

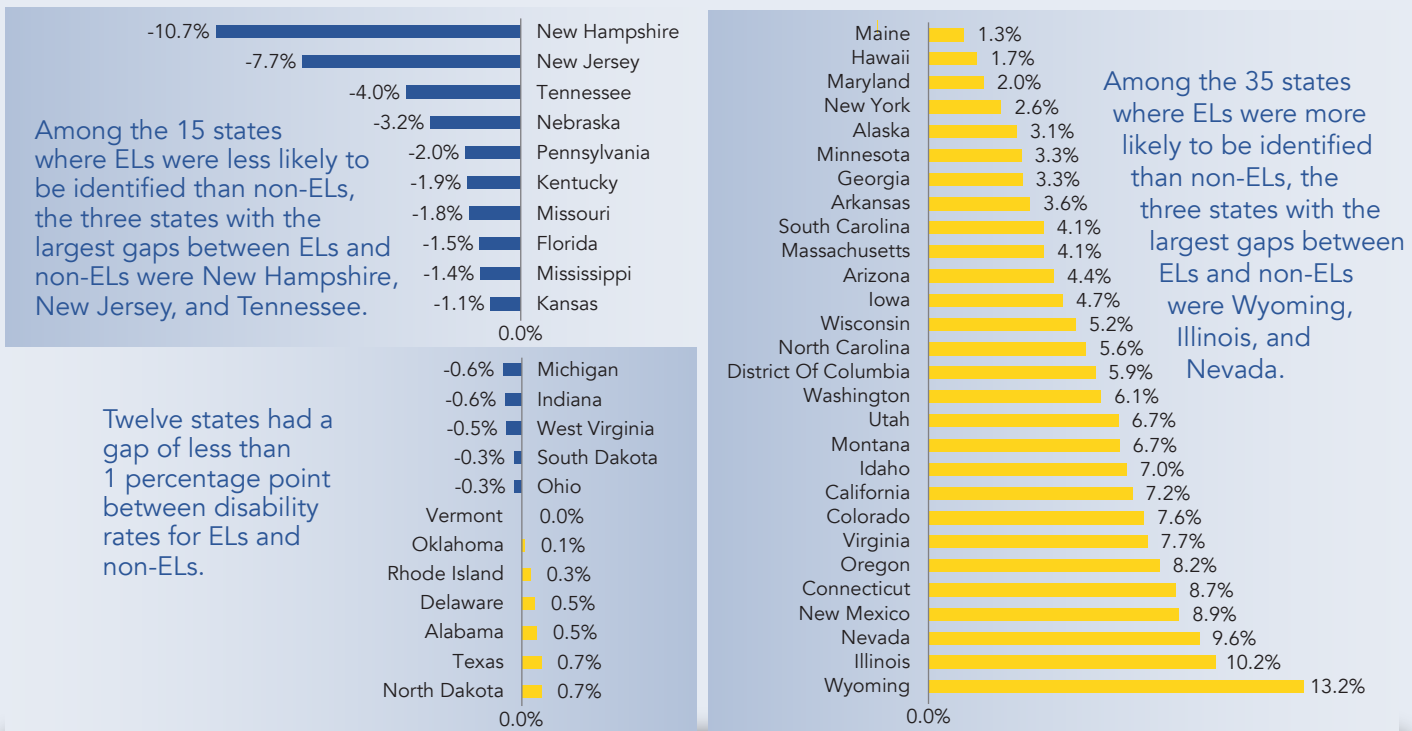


# English Learners With Disabilities

Under the Individuals with Disabilities Education Act (IDEA) Part B, state educational agencies (SEAs) and school districts are responsible for locating, identifying, and evaluating all students, including English learners with disabilities (ELSWD)<sup>i</sup> who need special education and related services.<sup>ii,iii</sup> During school year (SY) 2020–21, 13.4% of students ages 5–21 enrolled in U.S. public schools were served under IDEA Part B.<sup>iv</sup> Of those students, 11.9% were English learners (ELs).<sup>v</sup> That same year, ELs composed 10.1% of all students enrolled in K–12.<sup>vi,vii</sup>

## What You Should Know About ELSWD

### Identification of a Disability/ies among ELs and Non-ELs: School Year 2020–21<sup>viii,ix</sup>



There is no reason to expect that a higher or lower proportion of EL students would have disabilities compared to non-EL students. In practice however, the majority of states show differential disability rates between ELs and non-ELs. Regardless of which group has higher reported rates of disabilities, it is likely that disparities may be attributed, at least in part, to identification practices and tools.<sup>x</sup>

