



HOW CAN EDUCATORS, LEADERS, AND EDUCATION SYSTEMS BETTER ATTEND TO THE INTERSECTION OF LANGUAGE AND DISABILITY FOR MULTILINGUAL LEARNERS?

Budgeting for Educational Equity is made possible by support from both the Sobrato Family Foundation and the California Association of School Business Officials (CASBO). Budgeting for Educational Equity is a podcast series that explores how education resources can be allocated to better meet the needs of all students. This brief is designed to provide opportunities for the listener to engage in tangible, practical application of the lessons derived from each podcast episode. The brief can serve as a launching point for cultivating discussions about equity within communities and school district administrative offices. Episodes can be found on the [Budgeting for Educational Equity Podcast Series webpage](#).

A recurring theme on the Budgeting for Educational Equity podcast is the consequences of a siloed education system. The guests of Episode 8 contend that examining the intersection of multilingual language development and disability offers another entry point from which practitioners might rethink fractionalized systems while advancing educational equity.

In this episode, Jason Willis talks with his WestEd colleagues Dr. Jamey Burho and Elizabeth Burr about their years of research aimed at supporting multilingual (ML) students with disabilities and those without disabilities. Burho and Burr underscore the natural occurrence of disabilities in the general population, emphasizing the imperative for education systems to address specific issues associated with identifying disabilities in ML students. Their recent research, as well as this conversation, focuses on the linguistically diverse California context, where the majority of young children are developing more than one language.¹

This brief expands on the episode's insights by first providing an overview of the existing educational guidance and laws for identifying and supporting ML students who may have disabilities. Second, it examines the major takeaways from Burho and Burr's most recent report, focusing on this intersection at the preschool level. Finally, the brief provides key considerations for resource planning and investment to support ML learners who have or may have disabilities.





PODCAST SERIES 2 Episode 9: How Can Educators, Leaders, and Education Systems Better Attend to the Intersection of Language and Disability for Multilingual Learners?

WHY FOCUS ON MULTILINGUAL LEARNERS² WITH DISABILITIES?

As with all children and students, some ML students will have disabilities. However, ML students are disproportionately identified for special education services. For

example, in the early grades, ML students tend to be underidentified for special education; around 3rd grade, ML students tend to be overidentified.³ The disproportionality varies by state, district, and school, as well as disability type. As shown

in Table 1, a significant proportion of children in California are, or have the potential to be, ML and are identified with a disability at twice the national average.

TABLE 1. CALIFORNIA AND NATIONAL MULTILINGUAL LEARNER DEMOGRAPHIC OVERVIEW

California	National
<ul style="list-style-type: none"> About 40% of K–12 public students (classified as English Learners and Fluent English Proficient) speak a language other than English at home. About 19% are classified as English Learners.⁴ About 60% of households with children ages birth to 5 speak a language other than or in addition to English.⁵ About 26% of students with identified disabilities ages 5 to 21 are also classified as English Learners.⁶ 	<ul style="list-style-type: none"> About 21% of youths ages 5–17 speak a language other than English at home. About 10% of K–12 students are classified as English Learners.⁷ About 33% of children ages birth to 5 have at least one parent who speaks a language other than English at home.⁸ About 12% of students with identified disabilities ages 5 to 21 are also classified as English Learners.⁹

Note. California has a greater proportion of ML children and students with identified disabilities who are also classified as English Learners than the national average.

Attending to the intersection of multilingual language development and disability is a growing area of interest among policymakers, researchers, practitioners, advocates, and families. This focus can help ensure that ML students receive services that they do require and do not receive services they do not need, which affects their educational trajectories.

EXISTING GUIDANCE AND REQUIREMENTS FOR MULTILINGUAL LEARNERS WITH DISABILITIES

Legal requirements and guidance largely address the rights and needs of ML students with disabilities in isolation. This is partially illustrated

in Tables 2 and 3, which catalog key educational guidance and laws for ML students, students with disabilities, and ML learners with disabilities. Understanding the related laws and educational guidance is foundational for developing systems that respect the rights of ML students with disabilities. However, siloed frameworks do not lend themselves to holistic approaches that address the distinct needs of ML students with disabilities.

Fewer than half of states, approximately 20, provide publicly available guidance on identifying and supporting ML students with disabilities in grades K–12. California’s guidance is among the most comprehensive

(see [California Practitioners’ Guide for Educating English Learners With Disabilities](#)). However, despite these efforts at the K–12 level across various states, including California’s comprehensive approach, it is important to note that currently no state-specific guidelines exist at the preschool level, as shown in Table 3. This gap at the intersection of multilingualism, disability, and early education served as the impetus for Burho and Burr’s research.





