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Rachel M. Morley

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REPRESENTATION OF ENGLISH LANGUAGE LEARNERS IN SPECIAL EDUCATION: AN OVERVIEW

by

Rachel M. Morley

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ABSTRACT

Representation of English Language Learners in Special Education: an Overview

by

Rachel M. Morley

Utah State University, 2008

Major Professor: Dr. Gretchen Peacock
Department: Psychology

Possible misrepresentation of English Language Learners (ELLs) in special education is a concern for many school districts across the U.S. This paper discusses language and cultural factors that affect assessment and classification of ELL students, focusing on classifications of Learning Disability (LD) and Mental Retardation (MR). Empirical studies and review articles regarding representation of ELLs in special education are summarized. Methods of avoiding inappropriate placement are presented, and implications for school psychologists are discussed.
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Representation of English Language Learners in Special Education: an Overview

English Language Learners (ELLs) – students whose native language is not English – are a rapidly growing population in American classrooms. The number of non-English speaking students is increasing by roughly 10 percent each year (McCardle, Mele-McCarthy, Cutting, Leos, & D’Emilio, 2005). The vast majority of ELL students are Spanish-speaking Latinos; 80% of students in the United States who are not native English speakers have a Spanish language background. Studies show that it takes 7 to 10 years in order for ELL students to be academically competitive with their native speaking counterparts (Thomas and Collier, 2002). Therefore many students in our country’s schools may need additional language supports in order to successfully progress in their education, and a portion of these students will also have skill concerns that may be best addressed through special education programs.

Students whose native language is not English present unique challenges to school districts when it comes to determining appropriate school placements, especially in the context of special education. These ELL students may be overrepresented in special education, meaning proportionally more of them are placed in special education compared to other groups, especially within the Mental Retardation (MR) and Learning Disability (LD) categories (Rueda & Windmueller, 2006). Alternatively, the academic difficulties of some ELL students who actually do have LD or MR may be misinterpreted as being caused by their limited English language proficiency (McCardle et al., 2005). Therefore, it is possible that ELL students may be underrepresented in special education programs.
Federal special education law refers to the term *specific learning disability* (SLD) in quite broad terms: "a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations" (Individuals with Disabilities Education Improvement Act [IDEIA], 2004). The law goes on to state that difficulties due to "environmental, cultural, or economic disadvantage" are not included within the LD category. Thus, clearly one must rule out language factors as a reason for a child’s academic difficulties before the LD label can be applied. However, this is a more complex issue than it might initially appear.

Traditionally, diagnosis of LD has been determined based on a discrepancy between an individual’s cognitive ability, derived from scores on a standardized IQ test, and achievement in a particular subject area, such as math, reading, or writing. This method, known as the discrepancy model, may be particularly problematic for use with ELL students due to the unique circumstances of these students. Language and cultural factors, along with other assessment issues, can impact the process of identification of ELL students. However, with IDEIA came changes in the classification criteria for LD, and the law states that the "local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability," and that instead they "may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures" (IDEIA, 2004). Although this response to intervention (RTI) approach may make
classification decisions more straightforward for all children, including ELL students, because this law is so new, limited data are available on its impact.

IDEIA (2004) defines Mental Retardation as “significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child’s educational performance.” Although IDEIA does not specify an IQ cutoff score, typically a classification of MR is given if an individual has an IQ of 70 or below based on results of standardized testing, along with low levels of adaptive functioning (American Psychiatric Association, 2000). Because performance on IQ and adaptive measures can be greatly influenced by language factors, care must be taken when evaluating ELL students for this disability.

Based on the definitions of LD and MR, it makes common sense that there may be a problem with using the same definitions for both English speaking students and ELL students. Some of these difficulties involve English proficiency and the assessment process. Obviously, vocabulary and comprehension skills are important issues to consider when testing and working with ELL students, in terms of test items as well as directions for completing the test. Not only is it feasible that these students could do poorly on verbal domains of testing (due to their lack of English proficiency), but they may fail to understand how to answer the test items in general, therefore obtaining a weak score overall. Along with potential problems with testing, it is fairly easy to imagine a non-English speaker meeting the adaptive functioning criteria for an MR diagnosis, especially related to skills necessary for functional communication and the use of community resources.
There are also factors besides English proficiency that may be related to the
difficulties with applying special education criteria and the number of ELL students in
special education. These factors include socioeconomic status (SES) and familial or
cultural expectations (Artiles, Rueda, Salazar, & Higareda, 2005). Some ELL students
may have had limited opportunities for schooling prior to immigrating to the United
States, which may effect their performance on standardized assessment measures. They
may have had less experience in taking tests, and may be less familiar with the subject
matter being tested. In addition to these obstacles, ELL students must rise above low
expectations of their ability and achievement in the classroom (McCardle et al., 2005).
Also, the majority of school psychologists are Caucasian females (Curtis, Hunley,
Walker, & Baker, 1999), who may look and speak very differently from the ELL students
they test. These differences may lead to difficulty developing rapport with the examinee,
compared to white students, therefore negatively affecting scores.

Although there seems to be general agreement that assessing and classifying ELL
students for special education services can be problematic, there is disagreement in the
educational field regarding whether ELL students are overrepresented (due to bias in
assessment procedures and inadequate prereferral interventions) in special education
programs. Although overrepresentation may be an issue, there is also the possibility that
limited English proficiency can mask the genuine occurrence of learning disorders among
ELL students (McCardle et al., 2005). Therefore, ELL students who actually have
learning disorders may be under-identified because their academic struggles are believed
to be related solely to their lack of English proficiency. Concerns with mislabeling
students due to these issues may lead to school-based professionals not referring ELL
students for evaluation, potentially resulting in underrepresentation of ELL students in special education. There obviously are ELL students who do have MR or LD, but it may be difficult for educational personnel to separate these students from those who are simply lacking in English proficiency.