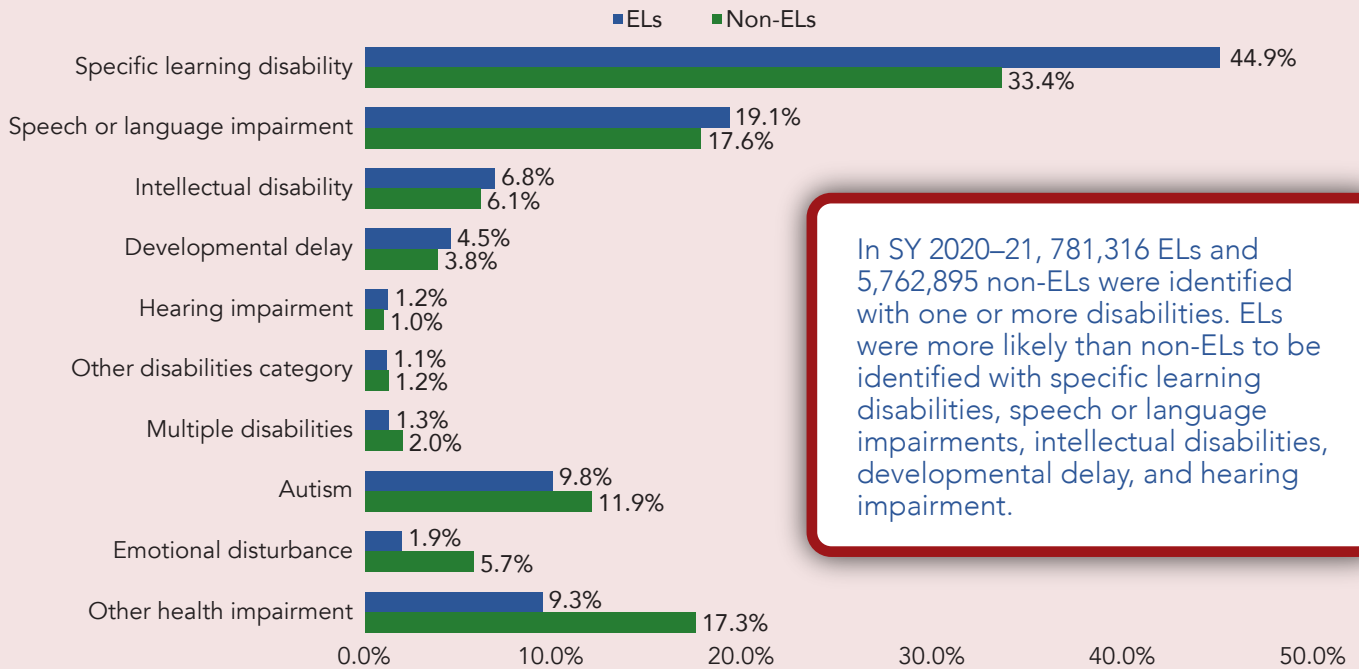
### Reasons for Exiting Services Among K–12 Students with Disabilities Served Under IDEA Part B: SY 2020–21<sup>xii</sup>



Among all students who exited services:

- Graduation was the most common reason for exiting among both ELSWD and non-ELSWD.
- ELSWD were more likely than non-ELSWD to either drop out or receive a certificate of completion.
- ELSWD were less likely than non-ELSWD to exit due to transferring to regular education.

