a student cannot be automatically excluded from consideration for special education based on the existence of one or both of these factors

### Key Question: What are some unique considerations when referring a student who is CLD for a special education evaluation due to apparent learning difficulties?

- Is there evidence that universal (core) instruction is effective with most students who share this student's cultural characteristics and/or stage of English language proficiency?
- Does evidence exist that a student's achievement and rate of progress differ significantly from that of demographically similar students? It is important to make a comparison to students with similar cultural background, language, age and/or stage of English language acquisition.



- Is instruction/intervention implemented determined to be culturally and/or linguistically appropriate?
- If the student is an English language learner (ELL), is s/he receiving explicit academic intervention in the area(s) of learning difficulty in addition to English Language Acquisition (ELA) services?
- Is the achievement gap with grade-level peers closing?

### Key Question: As part of an evaluation, what relevant data from the school, district, and family should be collected and documented related to a student's cultural and/or linguistic diversity?

- Results of the Home Language Survey which determines if the child's primary home language is other than English (PHLOTE) and if so... results of the screener W-APT™ which stands for the WIDA-ACCESS Placement Test (screener) OR ACCESS for ELLs® (annual test to measure student progress)
- Status of student determined to be an English language learner (ELL), that is: Non-English Proficient (NEP), Limited English Proficient (LEP), or Fluent English Proficient (FEP)
- Length of time the student has been in the country
- Unique characteristics of the student's cultural background that might be impacting academic success and assimilation into an unfamiliar school environment

### Key Question: What important strategies and procedures should be utilized related to assessment use and interpretation?

- Review the progress monitoring data collected over time to gauge the student's response to appropriate, targeted or intensive intervention and compare the results with those of a comparable group of learners. Consider whether the growth realized by the student is sufficient for the student to close the achievement gap within a reasonable length of time through general education alone.
- Consider student's dominant language when selecting assessment materials. Assess students who are non-English dominant in their native language. Assess English dominant students in English, and if appropriate, in native language.
- Use assessments that minimize cultural bias.
- Focus on educational needs rather than on perceived or inferred intellectual deficits. Determine the significance of any academic skill deficits.
- Communicate any departures from standard testing procedures and the possible effects on the interpretation of results.
- Use informal measures to supplement standardized test scores, including dynamic assessment strategies.
- Ascertain whether errors are typical of other students with similar backgrounds or level of English
  proficiency. Typical errors may be indication that the student's learning difficulties are primarily due to
  cultural factors or English language acquisition rather than a disability.
- Identify learning assets and strengths as basis for new learning.
- Review test results with family members or other persons from student's background to gain additional insight as to the student's performance. Provide interpreter, as appropriate, to ensure understanding and engagement of family members
- Interpret evaluation data within a team setting that includes the parent(s)/family.



Key Question: In addition to documenting the results of all student-centered data gathered through the evaluation process, what documentation should be included that provides evidence that the evaluation team considered the impact of a language and/or cultural difference on learning?

It is important for the team to include in the evaluation and eligibility meeting documentation references to the impact of cultural diversity and/or English language proficiency on the student's learning and on the final determination of disability. For example, the rationale for a determination that a student's learning difficulties are not primarily due to her level of English language acquisition, but may be due to a disability might include statements such as: "The student's rate of progress in response to intensive and focused intervention is much slower than that of other struggling students who are receiving the same intervention and who are at the same level of language acquisition." "She demonstrates similar deficiencies in mathematical problem-solving whether problems are posed in her native language or in English." Teams need to provide evidence that the distinction between a difference and a disability was addressed.

Key Question: What is important to consider when developing and implementing an IEP for a student who is culturally and/or linguistically diverse and is determined to have a Specific Learning Disability?

It is critical to reflect in the IEP the unique impact of culture and language acquisition on student learning. Special education services, including specially designed instruction related to the identified area(s) of SLD eligibility, must address both the student's academic deficiencies and the needs stemming from these factors.

#### Resources:

CDE Exceptional Student Services Learners who are culturally and/or linguistically diverse (CLD) Suspected of Having Educational Disabilities Website: <a href="http://www.cde.state.co.us/cdesped/CLD.asp">http://www.cde.state.co.us/cdesped/CLD.asp</a>

CDE Exceptional Student Services Technical Assistance: Critical Questions Regarding the Special Education Process for Culturally and/or Linguistically Diverse Learners:

https://www.cde.state.co.us/cdesped/ta\_criticalquestionscld

#### Office of English Language Acquisition English Learner Tool Kits:

U.S. Department of Education's Newcomer Tool Kit English Learner Tool Kit OELA

This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE's recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU's policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.