These issues regarding the identification of ELL students for MR and LD (and special education in general) are challenges for today’s school psychologists. Most students are referred for evaluation for special education by a general education teacher. The teacher may refer a child to a school psychologist for assessment for a variety of reasons – the student is falling behind in his or her work, is exhibiting behavioral problems in the classroom, or is not appearing to benefit from the teacher’s instructional methods. Language and cultural differences – and not necessarily cognitive and/or achievement factors – could be behind any of these problems, so it is critical for a school psychologist to gain as much background knowledge of the student as possible throughout the assessment process in order to avoid a misdiagnosis due to these types of differences. It is the duty of the school psychologist to be aware of cultural differences and the special challenges that ELL students face, and to take these factors into account when working with students. It is also critical for school psychologists to consider instructional methods within the school system, rather than focusing problem solving efforts solely on the child. Strengths and weaknesses of the local school environment can be evaluated and addressed in order to better serve the needs of the children within the school system.

This paper will review the current literature related to the representation of ELL students in special education, with a focus on issues regarding the diagnoses of LD and
MR within these populations. The possibility of both over and underrepresentation of ELL students in special education will be examined. Testing issues and problems with the discrepancy model used for identifying LD in students will also be addressed, and implications for school psychologists will be discussed. This paper will contain the following sections: (1) ELL Definitions, Facts, and Figures, (2) Language and Cultural Factors in Assessment, (3) Language and Cultural Factors in Classification, (4) Representation of ELLs in Special Education, (5) Solutions to Inappropriate Placement, and (6) Implications for School Psychologists. It is critical for the educational community to gain a better understanding the ELL population, so that these students can be served by the schools in the most beneficial way possible.

Method

The information gathered regarding placement of ELL students in special education was obtained using searches from the PsychINFO and ERIC databases. Search terms such as *English language learners*, *special education*, *overrepresentation*, *underrepresentation*, and *misrepresentation* were used to locate sources. The references of the articles selected were also examined for additional relevant sources. Empirical studies were used as sources of information for this paper.

ELL Definitions, Facts and Figures

The term “English language learners” (ELL) refers to students whose native language is one other than English. Different terms for this population of students are utilized in different school districts and agencies across the United States. These students
may be referred to as “English as a second language” (ESL) students or “limited English proficiency” (LEP) students. For the purposes of this paper, the term ELL will be used.

English Language Learners make up a significant portion of the student population in the United States. During the 2003-2004 school year, 11% (about 3.8 million) of all students in the U.S. received ELL services, with California and Texas containing the highest number of ELL students (U.S. Department of Education, 2006). The majority of ELL students are Spanish-speakers, with this subgroup making up about 80% of the ELL student population (McCardle et al., 2005). In 2004, 19% of children aged 5 to 17 spoke a language other than English in the home (U.S. Department of Education, 2006).

In recent years, not only has there been an increase in total number of ELLs in American school systems, but there has been an increase in the number of students classified as having disabilities who do not speak English as their primary language in the home. This number has jumped from 3.3% of the special education population to 14.2% from 1987 to 2001 (U.S. Department of Education, 2002).

Language and Cultural Factors in Assessment

Language and cultural factors such as early education opportunities, societal expectations, and socioeconomic status can have a significant impact on the academic performance of ELL students in the classroom as well as in an assessment setting. It is critical to consider both disability and language factors when assessing ELL students (Garcia & Malkin, 1993).
Challenges are presented before assessment begins, during the referral process. Many school administrators are worried about overrepresentation of ELL students in disability categories, which can lead to delayed identification for interventions and supports that may benefit students (Zehler et al., 2003). This may lead educators to be hesitant to refer ELL students for assessment of possible disability status. Additionally, policies regarding the referral and evaluation process vary across school districts. For example, some districts do not identify ELL students for special education services until they have completed ELL services, and some districts do not identify students for special education until grade two (Zehler et al., 2003).

Additionally, Zehler et al. (2003) noted that school staff members reported that there is a deficit of teachers and other personnel with appropriate experience with both special education as well as the process of learning a second language. This issue may factor into overrepresentation if a student is referred unnecessarily because the teacher does not know where else (besides special education) to turn to get support for the child that is struggling. Inadequate teacher experience may also factor into underrepresentation if teachers choose not to refer a student that genuinely needs services due to attributing the child’s problems solely to a language acquisition issue.

A critical piece of the assessment process involves gathering background information about an ELL student, such as what language is used in the home, prior educational experience, levels of acculturation, and beliefs about disability (Garcia, 2002). This information can be collected via parent interview or through home language surveys. These surveys are typically created by the district, are simple and quick to administer, and provide rich data regarding variables that may impact placement.
decisions. Home language surveys are conducted in order to gather information that influences why a student may not be performing as expected academically. Information gathered from parent interview or home language surveys may lead to ruling out the possibility of a disability (such as in the case of a student who has not had appropriate skill instruction in the past), which is one reason why they should be administered early on.

Once students are referred, it is important to consider how standardized testing procedures may impact the identification of ELL students for disorders such as LD and MR. ELL students may not be as proficient or as familiar with standardized testing procedures as students whose primary language is English. There are also psychometric issues related to the use of standardized achievement tests with ELL students. Achievement test item responses have been found to have low reliability among ELL students, meaning that limited English proficiency may be accounting for error within these measures (Abedi, 2002). Standardized testing procedures are influential in determining a diagnosis of LD or MR with the discrepancy model, because of the weight given to the scores from these assessments in many school districts in America. ELL students are often not included in the norming groups for many standardized tests, making it difficult to determine the validity of the scores of cognitive ability for test-takers within this population.