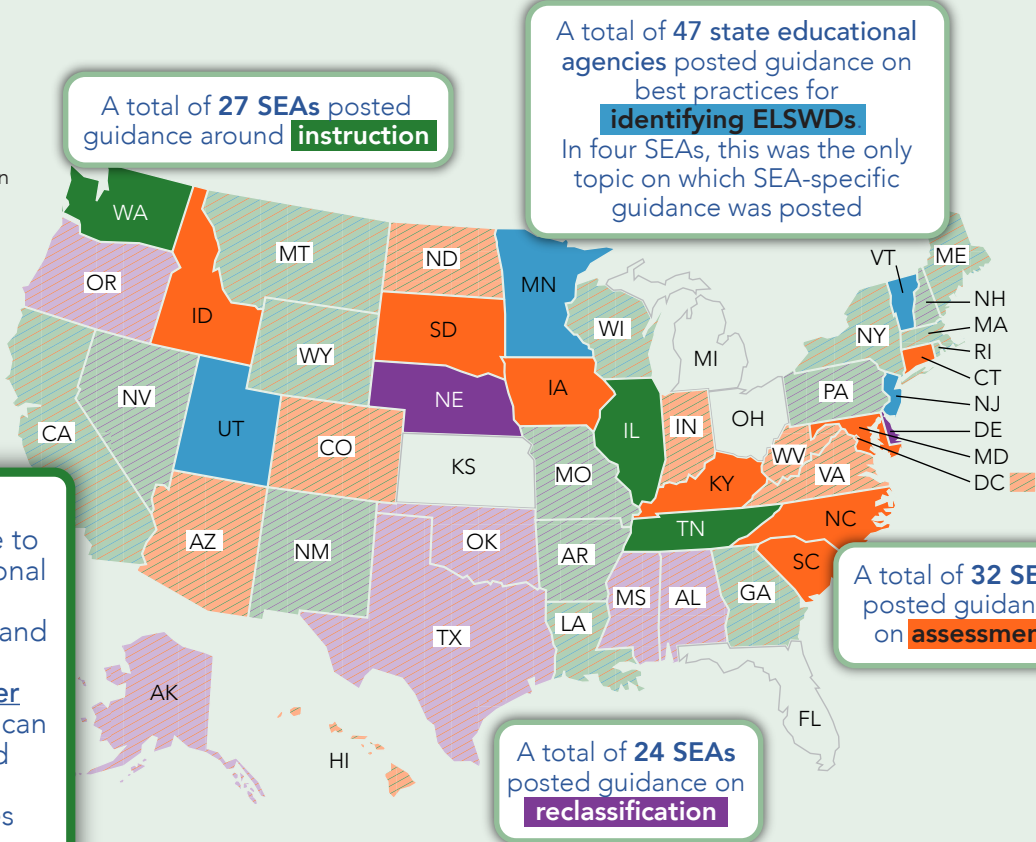
## Percentage of K–12 Students With Disabilities Served Under IDEA Part B, by Disability Category and English Learner Status: School Year 2020–21<sup>xi</sup>



In SY 2020–21, 781,316 ELs and 5,762,895 non-ELs were identified with one or more disabilities. ELs were more likely than non-ELs to be identified with specific learning disabilities, speech or language impairments, intellectual disabilities, developmental delay, and hearing impairment.

## State Educational Agency Resources for ELSWD<sup>xiii</sup>

- Identification only (4 SEAs)
- Instruction only (3 SEAs)
- Assessment only (8 SEAs)
- Reclassification only (2 SEAs)
- Instruction + Assessment (8 SEAs)
- Instruction + Reclassification (6 SEAs)
- Assessment + Reclassification (6 SEAs)
- Instruction + Assessment + Reclassification (10 SEAs)



A total of 27 SEAs posted guidance around **instruction**

A total of 47 state educational agencies posted guidance on best practices for **identifying ELSWDs**. In four SEAs, this was the only topic on which SEA-specific guidance was posted

A total of 32 SEAs posted guidance on **assessment**

A total of 24 SEAs posted guidance on **reclassification**

States may provide resources or guidance to support local educational agencies (LEAs) and schools in identifying and serving ELSWDs, e.g., OELA's [English Learner Toolkit Chapter 6](#). A scan of SEA websites found that most SEAs did publicly post resources focused on this population.



### Common Service Recommendations From State Educational Agencies Resources<sup>xiv</sup>

Over-arching recommendations for serving and supporting ELSWDs include the following:

- 1 **Distinguishing between English language proficiency (ELP) and disability.** When identifying an EL for special education referral, it is important to look at evidence such as
  - EL’s progress compared to peers with similar background and ELP level;
  - EL’s academic, social, and functional performance; and
  - EL’s proficiency in their native language compared to proficiency in English.
- 2 **Coordination of services.** General and special education teachers, EL teachers, and speech language pathologists, should collaborate to plan services and determine best programming based on the student’s needs.
- 3 **Determination of appropriate accommodations for assessment or eligibility for participation in alternate assessment.** Students should only be administered the alternate version of an assessment if they can’t participate in the standard assessment even with accommodations.

