

## COMMENTARY

# State Policy and Guidance for Identifying Learning Disabilities in Culturally and Linguistically Diverse Students

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The [Individuals with Disabilities Act \(IDEA\)](#), reauthorized in 2004, included language that allowed a response to intervention (RTI) approach to be used to identify students with specific learning disabilities (SLDs) before research had fully validated this approach, particularly for culturally and linguistically diverse (CLD) students. Many of the specific practices and details regarding implementation of an RTI approach were not specified in the federal regulations. Therefore, each of the 50 states had to decide what, if any, specific details they would provide to local education agencies (LEAs) to make identification decisions. Our research investigated 1) how the state [Departments of Education \(DOEs\)](#) address the needs of CLD students who are suspected of having an SLD and 2) what specific practices each of the 50 states included in their regulations and guidance documents to identify CLD students with an SLD. By using a qualitative research design of directed content analysis we were able to identify unique themes from the state policy and guidance documents as it related to our research questions.

Four themes emerged from our analyses: 1) assessment, 2) personnel, 3) instruction and intervention, and 4) systematic integration. First, we found that 36 states did not address the needs of CLD students beyond the language included in the federal regulations. California's regulations included the use of an interpreter and pre-referral plans.

Although fewer than half the states had specific information in their regulations, more states had guidance documents that we grouped into four categories: (a) RTI, (b) Special education and/or SLD, (c) ELL that addressed special education needs, and/or (d) documents that were jointly written by ELL departments and special education departments. In the guidance documents, states provided the most specific practices in the area of assessment. There was a range of assessment practices that were specified from CLD sensitive assessments, to flowcharts for use in decision making, to RTI being implemented with fidelity. California's SLD/SPED guidance document indicated that CLD students' data should be compared to peers. Related to personnel, practice suggestions ranged from a bilingual evaluator to professional development. California's SLD/SPED document encourages LEAs to make sure that there is an ELL teacher on the decision making team. Instruction and intervention practices also varied across states, ranging from verifying English instruction to examining the effectiveness of the intervention. California's SLD/SPED document encouraged CLD-sensitive instruction and the RTI document indicated the importance of examining the core curriculum for the ELL students and the effectiveness of the intervention.

Notably 10 states met the criteria for systematic integration, indicating that the state documents and supports seem to be integrated. Connecticut was highlighted as a state that had well-integrated documents. California was not included in this group.

Practitioners continue to indicate that they would like specific direction related to RTI. Although many best-practices books and articles have been written, more research is needed about the day to day practices of team decision-making for students who are CLD. Although California does have some specific policies and practice guidelines, these did not appear to be systematically integrated to ensure best practices for CLD students. Our review suggested that California could continue to enhance its guidance for practitioners. Our main limitation is that although we searched websites and contacted appropriate state department personnel to verify our documents, it is possible that we have missed documents that were relevant to this research. We conclude by indicating that if the relevant departments at the state level are not talking to each other, and integrating their documents and practices, we cannot expect that individuals within the LEAs will talk and integrate their practices.

*The full study is in Amy N. Scott, Laura Boynton Hauerwas and Rachel D. Brown, State Policy and Guidance for Identifying Learning Disabilities in Culturally and Linguistically Diverse Students, Learning Disability Quarterly (forthcoming).*

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