Abedi (2002) obtained data, including demographic characteristics (gender, ethnicity, parent education level, ELL status, etc.) and standardized test scores, from students in four U.S. school districts. The test data differed among the four school districts, as not all districts used the same tests, with three of the schools using the
Stanford Achievement Test ([SAT 9], 1996) and one using the Iowa Tests of Basic Skills ([ITBS], Hoover, Dunbar, & Frisbie, 2007). Additionally, data from the Language Assessment Scales ([LAS], De Avila & Duncan, 1998) were collected from the one school district that utilized this measure to assess English proficiency. Researchers found that ELL students performed lower than non-ELL students across all school districts, and that the differences between these groups was largest in subject areas that are more verbal ability focused, such as those that require reading and writing. Additionally, the authors of this study reported a stronger positive correlation between test scores and criterion-based measures of achievement for non-ELL students compared to their ELL counterparts. The findings of this study indicate that standardized tests, particularly those that involve reading and writing, should be administered and interpreted with caution with ELL students.

Nonverbal tests are now commonly used in the assessment process in order to evaluate the cognitive abilities of ELL students in a “language-free” manner. These tests typically are administered without the use of verbal language, and instructions are given using hand signals and gestures. Nonverbal tests often are touted by their developers as a means to evaluate individuals from any and all cultural or language backgrounds, as well as individuals with disabilities or sensory problems that inhibit them from answering verbal test questions. Nonverbal tests vary in their administration and psychometric properties, and not all tests are psychometrically strong; however, they are another option for evaluating students. The Universal Nonverbal Intelligence Test ([UNIT], Bracken & McCallum, 1998) is an example of a nonverbal test that was designed for use with language minority students, and the test included ELL students in the norming sample.
A model which does not rely heavily on standardized measures is the response to intervention (RTI) model. This model focuses on early intervention in a general education setting. Baseline data are gathered, then an instructional intervention is implemented, and student progress is monitored and over the course of implementing various quality instructional strategies. The RTI model aims to answer the following questions about students with academic difficulties: What is the problem? Why does the problem exist? What should be done to address the problem? Did the intervention work and what is next? (Tilly et al., 1999). These are questions that educators ask when working with students in general that struggle academically, and they apply to working with ELL students as well.

Curriculum-based assessment (CBA) and curriculum-based measurement (CBM) provide methods of collecting data for use with the RTI model, and are becoming increasingly popular for use with ELL students and students in general. This type of assessment is based on what has been taught in the classroom, in a “test-train-test” format (Jitendra & Kameenui, 1993). Students are tested only on what they have been formally taught, and testing measures are often developed from the classroom curriculum materials and books (Witt et al., 1998). Researchers have found that CBM is reliable and valid for use with bilingual and English only second graders (Baker & Good, 1995).

Peer comparison samples are often used as indicators when using curriculum-based methods. Peer samples can demonstrate a student’s progress compared to that of classroom peers over time, yielding data that can be important in making instructional changes. Schools can use peer comparison samples in order to develop reference patterns for the performances of groups of students such as non-ELLs with LD, non-ELLs without
LD, ELLs with LD, and ELLs without LD (Hamayan, Marler, Sanchez-Lopez, & Damico, 2007). However, due to the unique circumstances of each ELL student, it is difficult to appropriately compare them with other students, even to other ELLs since their characteristics and life circumstances are so diverse. For example, an ELL student that recently emigrated from Mexico would experience school tasks in a very different way from a Puerto Rican student who has been in the U.S. for 3 years. Regarding ELL student progress, often they may be significantly behind native language peers, however, the slope of their progress is quite higher than native language peers, indicating that they are making more growth in that particular skill area. School districts may find benefit in analyzing the slopes of ELL students in a classroom or district, which can demonstrate an approximation of typical growth for ELLs (Noell, Gilbertson, VanDerHeyden, & Witt, 2005).

Although there are limitations to the RTI model and the data collection strategies associated with it, there are many reasons why it may be beneficial for use with ELLs. Since the RTI model and curriculum-based methods for assessing students focus on early intervention and center around what a student has been taught and how it was taught rather than a discrepancy between performance on standardized tests, the RTI model may be more appropriate for use with ELL students. Standardized tests illustrate the performance of a student at one specific period of time, whereas curriculum-based measures focus on monitoring a student’s rate of progress over time. This is particularly useful for ELL students due to the challenges that these students may have with standardized tests given at one particular point in time. Rate of progress data is critical for determining need for special education services, and this information is a required
part of evaluations in most school districts. Graphing students' scores on curriculum-based measures provides a helpful way to view their progress over time. Monitoring rate of progress is an integral piece of the RTI model in determining possible instructional changes.

The curriculum-based methods can be particularly useful with ELL students who may have had limited opportunities for quality direct instruction in the past. Given that curriculum-based methods center around an early intervention approach, a student does not need to be significantly discrepant from peers or an expected standard in order to receive additional skill building support in the general education setting. This type of approach may be beneficial to ELLs, particularly because of the ability to rule out factors that are indicative of no disability. If a student has had limited quality instruction in the past, receiving direct instruction early on that is tailored to his or her individual needs may produce academic growth and eliminate the need for special education services if a disability is not present. Although the RTI model has multiple characteristics embedded in it that make it promising for use with ELLs, there is little empirical data available about results with using the RTI model with this population of students.

Brief experimental analysis is one method of determining the best intervention for an individual student. This method involves brief trials of multiple intervention strategies and comparison of the results of the trials on a particular student (Daly, Witt, Martens, & Dool, 1997). For example, a reading intervention would be implemented and then a brief assessment would be conducted (such as an oral reading fluency words per minute measure) in order to evaluate the student's response to the instructional strategy. Then another instructional strategy would be implemented, evaluated, and so on. The brief
experimental analysis approach has been found to increase reading performance over time in a study that included five elementary ELL students (Malloy, Gilbertson, & Maxfield, 2007).