### Understanding the English Language Learner

The following information was written by Paula Pariset, ESL Teacher, at Morris Elementary in Yuma, Colorado with assistance from Heather Klein, ESL Teacher, at Yuma Middle School.

#### Thought regarding English Language Learners...

All students, regardless of language preference, are thinkers, knowledge seekers, problem solvers, and creators.

The natural progression to second language acquisition is listening, comprehension, speaking, reading, and writing.

An English Language Learner must catch-up to a constantly moving target.

Although it may be necessary to use specific techniques, or make adaptations for some students, the basic elements of program development and instruction will hold true for everyone.

(Miramontes, Nadeau, Commins)

## The English Language Development Standards for Colorado developed by the English Language Acquisition Unit of the Colorado Department of Education include:

- **Standard 1**: English Language Learners **listen** for information and understanding, using a variety of sources, for academic and social purposes.
- Standard 2: English Language Learners speak to convey information and understanding, using a variety of sources, for academic and social purposes.
- **Standard 3:** English Language Learners **read** for information and understanding, using a variety of sources, for academic and social purposes.
- **Standard 4**: English Language Learners **write** to convey information and understanding, using a variety of sources, for academic and social purposes.

As educators, it is helpful to know the way in which language is acquired for second language learners. The information that follows describes the typical descriptors and/or behaviors of students at different levels of language acquisition. It also notes expectations for students at each level, and includes language acquisition strategies for English Language Learners at all levels, 1, 2, 3, 4-5. The information is provided for your reference.

The ELL Emphasis was created by the Northeast Colorado BOCES English Language Learner Team.

#### Level 1

Preproduction Stage/Pre-speech/Silent Period/Comprehensive Stage BICS (Basic Interpersonal Communication Skills)

In regards to academic language, students will find English Language Instruction *impossible* without modification.

Language skills development comparison of a Native Language Learner to Second Language Learner: 6 months to 1 year

Descriptors (helesview of st. 1. 1.		
Descriptors/behaviors of student	Expectations of students	Language Acquisition Strategies
The student will demonstrate these behaviors:  • Evidence of anxiety (deer in the headlight look)  • Little or no eye contact  • Physical removal from the group  • Hesitant to participate  • Developing listening skills  The student's speech production will include:  • Complete silence  • One and two word utterances Yes/ no Student names Teacher name  Simple familiar nouns  Bathroom  Mother  Father  Milk  Pencil	The student shall be held accountable for these classroom behaviors:  Communicates understanding by drawing pictures, pointing to objects and/or pictures, or physically carrying out simple tasks  Following simple classroom procedures and participating in classroom via observation  The student shall be expected to demonstrate learning by: Listening Moving Pointing Imitation Matching Drawing Selecting	The teacher will incorporate the following strategies in his/her lesson presentations:  TPR(Total Physical Response)  Use of realia-concrete example  Non-verbal demonstration and modeling during instruction  Emphasize words specific to theme or content area  Summarize text  Speak slowly and clearly  The teacher will ask question in the following form:  Yes/no questions  Show me  Point to the
The student's comprehension (which is very minimal at best) will include:  Key words only Simple, familiar nouns		The teacher will insure that the following classroom community building strategies are in place:  • Provide student support with a partner  • Insure student inclusion in all classroom activities  • Keep consistency in classroom routines

#### Level 2

Early speech production/ Telegraphic State BICS (Basic Interpersonal Communication Skills)

In regards to academic Language, students will find English Language Instruction **extremely difficult** without modification.

Language skills development comparison of a Native Language Learner to Second Language Learner: 12 months to 36 months.