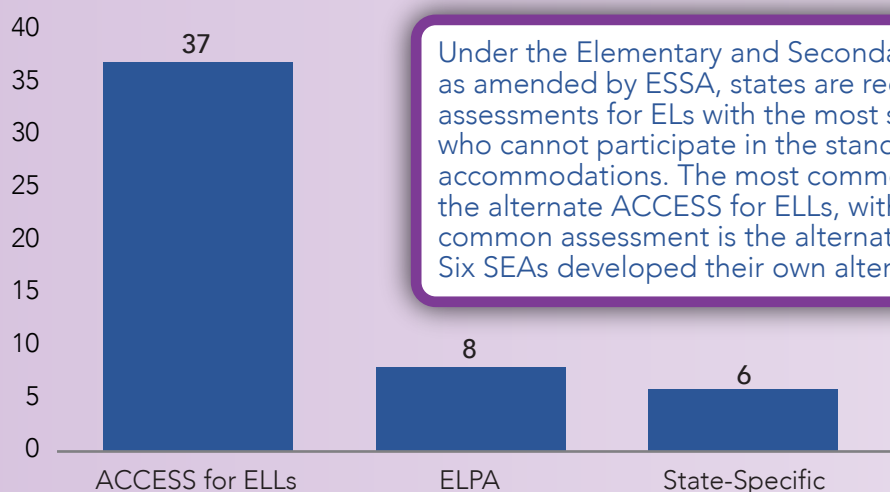
### Common Instructional Recommendations From State Educational Agencies Resources<sup>xiv</sup>

- ELSWD’s individual education plan must be designed to facilitate meaningful access to the same content and standards as their peers.
- ELSWD may need to demonstrate knowledge in an alternative manner, e.g., a visual representation in place of an essay.
- Accommodation selection should also be informed by the construct being measured. Certain accommodations may be appropriate for academic content assessments but not for assessments of ELP, or vice versa.

## English Learners With the Most Significant Cognitive Disabilities Make Up Less Than 1% of the Entire Student Population

ELs with the most significant cognitive disabilities are ELs who have a disability or disabilities as defined under section 602(3) of the IDEA that significantly impact intellectual functioning and adaptive behavior and who require extensive, direct individualized instruction and substantial supports.<sup>xv</sup> As with all students, ELs with the most significant cognitive disabilities may participate in alternate assessments based on alternate achievement standards – including assessment of ELP.

Alternate English Language Proficiency Assessment State Count: School Year 2022–23<sup>xvi</sup>



Under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by ESSA, states are required to provide alternate ELP assessments for ELs with the most significant cognitive disabilities who cannot participate in the standard assessment even with accommodations. The most common alternate ELP assessment is the alternate ACCESS for ELLs, with 37 SEAs using it. The next most common assessment is the alternate ELPA, with eight SEAs using it. Six SEAs developed their own alternate ELP assessments.

Note: Includes the 50 states and DC.



<sup>i</sup> The term *English learner(s)* refers to the population of students as defined in section 8101(20) of the *Elementary and Secondary Education Act of 1965*, as amended by the *Every Student Succeeds Act*. Child with a disability means a child is evaluated in accordance with §§300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, or other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. 20 U.S.C. § 1401(3) and 34 C.F.R. § 300.8. For SY 2020–21, all data for Louisiana was suppressed due to data quality concerns.

<sup>ii</sup> IDEA specifies under what conditions children are eligible to receive services, found here: <https://sites.ed.gov/idea/regs/b/a/300.8> Although this infographic focuses primarily on students served by IDEA Part B, an even broader range of students may be eligible for services under Section 504 of the Rehabilitation Act.

<sup>iii</sup> 20 U.S.C. § 1412(a)(3) and 34 C.F.R. § 300.111.

<sup>iv</sup> Author calculation (AC): Percentage of all students with disabilities = Total number of students (ELs and non-ELs ages 5 [school age] to 21) served under IDEA Part B divided by total number of students enrolled in K–12.

<sup>v</sup> AC: Percentage of students, age 5 (school age) to 21, served under IDEA Part B who were ELs = Total number of age 5 (school age) to 21 ELs served under IDEA Part B divided by the total number of students ages 5 (school age) to 21 served under IDEA Part B.

<sup>vi</sup> AC: Percentage of identified ELs in K–12 = Total number of identified ELs in SY 2020–21 divided by total number of students enrolled in SY 2020–21.