Language and Cultural Factors in Classification

Just as there are many methods for special education assessment, there are many ways for classification criteria to be interpreted and applied with regard to ELL students. There is controversy with regards to the current criteria for LD and MR and whether they are appropriate for classifying students within the ELL population. Based on the definitions of LD and MR, it makes common sense that there may be a problem with using the same definitions for both native English speakers and ELL students.

Often the difficulties that typically developing ELL students demonstrate in the classroom can appear similar to those of students with LD. For example, problems with phonemic awareness and decoding and fluency difficulties with early reading skills could be indicative of a reading disability or of limited English proficiency. Poor performance on assessment measures can be present with both ELL students and students with LD. It can be a challenge for educators to tease apart which difficulties are due to a disability and which are due to a limited knowledge of English. Barrera (2006) attests that the vast differences among individuals with LD may not warrant a definition that is composed of a “single set of characteristics” (p. 146), and that the educational field should move away from the need to categorize students. Rather than focusing on developing and implementing a more appropriate classification system or definition for these students, it
may be more beneficial to focus on providing instruction to students that is tailored to their unique needs.

Students with LD are a very diverse group in terms of instructional history, skill levels, and learning abilities, and when limited English proficiency is part of the equation, classification becomes especially complicated. For typically developing individuals with a firm foundation in their native language, it is estimated that language acquisition takes place at a rate of 1 to 2 years for basic communication and 5 to 7 years for academic language (Cummins, 1989). Students that do not have adequate background knowledge in their first language or have LD may take much longer. The challenge for school psychologists and special educators is determining if the student’s academic problems are due to a lack of foundation in his or her native language or if there is a genuine disability present. For example, a student that has been diagnosed as LD in our current system may benefit from good instruction in his or her native language (or a bilingual education program), rather than a special education program focusing on skill acquisition in English.

As noted earlier, historically diagnosis of LD and eligibility for special education services has been primarily determined based on the discrepancy model – a discrepancy between an individual’s cognitive ability, derived from scores on a standardized IQ test, and achievement test scores in a particular subject area (such as math, reading, or writing). The discrepancy model is still used in many school districts, and in some cases in conjunction with other identification models such as the response to intervention (RTI) model. There are criticisms of the value of the discrepancy model in general, but particularly with ELL students. For example, research has shown that it may take years
before a discrepancy (based on typical achievement tests) develops that is significant enough to indicate a disability, even if a student is struggling in school (Wagner, Francis, & Morris, 2005). This means that students that do not qualify as significantly discrepant on IQ and achievement measures will not receive special education services. English language learners may need quality skills instruction early on (especially if they have had limited past opportunities for such instruction), even if they do not qualify for services. Without early intervention, academic problems will most likely become more pervasive the longer they are present. Fortunately, there are many early intervention programs available, particularly in reading, where students may receive support without qualifying for special education, even in school districts that do not utilize the RTI model.

Within recent years, the RTI model has gained more widespread use for identifying LD. Response to intervention refers to “the degree to which a student who has been identified as at risk for academic or behavioral problems and has been provided with intervention has benefited from the intervention and eliminated or considerably reduced his or her risk status” (Linan-Thompson, Vaughn, Prater, & Cirino, 2006, p. 390). In other words, a child that is suspected of having LD or other school-related problems will be presented with an intervention and then the child’s response to that intervention (how well it worked) will be evaluated and progress will be monitored. Several interventions may be tried in order to find one that best fits the needs of the student. The RTI model focuses less on labeling children and more on finding interventions in the general education setting that are appropriate for addressing their individual needs. This model can more directly link assessment to intervention than more
traditional models that conceptualize assessment and intervention as distinctly separate processes.

The RTI model may be more helpful than the discrepancy model in determining whether ELL students meet the criteria for LD, since it is based on what has been taught and how it was taught, rather than the “innate” cognitive abilities that some IQ tests purport to measure. However, neither model is without flaws. Even with the RTI model is it not always easy to distinguish whether a lack of response to intervention was due to a disability or an inadequate background in the individual's native language. However, this model involves tailoring instruction to the needs of the student and includes frequent monitoring of progress so that modifications to instructional strategies can be made if the intervention is not working. Although this model is promising, there is limited research on RTI as a means of classifying students.

Representation of ELL Students in Special Education

In this section, empirical studies that exist regarding the representation of ELL students, and minority students in general, in special education will be described. In the past, it was generally agreed upon within the field of education that ELL students and other minority students were overrepresented in special education. Over the years, researchers found that the academic struggles of ELLs were likely due to limited English proficiency rather than the learning disabilities with which they had been inappropriately classified with in the past. However, the possibility of underrepresentation of these students has become an issue, due to possible attribution of a student’s learning difficulties to his or her limited English proficiency, when there is actually a disability
present (Gersten & Woodward, 1994). Studies on both sides of this controversial issue will be reviewed.

Historically, a widely held belief among educational researchers in the United States was that ELL students, and minority students in general, were overrepresented in special education. The work of Mercer (1973) brought the issue of minority student overrepresentation to the forefront with findings of disproportionate placement of African-American and Latino students in MR categories. Around this time period, a significant number of court cases took place involving disproportionate identification and placement among ELL students and minority students in general in special education programs, particularly for the category of MR (e.g., Diana v. State Board of Education, 1970; Guadalupe Organization v. Tempe Elementary School District No. 3, 1972, Larry P. v. Riles, 1986). In the case of Diana v. State Board of Education, it was determined that when Mexican-American students were given an IQ test in Spanish, they scored 15 points higher than when given the test in English. It was ruled that Mexican-American students be allowed to choose which language they were tested in. In the case of Larry P. v. Riles, it was ruled that disproportionate numbers of African-American students were being identified as MR due to biased IQ tests. These court cases had differing outcomes, but overall rulings included findings of cultural bias in assessment measures, restricted use of individually-administered IQ tests with minority students, and court-ordered development of appropriate testing measures for minority students.