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TABLE 2. REQUIREMENTS RELATED TO MULTILINGUAL STUDENTS AND STUDENTS WITH DISABILITIES

Region	Student group	Law or resource	Description	Level/ Age
California	Multilingual learners	AB 1363 (2021)	Requires California State Preschool Program providers to identify the ML children they enroll and report key aggregated information about them to the state.	PK
California	Multilingual learners	AB 393 (2023)	Expands the asset-based process set forth in AB 1363 to identify ML children in general childcare programs and the Migrant Child Care Program.	PK
National	Multilingual learners	Every Student Succeeds Act (ESSA), (reauthorization of Elementary and Secondary Education Act of 1965)	Requires states and districts to offer language instruction programs, assess and monitor progress to English proficiency, set accountability goals, and report progress of ML learners' achievement. Requires that ML learners be provided access to quality education, including by ensuring teachers receive professional development to educate ML learners.	PK K-12
National	Students with disabilities	Individuals with Disabilities Education Act (IDEA), Part B (1974, reauthorized in 2004) and Part C	IDEA Part B ("Child Find") requires all school districts to identify, locate, and evaluate all students ages 3–21 with disabilities. It also prescribes how early intervention, special education, and related services are provided. IDEA Part C establishes the Early Intervention Program for Infants and Toddlers with Disabilities supporting the operation of statewide programs for children ages 0–2 with disabilities and their families.	Ages 0–21

TABLE 3. GUIDANCE RELATED TO MULTILINGUAL STUDENTS AND STUDENTS WITH DISABILITIES

Region	Student group	Law or resource	Description	Level/ Age
California	Students with disabilities	Early Start	California's implementation of IDEA Part C, services for infants and toddlers with disabilities and their families.	Ages 0–3
California	Multilingual learners with disabilities	California Practitioners' Guide for Educating English Learners With Disabilities	Provides information on identifying, assessing, supporting, and reclassifying English Learners who may qualify for special education services and students with disabilities who may be classified as English Learners	K-12
National	Multilingual learners; multilingual learners with disabilities	Dear Colleague Letter: English Learner Students and Limited Proficient Parents (2015)	Outlines the legal obligations of state and local education agencies to ensure ML learners can meaningfully and equally participate in educational programs under Title IV of the Civil Rights Act of 1964 and the Educational Opportunities Act of 1974. Provides guidance on a range of topics, including evaluation of ML students for special education eligibility.	





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RESEARCH ON GAPS AT THE PRE-K LEVEL: KEY TAKEAWAYS

The absence of state guidance on ML preschoolers with disabilities within California’s Universal Pre-Kindergarten initiative prompted Burho and Burr to write their 2023 report, [*Pre-Referral Processes in California State Preschool Programs: How Practitioners Decide to Refer Multilingual Children for Special Education Evaluation*](#). This report examines the pre-referral processes used by local education agencies (LEAs) to help them determine whether to refer a child for a full-scale special education evaluation or whether a child’s behavioral and/or educational challenges can be addressed beforehand. Along with coauthor Alyssa Perez, Burho and Burr conducted a qualitative research study to understand the “pre-referral” processes for ML students of the California State Preschool Programs (CSPPs). They sought to understand the processes currently in place, given the absence of state guidance at the intersection of multilingualism and disability for preschool.

Among their central findings is that CSPPs predominantly employ an iterative process that (a) approximates the Multi-Tiered Systems of Support (MTSS) designed for grades K–12 and (b) is fundamentally the same for ML and non-ML preschoolers. The report notes that an iterative MTSS-style approach is preferable to “snapshot” approaches but cautions that the MTSS model was

not originally designed for preschoolers. Also, it notes potential drawbacks to the implementation of an MTSS-style approach for ML children without guidance.

Additionally, the report surfaces a prevalent but flawed assumption among LEA interviewees about the multilingual staff. Local administrators seemed to assume that multilingual staff would be able to distinguish between a language development issue and a disability in an ML child solely by virtue of their own multilingualism. While the authors affirm that multilingual staff are critical to the education and pre-referral processes of ML children, they point to research and peer-experts emphasizing the need for training to understand typical and atypical language development in ML children.

In addition to calling for the state to develop and disseminate evidence-based pre-referral guidance tailored for educators of ML preschoolers, the report’s recommendations emphasize that *all* educators and specialists would benefit from preservice training and ongoing professional learning on multilingual language development, especially given the number of languages and dialects spoken by children in California. Burr, Burho, and Perez assert that a nuanced understanding of multilingual language development would equip teachers and specialists to make more informed referrals to special education evaluation. The development of comprehensive guidance, and support for

its consistent implementation, would help mitigate disproportionalities in the representation of ML children in special education and enhance the educational trajectories of ML children regardless of disability status.