<sup>vii</sup> The data for this infographic are based on information from the 50 United States and Washington, D.C.; Puerto Rico is not included since they have Spanish learners, not English learners. For additional facts and information on students with disabilities who are English learners, see also the OSEP Fast Fact sheet: Students with Disabilities who are English Learners (ELs) Served under IDEA Part B (<https://sites.ed.gov/idea/osep-fast-facts-students-with-disabilities-english-learners#:~:text=The%20percent%20of%20school%20age,d,2012%20to%2011.78%25%20in%202020.&text=This%20pie%20chart%20demonstrates%20that,through%2021%20are%20English%20learners>). Note that the OSEP fast fact sheet is based on data from all states, outlying territories, and freely associated states.

<sup>viii</sup> AC: Percentage of ELSWD = Number of English learner students, ages 5 (school age) to 21, served under IDEA Part B, SY 2020–21, divided by total number of ELs in the SEA; AC: Percentage of non-ELSWD = Number of non-English learner students ages 5 (school age) to 21, served under IDEA Part B, SY 2020–21, divided by total number of non-ELs in the SEA; Total number of non-ELs in the SEA = total number of students enrolled in K–12 minus the number of identified ELs; AC: Percentage point difference = Percentage of ELSWD minus percentage of non-ELs with disabilities; Notes: Includes data from the 49 states and the District of Columbia. For SY 2020–21, all data for Louisiana was suppressed due to data quality concerns; Sources: U.S. Department of Education, National Center for Education Statistics, Common Core of Data, “State Nonfiscal Survey of Public Elementary/Secondary Education,” 1990–91 through 2020–21 and 2021–22. (This table was prepared July 2022); U.S. Department of Education, Ed Data Express SY 2020–21. Retrieved January 2023; U.S. Department of Education, EDFacts Data Warehouse (EDW): “IDEA Section 618 Data Products: State Level Data Files. Child Count and Educational Environments,” 2020. [Data file]. Retrieved from <https://data.ed.gov/dataset/idea-section-618-state-part-b-child-count-and-educational-environments>

<sup>ix</sup> The difference in identification rates between ELs and non-ELs is not necessarily statistically significant.

<sup>x</sup> Soyoung Park. (2020). Demystifying Disproportionality: Exploring Educator Beliefs About Special Education Referrals for English Learners. *Teachers College Record*, 122(5), 1–34.; Burr, E. (2019). Guidance manuals for educators of English learners with disabilities: Ideas and lessons from the field (NCEO Report 410). Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.

<sup>xi</sup> AC: Percentage of ELs/non-ELs with each type of disability=number of EL/non-EL students per IDEA Part B disability category, age 5 (school age) to 21, divided by total number of EL/non-EL students served under IDEA Part B in the same age range, multiplied by 100.; Notes: The bar graph includes data from the 48 states and the District of Columbia. For SY 2020–21, all data for Louisiana was suppressed due to data quality concerns. Iowa reported the total number of ELs and non-ELs served under IDEA Part B, however it did not report the total number of ELs and non-ELs served under IDEA Part B by disability category, therefore it is also excluded from the graph; Source: U.S. Department of Education, EDFacts Data Warehouse (EDW): “IDEA Section 618 Data Products: State Level Data Files. Child Count and Educational Environments,” 2020. [Data file]. Retrieved from <https://data.ed.gov/dataset/idea-section-618-state-part-b-child-count-and-educational-environments>; “Other disabilities category” refers to deaf-blindness, orthopedic impairment, traumatic brain injury, and visual impairment. These four categories are not individually presented because the percentage of ELs and non-ELs served under IDEA Part B with each of those disabilities make up 0.5 percent or less of all ELs or non-ELs served under IDEA Part B. For a full list of disability definitions, as written in IDEA Part B, see <https://sites.ed.gov/idea/regs/b/a/300.8>

<sup>xii</sup> Note: Includes data from the 49 states and the District of Columbia. For SY 2020–21, all data for Iowa was suppressed due to data quality concerns; Source: U.S. Department of Education, EDFacts Data Warehouse (EDW): “IDEA Section 618 Data Products: State Level Data Files. Exiting,” 2020. [Data file]. Retrieved from <https://data.ed.gov/dataset/idea-section-618-state-part-b-exiting/resources>

<sup>xiii</sup> Information on SEA-specific guidance regarding ELSWDs is based on a scan of the SEAs’ websites conducted in March 2023.

<sup>xiv</sup> Recommendations were synthesized based on common practices outlined in the guidance documents posted on SEA websites.

<sup>xv</sup> See Section 8101(20) of the ESEA for the statutory definition of “English learner”.

<sup>xvi</sup> Information about alternate English language proficiency assessment used was obtained from a scan of the states’ department of education websites in March 2023.