The findings of early research as well as court rulings have shaped the special education system in the U.S. Today, researchers continue to take on the issue of representation of ethnic and language minority students in special education. One of the
most intensive research studies related to representation of minority students in special education was conducted by the National Research Council (2002). Data were collected from the Office for Civil Rights (OCR) and the Office of Special Education Programs (OSEP), including enrollment of students in different disability categories. Data were analyzed for many ethnic groups and disability categories from the years 1974 to 1998. Although these researchers did not specifically name language status as a variable, they determined that there was no significant discrepancy between Hispanic students and white students in the LD and MR categories.

In this study, odds ratios were used to calculate discrepancies among student groups. The odds ratios were calculated by first dividing the number of the target group of students in special education by the number of the target group in the total student population, and then dividing the number of white students in special education by the number of white students in the total population. The odds ratio is the ratio of these two numbers. The odds ratio for whites would then be 1.0, and for example, an odds ratio of 1.30 would indicate that the target group is 30% more likely than whites to be assigned in a particular disability category.

These researchers found that odds ratios for Hispanics in the MR category were at 0.78 (almost a quarter lower than whites), and 1.07 for LD, indicating no significant disproportionality. Odds ratios for Hispanics with LD have varied since 1974 but stayed near 1.0, while odds ratios for Hispanics with MR have gradually decreased from 1.26 in 1974. Regarding other ethnic groups, odds ratios for Black students in the MR category have decreased from 3.12 in 1974 to 2.24 in 1998. American Indian/Alaskan Native odds ratios for MR decreased from 1.63 to 1.09. Asian/Pacific Islander odds ratios for MR
remained relatively stable compared to other groups (0.38 to 0.54). Black students in the LD category have increased from 0.84 in 1974 to 1.08 in 1998. Odds ratios for American Indian/Alaskan Natives with LD remained consistent over the years (1.29 to 1.24) as well as those for Asian/Pacific Islanders (0.42 to 0.37). The researchers stated that “the OSEP data provide no evidence that minority children are systematically represented in low-incidence disability categories in numbers that are disproportionate to their representation in the population. While there is some variation in each category, no single race/ethnic group can be singled out as having higher or lower incidence across all categories (National Research Council, 2002, p. 61).” However, the researchers noted limitations to their data that included a lack of similarity in definitions across states. Additionally, since the researchers did not examine language status as a variable, it cannot be concluded that ELLs are or are not disproportionally represented in special education compared to other groups.

Hosp and Reschly (2003) found similar results to the National Research Council report in their review of research of referral rates among Caucasian, Hispanic, and African American students for assessment or intervention. They also did not study ELLs specifically. An odds ratio of 1.05 was found for Hispanic students, indicating no significant difference from whites in referral rates, which correlates with the National Research Council findings. However, an odds ratio of 1.58 was found for African American students, indicating that they are 58% more likely than white students to be referred for intervention or assessment.

Research has also been conducted specifically addressing ELL representation in special education. De Valenzuela, Copeland, Qi, and Park (2006) conducted a study
using records from the special education database of a large, demographically diverse school district in the southwestern United States. This particular school district reported that 12.1% of their students were ELLs. This district had a reputation for offering bilingual education to their ELL student population, offering instruction in both languages in order to promote development of bilingualism. The data that were gathered included demographic information such as language status, ethnicity, and other service utilization (such as occupational or physical therapy, speech-language, audiology, or assistive technology services) as well as special education status, in order to examine the service utilization of students in various groups.

De Valenzuela et al. (2006) found that although ELL students made up only 12.1% of the total student population, they made up 22.3% of the total number of students in special education in this district, and were found to be overrepresented in special education in general, compared to non-ELL students. ELL students were overrepresented in many special education categories, including LD, intellectual disability (ID or MR), emotional disturbance (ED), and speech-language impairment (SLI). Additionally, students within the ELL category were found to be underrepresented in gifted education, making up only 3.3% of the gifted population.

These researchers also found that ELL students who were receiving special education services were less likely to be mainstreamed in the regular education classroom than were their non-ELL counterparts. A majority of ELLs were placed in a separate classroom for at least 60% of their school day: 57.1% of these students as opposed to 38.1% of non-ELL students in special education.
Other researchers have tackled the issue of overrepresentation in recent years as well. Artiles, Rueda, Salazar, and Higareda (2005) conducted research related to the disproportionality of ELL students in special education. These researchers were interested in the diversity among minority students who had been placed in programs in urban school districts in southern California in terms of language proficiency, type of special education program, disability category, and grade level. Information from databases in eleven school districts was analyzed. A majority of the students in the participating school districts were from ethnic backgrounds other than white and 42% of the students were considered ELLs.

These researchers also utilized odds ratios and stated that they used white students as a comparison group because this group has historically been the “dominant group in society who have not had systematic problems with access and opportunity issues” with regards to educational services (p. 289). English proficient students were also used as a comparison group.

Over all grade levels, these researchers found that the percentage of ELL students in special education (7.6%) was comparable to the total percentage of students in special education (7.2%). However, ELL students with limited proficiency in both their native language as well as English were overrepresented in special education at both the elementary and secondary levels compared to both white students and English proficient students. This was the case for special education classifications of LD within this group, with odds ratios of 1.50 for elementary (K-5) and 2.22 for secondary (6-12), as well as for MR at the secondary level, with an odds ratio of 3.5 compared with whites. No data were available for the MR category at the elementary level.
It was found that ELL students were not overrepresented in special education placements compared to white students in the elementary grades, with odds ratios ranging from .36 to .69 for grades K-5. However, ELLs were overrepresented beginning in middle school with an odds ratio of 1.25 in 6th grade to 2.22 in 12th grade.