	age Learner: 12 months to 3	66 months.
Descriptors/behaviors of		
student	Expectations of students	Language Acquisition Strategies
The student will demonstrate these behaviors: Increasing confidence "Coming out of shell" Participates easily in classroom activities Verbally repeats key words Reading/writing skills in English are beginning to emerge	The student shall be held accountable for these classroom behaviors:  • Answering simple questions orally with simple sentences and/or phrases  • Increased participation in classroom discussions and activities  • Beginning to recognize basic word lists and to phonetically use sounds/symbols in beginning writing	The teacher will incorporate the following strategies in his/her lesson presentations:  TPR-(Total Physical Response) Realia-Concrete Examples Phonemic awareness Scaffolding Cooperative learning Comprehensible input Introduce key concepts and vocabulary ahead of theme/unit within a small groups, check for understanding Diagrams Graphic organizers Increase wait time Print rich environment
The student's speech production will include:  One or two-word responses  Use of simple phrases (begins to communicate everyday life experiences)  Errors of omission  Mispronunciations  Confusion with letter sounds including: b and v, sh and ch, e and i  Sentence structures is undeveloped: subject verb agreement misused - He runs yesterday. syntax structure is incorrect - the house blue	The student shall be expected to demonstrate learning by: Responsibility for completion of language appropriate homework and classroom assignments Ability to make simple predictions	The teacher will ask question in the following form:  • who  • what  • where  The teacher will insure that the following classroom community building strategies are in place:  • Providing a safe environment in which a student will become a risk taker  • Encourage all attempts to respond
The student comprehension (which is very minimal at best) will include:  • Limited abilities  • Dependent on context  • Acknowledges his/her lack of understanding within a safe environment		

#### Level 3

### Speech Emergence/ Simple-sentence Stage BICS (basic interpersonal communication skills)

In regards to academic language, students will find English Language Instruction **very difficult** without modification.

Language skills development comparison of a Native Language Learner to Second Language Learner: 36 months to 6 years.

Lang	uage Learner: 36 months to	6 years.
The student will demonstrate these behaviors:  • may still rely on native language to express complex ideas  • social interaction is increased	Expectations of students  The student shall be held accountable for these classroom behaviors:  • full participation in academic discussions  • active participation in learning  • student is expected to understand majority of and complete classroom assignments  • asking questions for understanding and clarification of content, directions, or expectations	The teacher will incorporate the following strategies in his/her lesson presentations:  • teach vocabulary ahead of lesson/ unit/ theme  • provide work bank • graphic organizers • realia – concrete examples • scaffolding • cooperative learning • provide frequent opportunities for English practice in authentic situations • text book strategies • comprehensibility • instruction based on communication goals
The student's speech production will include:  ability to communicate more complex ideas  correct grammar and syntax are emerging  complete sentences  hearing smaller elements of speech (van/ban/fan)  continued difficulty in expressing self when vocabulary is lacking	The student shall be expected to demonstrate learning by:  responsible for knowledge of vocabulary  start to self correct language usage take initiative in self monitoring of comprehension and asking for clarification when needed  reading/ writing skills are increasing	The teacher will ask question in the following form:  how why make predictions describe retell compare/contrast
The student's comprehension (which is very minimal at best) will include:  understanding the majority of instruction		The teacher will insure that the following classroom community building strategies are in place:  • risk taking within the safe environment
<ul> <li>academic process is increasing</li> <li>academic work will still not meet grade level expectations</li> <li>written communication increasing</li> </ul>	,	ZOPD - Zone of Proximal     Development

#### Level 4-5

### Intermediate Fluency/Bridging Stage CALPS: Cognitive Academic Language Proficiency

In regards to academic language, students will find English Language Instruction manageable (level 4) and very easy (level 5) without modification.

Language skills development comparison of a Native Language Learner to Second

Language Learner: 6 years and above

	iguage Learner: 6 years and	labove
Descriptors/behaviors of		
student	Expectations of students	Language Acquisition Strategies
The student will demonstrate these behaviors:  • Higher level thinking	The student shall be held accountable for these classroom behaviors:  • Exclusive responsibility to ask for understanding and clarification	The teacher will incorporate the following strategies in his/her lesson presentations:  • Wait time
Extended Vocabulary recognition	Students are responsible for meeting grade level expectations in content areas	Focus on reading and writing skills
		Grammatical instruction
The student's speech production will include:	The student shall be expected to demonstrate learning by:	The teacher will ask question in the following form:
Begins to understand idioms and figurative language	leadership roles in cooperative learning groups	Will you interpret
Conveys complex ideas: socially and academically		• Justify
An expanded vocabulary		Cite to defend
		<ul><li>What is your opinion and Why</li><li>Inferences</li></ul>
The student's comprehension will include: Begins to think in new language instead of translating form Native Language Little or no modification of instruction is necessary Participation in English		The teacher will insure that the following classroom community building strategies are in place:  • Active involvement in learning, not passive
literacy programs on grade level  Reads/writes for a variety of purposes		ē .

#### Glossary of English Language Learner Terminology:

**Affective Filter:** Anxiety, boredom, lack of desire, motivation, nervousness, embarrassment, and anger are all filters that block language learning. Students must be encouraged to be risk takers for any language acquisition to occur. If a student does not feel safe in his/her environment, language learning does not happen.