ALLOCATING RESOURCES TO SUPPORT MULTILINGUAL LEARNERS WITH DISABILITIES

Building educational systems that can effectively support ML learners with disabilities requires rethinking resource allocation approaches at the state and local levels. WestEd’s 2021 [*California State Special Education Funding System Study, Part 2*](#) found that improving learning outcomes for students with disabilities who are classified as English Learners and/or economically disadvantaged incurs higher costs compared to improving outcomes for each student group separately.¹⁰ This increased cost is, at least in part, attributable to siloed programs and resource allocation strategies. The study’s authors call for improvements to the state funding system to better support schools in addressing students’ multiple needs in a coordinated manner.

For leaders at the local level, Doutré and colleagues observe that while state and federal funding structures do not promote coordinated approaches, approximately 60 percent of funds for special education still originate from local sources. For more efficient and impactful resource allocation, LEAs should implement a “single system





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for planning and coordinating funding and programs” to better address the needs of ML learners requiring special education services, and other students with multiple needs.¹¹ Implementing such a system could promote a more cohesive educational experience for ML learners and more efficient use of resources.

Doutre and colleagues’ report contends that LEAs can better

meet a student’s multiple needs and reduce costs by performing the following tasks:

- Ensure high-quality instruction in the general education classroom to rule out inadequate instruction as a reason for a student’s lack of expected progress. This can minimize the likelihood of inaccurately identifying ML students for costly special education services.
- Provide ML students and students eligible for special education services with early supports to address their language or disability-related needs. These early supports may reduce or eliminate students’ need for supplementary support services in later years.
- Create a unified system to plan and coordinate funds and programs.





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- 1 Holtby, S., Lordi, N., Park, R., & Ponce, N. A. (2017). Families with young children in California: Findings from the California Health Interview Survey, 2011–2014. *American Journal of Medical Research*, 4(2), 168–178; Migration Policy Institute. (n.d.). *Young dual language learners in the United States and by state* [Tabulation of data from the U.S. Census Bureau’s pooled 2015–2019 American Community Survey] <https://www.migrationpolicy.org/programs/data-hub/charts/us-state-profiles-young-dlls>
- 2 This brief uses the terms *multilingual learners*, *multilingual students*, and *multilingual children* to refer to people ages 0–21 years old who are developing or have the ability to speak more than one language.
- 3 Takamishi, R., & Le Menestrel, S. (Eds.). (2019). Dual language learners and English learners with disabilities. In *Promoting the educational success of children and youth learning English: Promising futures*. Cited in Carnock, J. T., & Silva, E. (2019) *English learners with disabilities: Shining a light on dual-identified students*. New America. <https://vtechworks.lib.vt.edu/server/api/core/bitstreams/61cff221-67a3-490b-8eda-6c8d5aa6c271/content>
- 4 These are fall 2022 data from the California Language Census. See California Department of Education *Facts about English Learners in California*. (n.d.). <https://www.cde.ca.gov/ds/ad/cefelfacts.asp>; The California Department of Education defines an English Learner as a student in K–12 reported to speak “a language other than English on the Home Language survey and who ... is determined to lack the clearly defined English Language skills.” It defines Reclassified Fluent English Proficient as a student in K–12 who was identified as an EL student and who was later reclassified as proficient in English. See Data Reporting Office. (n.d.). *English Learners report: Glossary of terms for English Learners (EL) reports*. California Department of Education. <https://dq.cde.ca.gov/dataquest/longtermel/Glossary.aspx>
- 5 Holtby et al., 2017. Migration Policy Institute, n.d.
- 6 These data are from SY 2021–22. See Office of Special Education Programs. (2022). *OSEP fast facts: Students with disabilities who are English Learners (ELs) served under IDEA Part B*. U.S. Department of Education. <https://sites.ed.gov/idea/osep-fast-facts-students-with-disabilities-english-learners/>
- 7 These data are from 2022. See The Annie E. Casey Foundation. (2023). *Children who speak a language other than English at home in the United States*. <https://datacenter.aecf.org/data/tables/81-children-who-speak-a-language-other-than-english-at-home>
- 8 Migration Policy Institute, n.d.
- 9 Office of Special Education, 2022.
- 10 Doutre, S. M., Willis, J., Barrett, T., Ripma, T., Caparas, R., & Krausen, K. (2021). *California state special education funding system study, part 2: Findings, implications, and considerations for improving special education funding in California*. WestEd. <https://www.wested.org/resources/ca-state-special-education-funding-system-study-part-2-findings-implications-and-considerations-for-improving-special-education-funding-in-california/>
- 11 Doutre et al., 2021, p. 72.



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