The researchers found that overall ELLs were not overrepresented compared to English proficient students in special education in elementary school, but that they began to be overrepresented toward the late elementary years, beginning at grade four with an odds ratio of 1.13, and that this trend sustained to high school with an overall odds ratio 1.6 for grades 6-12.

The authors discussed several possible reasons for the trend of overrepresentation in later school years. Instructional techniques for ELL students may have improved in recent years, leading to an increased benefit for younger students. Another possibility is that greater requirements were placed on all older children that affect their special education status. Schooling that occurred prior to immigration may be more of a factor for the group of older children rather than the younger ones. Although there are many possible contributors to this trend, it is still unclear as to the source of this seeming overrepresentation of older students in special education.

Another significant finding of the Artiles et al. (2005) study was that the students who were participating in English immersion programs were more likely to receive special education placement than students that were placed in bilingual education programs (with odds ratios of 2.95 for the least restrictive program which included removal from general education for 21-60% of the school day, and 1.32 for the most restrictive program, which involved services outside the general classroom for 61% or
more of the school day). This finding is interesting because it may indicate that students who are placed in a bilingual education program (or any program that offers more native language instruction and support than English immersion programs) are "normalized" in terms of their English proficiency or lack thereof, and therefore are not viewed as having a disability. Other programs besides English immersion programs may also have a greater likelihood of meeting the ELL student’s needs, possibly eliminating the need for special education placement.

More recently, researchers have suggested that ELL students may be underrepresented in special education. Some states, like Missouri, are facing a lack of referrals for special education evaluation for ELL students due to policies that have been enacted to combat overrepresentation of these students. In Missouri, 4% of ELL students are receiving special education services, versus 15% of all students, according to state department of education data (Zehr, 2007). In this particular example, Missouri previously had a problem with overrepresentation of ELLs in special education, leading educators to delay evaluation until the students become proficient in English.

Zehler, Fleischman, Hopstock, Pendzick, and Stephenson (2003) reported that ELL students had lower rates of special education placement than the general student population, based on national data. This study included 4,774 public school districts in the United States that had identified at least one student as limited English proficient as well as receiving special education services. They found that 9.2% of ELL students in grades K-12 were classified as also having a disability and receiving services, whereas 13.5% of all students were in special education. Researchers also reported that 5.16% of ELL students were classified as LD, and 6.64% of all students had this classification.
Regarding MR identification, 0.72% of ELL students and 1.20% of all students had this classification.

Zehler et al. (2003) offer several possibilities for these underrepresentation findings, which offer a counter-argument to many other researchers' claims of overrepresentation of ELL students in special education. Possible reasons for these findings include a lower rate of identification of ELL students as qualifying for special education services, based on the challenges associated with assessment of these students or that there may be students already in special education that were not classified as ELLs. However, this finding is unlikely due to the fact that researchers found that 69.7% of districts in the sample reported that they first identify students as ELL prior to evaluation for special education services and classification of having a disability. Another possibility is that there is actually a lower disability rate among the students that were identified as ELLs in the aforementioned study.

Gersten and Woodward (1994) suggested that some school districts (particularly in certain urban areas) may cease to refer ELL students for special education evaluation due to concerns about legal ramifications regarding discrimination against minorities or inappropriate assessment and classification procedures. Additionally, it has been found through teacher interview that in districts where there were seemingly no appropriate services available (such as a special education teacher that speaks Spanish), teachers tended not to refer students for evaluation for services that were not accessible (Campbell et al., 1993).

Just as there have been reports of both over and underrepresentation, data also exist indicating that ELL students are not misrepresented in special education. In the
United States, 10% of ELL students are receiving special education services, compared to 13% of all students, according to data from the Office of Civil Rights of the U.S. Department of Education (Zehr, 2007); however trends differ widely across the country. According to state education departments, in California, 24% of ELL students receive special education services, compared to 11% of all students. In Rhode Island, 11% of ELL students receive services compared to 19% of all students. In Texas, 11% of ELL students receive services, similar to the total population of students in special education (Zehr, 2007).

In summary, researchers have found conflicting results with regards to representation of ELL students in special education. Some have found overrepresentation (Artiles et al., 2005; De Valenzuela et al., 2006), some underrepresentation (Zehler et al., 2003), and some no significant disproportionality with regard to minority students (National Research Council, 2002). It appears that across the country, overall disproportionality is not statistically present. However, issues of misrepresentation of ELL students in special education vary greatly across regions of the U.S. (Zehr, 2007). Therefore, it may be more accurate to look at representation at the state or local level rather than at the national level.

Solutions to Inappropriate Placement

Although representation of ELL students in special education varies widely across different regions in the U.S., issues of over and underrepresentation continue to be very real to many school districts (Zehr, 2007). There are many reasons why disproportionality can be troublesome. Disproportionality of ELL students and other
minority students leads one to believe that a practice of *inappropriate placement* is present for students within these groups. Inappropriate placement of an ELL student in special education is problematic when a student is given a potentially stigmatizing label of a disability, when there is no actual disability present. Additionally, inappropriate placement of ELL students becomes a problem when students are placed in special education, and are not getting the language services that they need in order to be successful in school. If special education services are not matched to a student’s need (i.e. the student needs ESL services or bilingual education rather than direct instruction in a particular skill area), special education is not likely to be effective in solving the student’s academic problems. On the flip side, underrepresentation becomes a problem when ELL students with disabilities are not getting the direct skill building instruction that they need in their area of disability. It is wrong for a student to be denied special education services when they actually have a disability and express a need for such services.