Authentic Practice: language practice that occurs within a natural setting such as a classroom book discussion, experiments, shared reading/writing experience

**Balanced Literacy:** a reading/writing program that incorporates all of the following methods: read-a-loud, modeled/shared reading, guided reading, independent reading, literacy discussion, modeled writing, shared/interactive writing, guided writing, independent writing.

**BICS/CALPS:** Jim Cummins: BICS-Basic interpersonal communication skills—playground language. CALPS-Cognitive academic language proficiency—academic language.

**Comprehensible Input:** Comprehension is increased by a teacher's simplification of his/her speech and the creation of a low-anxiety environment by using realia, manipulatives, pictures, models, diagrams.

**Cooperative Learning:** Small group of students formed to complete a common goal or learning experience that require a cooperative effort between the members. Cooperative learning methods allows the second language learner a place that is safe to practice language with native language speakers.

ELL: English Language Learner

Graphic Organizer: A way to organize learning ie: Venn diagram, story board, diagram

L1 and L2: L1-native language; L2-second language

**Language:** the most important means that we have to communicate with each other; the body of words and systems common to people who are of the same community or nation, the same geographic region, and the same culture.

**Language Experience Approach:** LEA: using shared experiences (such as field trips, experiments, stories, pictures) for shared writing (interactive writing between students and teacher). LEA enables the teacher to model the reading and writing connection in an authentic situation.

**Literacy:** the ability to communicate with members of a cultural group using written symbols; the ability of a cultural member to understand and gain information from another member as well as share information.

**Natural Order Theory:** Stephen Krashen's theory: Language is acquired in a natural order: plurals are learned before pronouns, statements before questions, etc.

**Phonemic Awareness:** the ability to hear, identify, and manipulate the separate sounds, or phonemes, that make up words

**Realia:** anything real that is brought into a lesson to increase comprehensibility. This may include real items, models, diagrams, and /or pictures. For example, when reading the story and building a unit on The Gingerbread Man, begin by making gingerbread cookies, discussing the materials used in cooking, the cookie cutter, and the spices used, By doing this kind of activity at the beginning of the unit instead of at the end, ELL children are able to build and extend their comprehensibility.

**Scaffolding:** to provide temporary support in content areas by using pictures, items, diagrams, and charts; using simpler language during instruction to increase comprehensibility of content lesson. Scaffolding includes building on previous learned knowledge to further complex learning.

**Sheltered English Classroom:** content instruction with modified language and authentic practice in target language without compromising content. Children are grouped with the same language proficiencies.

Syntax: the correct grammatical use of nouns and verbs

**Total Physical Response: TPR:-**physical motion used to explain a work or concept; using physical movement to increase comprehensibility.

**Work Bank:** vocabulary words that are provided to the student pertaining to the current theme/unit. When providing these words to the ELL student, learning is directed to the correct content usage.

**Zone of Proximal Development:** Vygotsky's theory—to push learning beyond that natural threshold of comfort to create new learning

		LANGUAGE FUNCTIONS		
Level 1 - Entering	Level 2 - Emerging	Level 3 - Developing	Level 4 - Expanding	Level 5 - Bridging
Answer Yes/No Questions	Associate words or phrases to content.	Classify or group	Categorize	Compose illustrated text
Complete tasks modeled by teacher	Connect	Compare	Categorize information	Connect ideas
Copy words from word banks	Connect illustrated features	Compare information based on oral statements	Classify illustrated sentences	Connect information to self
Create a poster	Connect illustrations with descriptive words	Compare/Contrast	Compare information using specific vocabulary	Convince or persuade a
Draw and label pictures	Describe	Compare/Contrast illustrations with short sentences	Compare	Differentiate
Draw or orally dictate	Describe content	Compare/contrast information	Compare/Contrast	Draw conclusions
Explore content with oral commands and modeling	Describe objects	Compare/contrast visuals	Construct	Evaluate and give reasons
Find and reproduce	Distinguish	Connect	Create information	Evaluate information using a series of related
Follow oral directions	Follow multi-step oral directions	Describe	Describe	Explain
Identify by selecting	Follow one-step oral directions from pictures	Describe information using specific vocabulary	Describe information using sentences	Explain importance of a subject using a series of
Identify content	Follow oral directions	Distinguish information from pictures	Discuss and show information	Follow a series of oral
Identify symbols or objects associated with topic	Generate	Exchange samples	Discuss information	Follow illustrated directions from text
Match	Give examples of things	Find examples	Distinguish	Identify
Math signs	Identify	Follow oral directions		Interpret
Name objects	Identify information	Group	Explain procedures or activities	Interpret based on Illustrations
Note differences or changes	Identify information from oral commands or questions	Identify illustrated phrases associated with the content	Find specific information	Interpret information from oral description
Pair illustrated features	Identify signs	Identify key phrases	Follow illustrated directions	Match oral descriptions

