



Supporting Dually Identified Students:

Who are Dually Identified Students?

Place your body content here. Dually identified students are multilingual learners (MLs) who have been formally identified as eligible for special education services under the *Individuals with Disabilities Education Act* (IDEA) while also receiving English language development (ELD) services under Title III of the *Every Student Succeeds Act* (ESSA) (Artiles & Ortiz, 2002). These students require support for both their language development and their disability-related needs.

Legal Obligations of Administrative Units

Administrative Units (AUs) must comply with both IDEA and ESSA, ensuring students are not misidentified because of limited English proficiency and that they receive services addressing their individual needs in both areas (U.S. Department of Education, 2016).

Under IDEA (§300.304[c][1][ii]), evaluations must be conducted in the child's **native language or other mode of communication most likely to yield accurate information**, unless it is clearly not feasible. Failing to evaluate in the student's home or preferred language risks both misidentification and denial of FAPE (OSEP, 2016).

Best Practices for Identifying Eligibility

The best way to determine eligibility for special education is to evaluate the student **multilingually**, considering their full linguistic repertoire rather than relying solely on English (Sánchez et al., 2023). Teams should gather a *comprehensive body of evidence*, including but not limited to:

- Developing a linguistic profile with first- and second-language data (Orosco & O'Connor, 2014).
- Conducting culturally responsive family interviews to uncover family funds of knowledge and clarify cultural and linguistic influences (Harry & Klingner, 2014).
- Reviewing records to examine prior schooling, interventions, and educational history.
- Using like-peer comparisons to distinguish language difference from disability (Klingner & Harry, 2006).
- Employing dynamic assessment to measure learning potential and to distinguish language difference from disorder (Peña et al., 2001).

Best Practices for Serving Dually Identified Students in Bilingual Programs

Dually identified students benefit from participation in bilingual or dual-language programs, which support both their linguistic and academic development (Cummins, 2017). Best practices include:

- Embedding Universal Design for Learning (UDL) to increase access and flexibility for all learners (CAST, 2018).
- Integrating language scaffolds and supports within instruction and interventions (Orosco & O'Connor, 2014).
- Prioritizing inclusion with appropriate supports, avoiding unnecessary segregation.
- Promoting cross-disciplinary collaboration among general educators, special educators, ELD specialists, and related service providers (Klingner et al., 2005).
- Valuing family knowledge and engaging families as active partners in planning and service delivery (Moll et al., 1992).

Supporting dually identified students appropriately requires professional development, intentional collaboration, and a commitment to culturally and linguistically responsive practices.

Common Misconceptions

- Believing students cannot be evaluated for special education if they are still acquiring English.
- Assuming low English proficiency equals low cognitive ability.
- Assuming students with the most significant cognitive disabilities cannot become multilingual.
- Removing students from bilingual programs in an attempt to “simplify” instruction — which research shows harms outcomes.

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