Inappropriate placement is also troublesome when it is done to appease teachers or other school personnel. Gersten and Woodward (1994) reported that many teachers of ELLs with academic problems are unsure how to meet the complex needs of these students, therefore they turn to the special education system and refer for evaluation. Gearhart and Weishahn (1980) went so far as to say that this was an easy way for school staff to “do something” without actually going through the often difficult process of determining how to actually meet the needs of these students. School personnel have a responsibility to consider and assess all academic needs of a student and consider all options that are available for their success.
Inappropriate special education placement of ELL students is a problem that can be avoided for the most part if proper assessment and classification procedures are in place and are implemented consistently in a school district. Following assessment procedures, considering multiple data sources, and making entitlement decisions with caution are all critical in avoiding inappropriate placements.

Integrating a team approach into assessing and working with ELL students with possible disabilities may be key to avoiding misrepresentation and inappropriate placement (Zehler et al., 2003). Utilizing the expertise of special and general education teachers, bilingual or ESL teachers, administrators, assessment specialists, and parents in a collaborative effort to determine the most appropriate and individualized interventions helps ensure that corners are not cut in the decision making process. Most school districts do not have formal policies in place regarding the collaboration of ELL services and special education personnel (Zehler et al., 2003), so it is critical for school staff to understand the resources that their district has to offer in terms of expertise among personnel. Consultation between ELL services teachers and general education teachers is key in ensuring student progress. Of course, working closely with administrators and gaining their support is key for integrating a team approach that works within a particular school district.

It is critical to incorporate a multi-assessment approach when evaluating students, but even more so when working with ELLs. This population of students has a vast array of cultural and family backgrounds, prior learning experiences, and personal characteristics. Therefore, it is important to evaluate each child on an individual basis and conduct multiple assessments in order to determine disability status, and consider
possible rule outs. Rule outs are conditions that would indicate that a disability is unlikely, such as limited instructional opportunities in the past and sufficient progress with general education interventions. The more of these rule outs that are present, the less likely the child has a disability. When conducting an evaluation of a student, the process the team should follow would include: 1) conducting a home language survey, 2) collecting class data and peer comparisons, 3) analyzing intervention data and progress, 4) administering standardized testing and interpreting results with caution. It is important to note the possible limitations of each data source. Teams that do not follow a multi-assessment model may be putting their students at risk for inappropriate placement.

Along with utilizing a team decision-making process and collecting multiple pieces of data, primary prevention strategies may be successful for educators working with ELL students. For example, Serna, Forness, and Nielson (1998) purport that taking a primary prevention approach using broad interventions within the general education classroom may be helpful in reducing special education referrals, and may be beneficial to an entire classroom of students. The concept of implementing strategies that can benefit all students is referred to as universal design, and correlates to tier one of the RTI model. For example, in many content area classrooms such as science and social studies, vocabulary is taught after a lesson in the content. Teaching a vocabulary lesson prior to the content area lesson can be helpful for ELL students as well as all students in the classroom. Inappropriate placement of ELL students can be reduced by implementing prereferral interventions within the general education setting (Rodriguez & Carrasquillo, 1997). Serna et al. (1998) suggest that prereferral strategies and interventions have not been properly and consistently implemented in many school districts. School personnel
may need training in the importance of general education intervention and early intervention, and the RTI model in general. It is critical for administrators to understand the concept of early intervention and prevention strategies, and work to create a school environment where this practice is encouraged and expected. School psychologists can provide support for districts in terms of helping with problem solving efforts, providing training in RTI procedures, and teaching educators how to match assessment data to interventions.

Lewis-Moreno (2007) discusses the idea that there should be school-wide training for all educators related to ELL issues and proper instructional techniques. This author discusses how ELL students should be valued by school districts, and that the accountability for their education should not be placed upon the ESL teacher alone. Content area teachers are experts within their various subject areas, and should be trained in scaffolding techniques that are useful in working with students whose native language is not English. Students should be encouraged to try even if it means making errors, which are inevitable and should not be discouraged. Errors provide opportunities for instructional feedback and modeling from teachers, which are crucial in gaining skills.

In addition to providing training for educators in specific instructional techniques, helping students develop a strong background in their native language can promote literacy in both languages (Klingner, Artiles, & Barletta, 2006). Some students may be able to speak conversationally, but may need additional assistance with content area material in courses like science or social studies (Lewis-Moreno, 2007). For example, often textbooks that are above students’ grade level for reading are used in these classes, and challenging vocabulary is used. Lessons in these classes may be previewed in the
student’s native language, or the student may have the opportunity to be paired with a native language tutor. Students should be allowed and encouraged to use their native language when learning new material.

Implications for School Psychologists

Issues regarding the identification of ELL students for MR and LD (and special education in general) are challenges for today’s school psychologists. It is important for school psychologists to be aware of the unique challenges that ELL students face, and consider them carefully when working with these students in order to avoid misrepresentation or inappropriate placements.

Most students with academic problems are referred for evaluation for special education by a general education teacher. The teacher may refer a child to a school psychologist for assessment for a variety of reasons – the student is falling behind in his or her work, is exhibiting behavioral problems in the classroom, or is not appearing to benefit from the teacher’s instructional methods. Language and cultural differences – and not necessarily cognitive factors – could be behind any of these problems, so it is critical for a school psychologist to gain as much background knowledge of the student as possible throughout the assessment process in order to avoid a misclassification due to these types of differences. Acculturation must be taken into account when making special education placement decisions for students that are immigrants or children of immigrants. It is the duty of the school psychologist to be aware of cultural differences and the special challenges that ELL students face, and to take these factors into account when working with students.
There are many ways that school psychologists can support their school districts in assessing and classifying ELL students appropriately, in order to minimize the possibility of over or underrepresentation (or inappropriate placement) of these students in special education. School psychologists can contribute to school-based teams in many ways besides just presenting assessment results. School psychologists can pass along knowledge to teachers and administrators of specific instructional methods and educational models such as the RTI process. They can provide information by observing students in various school settings. They can help ensure that their schools are serving their students according to special education law, as well as doing everything possible to keep them in the least restrictive environment, while avoiding an incorrect and potentially stigmatizing disability label.