		LANGUAGE FUNCTIONS		
Level 1 - Entering	Level 2 - Emerging	Level 3 - Developing	Level 4 - Expanding	Level 5 - Bridging
Pair illustrated objects	Label	Locate information	Follow oral directions	
Produce pictures	List examples	Locate information based on oral statements or question	Interpret visual connections Predict	Predict
Provide identifying information	Locate	Make statements or questions Locate	Locate	Produce text
Recite or repeat key words	Make lists	Match	Make up	Redict information 3
	Make notes of examples of		-	
Reproduce words	phrases associated w/content.	Match simple sentences	Produce	Report information with detail
Trace	Match	Paraphrase or combine information with a partner	propose changes	Role play
Use clues to sort or match	Match oral descriptions	Predict	Provide examples in context.	Select
Use diagrams	Match visual	Predict ideas	Provide reasons	Sequence sentences
Use words or phrases	Search for words and pictures related to content	Produce phrases or sentences		Summarize
Select what comes first, next, last	Select what comes first, next, last	Provide examples in context	Relate a sequence of events	Tell or develop information
Sort	Share	Relate	Sequence illustrated sentences	Transfer information
Sequence illustrated sentences	Share with a partner	Relate	Sort	Validate
	Sort	Sort in pictures	Summarize	Write related sentences
	Take dictation	State relationships	osition	
10 Aug 1	Use labeled diagrams	Transfer information	Write related sentences	

	ELD	D LANGUAGE SCAFFOLDS	FOLDS	
Level 1 Entering	Level 2 Emerging	Level 3 Developing	Level 4 Expanding	Level 5 Bridging
Board games	Check with a partner	Check with a partner	Board games	
Charts/Graphs	Graphic or visual support	Coorperative groups	Books	Books
Check with a partner	Graphic Organizers	Familiar experiences	Cooperative groups	Check with a partner
Diagrams	Graphs	Graphic organizer	Check with a partner	Coorperative groups
Dictation	Illustrated examples	Graphs or charts	Grade-level stories	Grade level text
Illustrated phrase walls	Illustrated phrases bank	Illustrated covers	Graphic Organizers	Grade-level vocabulary
Illustrated text	Illustrated rubrics	Illustrated examples	Graphs or visuals	Graphic Organizers
Illustrated word banks/walls		Illustrated graphs	Illustrataaed covers	illustrated scenes
L1 SUPPORT	Illustrated sentences	Illustrated phrases	Illustrataed stories	Illustrated text
Labeled diagrams	Illustrated word bank	Illustrated scenes	Illustrated examples	Maps
Labeled pictures	L1 SUPPORT	Illustrated sentences	Illustrated graphs or charts	Modeled by peer in a whole
Labeled resoures	Lists	Illustrated text	Illustrated text	Oral directions
Labeled visuals	Models and pictures	Illustrated word families	Journals	Oral scenarios
Manipulatives	Modeled by teachers/whole group	L1 SUPPORT	Maps	physical activity
Modeled by teachers in a			-	
whole group	Oral Descriptive phrases	Maps	Modeled by peer in whole group	Read alouds
Modeling	Partner	Modeled by teacher	Models and pictures	Real-life scenarios
Models and pictures	Photographs or models	Modeling	Nonverbal support	rubrics
Oral questions	Physical activity	Models and pictures	Oral Descriptions	Sentence frames
Oral statements /directions	Pictrues or photographs	Non-fiction books	Oral directions	Series of realted sentences
Partner	Picture books	Objects	Partners	Small group
Photographs	Predictable books	Partners	Peer support	Visuals
Physical activity	Read aloud	Phrases and sentences	Physical activity	
Pictrues or photographs	Real world examples	Real-life materials	Real-life materials	
Picture rubrics	Realia	Rubrics	Related sentences	
Read aloud	Role playing	Sentence frames	Rubrics	
Real life objects	Sentence frames	Short sentences	Sentence frames	
Real-life/illustrated examples	Word /Phrase banks	Visual Cues	Visual support with pictures	
Small groups	Word banks	Vocabulary walls	Vocabulary walls	
Symbols				
Visuals / Diagrams				
Word banks				
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