School psychologists are assessment experts and are integral in the evaluation process, however, they are not always the primary contact for initial general education interventions. When school psychologists can “front-load” their efforts with teachers in the early problem solving stages, it becomes more likely that quality, appropriately matched interventions will begin to be implemented earlier. Early intervention is key to making progress with any student, and it is particularly critical when instructing ELL students who may have had limited opportunities for quality instruction in the past. In cases where general education interventions are not sufficient for a student’s academic growth, early intervention will supply necessary information (such as instructional information and progress monitoring data) in order to lead to earlier evaluations and placement in appropriate educational programs. When prereferral interventions are matched to students’ problems and are implemented with integrity, mistakes in disability
classification become less likely. School psychologists must be knowledgeable in strategies that help make ELL students successful, and they must be willing to model and teach such strategies to teachers as a partner throughout the problem solving process and in the development and implementation of interventions.

In addition to prereferral interventions, the use of appropriate assessment measures is a huge concern for school psychologists. As professionals, school psychologists are required to use instruments that are psychometrically sound and are appropriate for the particular student being evaluated. In school districts where standardized tests are a required part of the evaluation, school psychologists must take into account the makeup of the norming samples as well as what the tests were designed to measure. Many tests are not normed on ELL students, making the validity of these measures questionable for this population. School psychologists may want to consider the use of nonverbal standardized tests that minimize the impact of language on the test results. School psychologists must understand the limitations of each measure that they administer, and take them into consideration when interpreting results and making decisions based off the data these tests yield.

When evaluating a student for special education services, data from many sources is needed in order to determine appropriate interventions and make a proper classification. Overton et al. (2004) conducted research of personnel involved in the special education decision-making process. They found that 83% of the participants made special education eligibility decisions without sufficient data to make such decisions. This type of practice is unacceptable. A multi-assessment approach must be utilized. School psychologists must be willing to collect and assess multiple sources of
data and not make decisions about serving students outside of the general education environment unless there is sufficient and reliable data to back up their decisions. Examples of data that school psychologists may need to collect when evaluating an ELL student for possible disability include home language surveys data, classroom data (grades), observations, peer comparison data, intervention progress monitoring, language assessments (in English and native language), and standardized testing results.

Although school psychologists may be collecting multiple pieces of data in English, best practice for evaluating an ELL student for possible disability is to assess the student in both English and his or her native language. Data gained from the student’s use of the native language can give valuable insight into whether a disability is present. The student should meet the eligibility criteria for special education in both languages (Overton, Fielding, & Simonsson, 2004).

Along with consideration of appropriate measures and multiple data sources in both languages, school psychologists must consider the student’s rate of progress with interventions. If a student makes adequate progress with general education interventions, it is unlikely that there is a disability present, and that the student may simply need quality instruction in order to close the gap between his or her performance and that of peers or the expected standard. If a student does not make progress with quality instruction and various tailored instructional strategies, it is another piece of information that could be indicative of a disability.

The majority of ELL students does not have disabilities and need English language support rather than special education. There is a spectrum with regards to services for ELL students. Bilingual education involves instruction in both the student’s
native language and in English, with a goal of strengthening skills and becoming proficient in both languages. Many schools offer bilingual education through elementary school only, and English as a second language (ESL) programming as the only option for middle and high school students, which centers on strengthening English skills for functional or conversational communication. Some schools, particularly at the high school level, offer more advanced ESL classes that focus on academic English and aim to prepare students for college-level communication. A school psychologist working with ELL students needs to have knowledge of the different ELL services that are available in the district in order to be able to make recommendations about which services would be most beneficial to a particular student, and whether ESL services, special education services, or both are needed.

It is debatable as to whether special education placement facilitates or inhibits a free and appropriate education for students, particularly ELL students. Students with special education services may receive all of their support in the general education setting, or they may receive the bulk of their instruction in a general education setting with peers but with additional skill building in a small group special education environment. This spectrum can range up to a student receiving all of their daily instruction for all subjects in a special education setting. Some students thrive when placed with their peers as much as possible, and others progress at a higher rate when they receive small group or one on one direct instruction in a special education setting. Whether a particular special education placement is restrictive or appropriate depends on the individual student and his or her needs, and it is a school psychologist’s duty to
explore these possibilities with the problem solving team prior to making placement-related decisions.

In conclusion, along with considering the aforementioned factors, it is critical for school psychologists to consider referral, instructional, and evaluation methods within the school system as a whole, rather than focusing problem solving efforts solely on the child. Strengths and weaknesses of the local school environment can be evaluated and addressed in order to better serve the needs of the children within the school system. It is also important for teams to keep in mind the rule outs that indicate that a disability is likely not present, such as a lack of instruction in the past, recent immigration, not proficient in native language, and appropriate rate of progress with intervention that is matched to needs. The more of these factors there are present, the less likely that the ELL student has a disability.

Conclusion

English language learners present challenges for school personnel in the United States with their unique and varied backgrounds and educational needs. Researchers have debated for decades about possible overrepresentation or underrepresentation of ELL students in special education, and what the implications are for such misrepresentation. It appears that currently representation of ELLs varies greatly across regions of the U.S., but that ELLs are represented similarly to non-ELLs at the national level. School psychologists have a duty to assure that appropriate instruction is taking place and that proper assessment tools and multiple data sources are used for evaluating the skills of all students, including ELLs. Early intervention and collaboration between
school psychologists, general and special education teachers, ESL teachers, administrators, and parents is key in ensuring student success and avoiding inappropriate program placements. More research continues to be needed regarding identification and placement of ELL students in special education, as well as the implications for the practice of school psychology.
REFERENCES


