Overrepresentation: An Overview of the Issues Surrounding the Identification of English Language Learners with Learning Disabilities

Elvira Sanatullova-Allison
School of Teaching and Curriculum Leadership
College of Education Oklahoma State University

Victoria A. Robison-Young
School of Teaching and Curriculum
Leadership College of Education Oklahoma State University

This paper addresses the serious and pervasive problem of the mis-identification of English Language Learners (ELLs) as Learning Disabled (LD). Recent increases in immigration make this problem all the more urgent. The paper outlines problems with current methods of differentiating between learning disabilities and language acquisition processes. These problems come in part from apparent similarities between learning struggles and language struggles and in part from insufficient or biased methods of identifying learning disabilities in ELLs. Misunderstanding, bias, and poor structuring and implementation affect both assessment-based evaluations and the Response to Intervention evaluation process. The paper goes on to suggest more effective methods that include consideration of the home and learning environments in addition to evaluation of the individual learner.

Introduction

According to the Migration Policy Institute (2015), the population of the United States has changed dramatically in the past three decades, as nearly 30 million immigrants, both authorized and unauthorized, have settled here seeking a better future for themselves and their children. Children of immigrants represent a growing share of the nation's total child population, rising from 13.5% in 1990 to 25% today. The dispersal of immigrants varies from region to region. For instance, half of all children in California are from immigrant families while more than a third of children in Nevada and almost a quarter in Washington state and Rhode Island have at least one parent who is an immigrant. Indeed, throughout the U.S., K-12 schools are enrolling almost unprecedented numbers of learners whose native language is other than English and whose culture is often substantially different from that of the school community. Furthermore, English Language Learners (ELLs) are becoming the fastest growing segment of the K-12 student population. In fact, according to the National Association of Special Education Teachers, (NASET, 2015), in the last two decades the population of students who are Limited English Proficient (LEP) has grown by 169%, while the general school population has grown by only 12%. In 2013, there were approximately 5 million K-12 students classified as ELLs, representing nearly 11% percent of public school enrollment (Migration Policy Institute, 2015).

While about 75% of ELLs are born in the U.S., many others have only recently arrived from another country and may have had limited prior schooling. Hence, K-12 schools are faced with the challenge of educating students who have different levels of primary language and literacy proficiency and varying socioeconomic circumstances. Moreover, "as immigrants have moved beyond traditional gateway states such as California, Texas and New York, and as No Child Left Behind Act provisions have made schools responsible for the progress of ELLs, school districts across the United States are having to develop educational services for this fast- growing group almost overnight (Migration Policy Institute, 2015).

"In all facets of education, a primary objective has been to match instruction services to the needs of all students" (Zetlin, Beltran, Salcido, Gonzalez, & Reyes, 2010, p. 59), which requires both a clear process as well as clear procedures. In other words, schools must align the identification and assessment with the subsequent placement of ELLs with (or without) a potential learning disability. This alignment is especially important to this particular group of students, as they now make up a sizable portion of public school population and have among the highest dropout rates in the nation (Sullivan, 2011). In Texas, for example, only 39% of ELLs received high school diplomas compared to 78% of all students (Migration Policy Institute, 2015).

According to a report by Batalova, et al., (2007), over half of LEP adolescents are U.S.-born second and third generation children of immigrant descent. These data suggest that U.S. schools are not adequately addressing the language needs of these students. If U.S. schools were adequately addressing the language needs of 1st-3rd generation immigrant children, then U.S.-born 2nd and 3rd generation immigrant children would not be LEP because the adequate schooling would have compensated for growing up in a home where English was not spoken. Consistently, wide achievement gaps between LEP and non-LEP students on statewide tests indicate significant instructional challenges across all states.

Although we refer to these learners as a group, our challenge as educators is that they are not a uniform group and no simple solution can address all the struggles that both students and schools encounter. In the following section, we reveal problems with the current identification methods, many of which fail to distinguish between students struggling with learning a language and students with genuine cognitive disabilities. After outlining the problems, we will suggest more effective methods for effectively identifying the differences between language difficulty and learning disability.

Problems with Current Identification Methods

Standard 4.a. "Issues of Assessment for English Language Learners" in the TESOL/CAEP Standards for P–12 Teacher Education Programs states that teachers need to "demonstrate understanding of various assessment issues as they affect ELLs, such as accountability, bias, special education testing, language proficiency, and accommodations in formal testing situations" (TESOL, 2010, p. 56). More specifically, teachers should

> …work with other professionals (e.g., speech pathologists, psychologists, special educators) who assess ELLs in order to distinguish the differences among normal language development, language differences, and learning problems. They understand that learning problems, as well as factors identifying gifted and talented students, should be verified in the student's native language, if possible. [Teachers] use multiple sources of information (e.g., native language assessment, home contacts, other teachers, other learners from the same cultural group, teaching style, the curriculum) to make appropriate adjustments before concluding the problem resides within the learner and making a referral for special education. (TESOL, 2010, pp. 56-57)

In an ideal situation, schools would follow this standard to the letter, and ELLs would receive precisely the services they need. However, in actual practice, the "identification of English Language Learners with learning disabilities is hampered by a lack of theory and empirical norms that describe the normal course of language and literacy development for English Language Learners and the individual, school, and social factors that relate to that development" (Wagner, Francis, & Morris, 2005, p. 13).

Due to the need for better identification models, there will continue to be an over representation of ELLs, who are both linguistically and culturally diverse, in special education. ELLs are currently being under served in the public school system through either a lack of services and supports or through the mis-classification of students with language acquisition problems as students with learning disabilities. Specifically, students with learning disabilities and those with second language acquisition issues are hard to differentiate due to similarities in learner characteristics, such as poor comprehension, difficulty following directions, errors in syntax and grammar, as well as difficulty completing tasks (Chu & Flores, 2011).

With nearly one in five students in the public school system today speaking a language other than English at home (Wagner, Francis, & Morris, 2005), solving the myriad of issues surrounding the valid and reliable identification of individuals with (or without) a learning disability who are English Language Learners, is

imperative. To clarify, a learning disability refers to "disorder in one or more basic psychological processes involved in understanding or using language, spoken or written that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations" (Chu & Flores, 2011, pp. 244-245).

Language acquisition problems, on the other hand, have to do with comprehensible input. The language learner needs clarity of input, substantial quantity of input (especially if English language input is not received at home), and contextually-driven input. Without this rich background, language acquisition becomes nothing more than rote memory. When this happens, it only hinders both language acquisition and academic success.

Klinger (2015) outlines how to differentiate the language acquisition process from learning or language disabilities when placing ELLs into special education:

> When distinguishing language acquisition from LD, many factors must be considered. It is important for teachers to understand the second language acquisition process, to recognize possible characteristics associated with LD, and to look at the quality of instruction to determine whether students truly have received an adequate opportunity to learn. (p. 1)

Since it is important for educators to be aware of possible characteristics associated with LD and how these may manifest in students acquiring English as an additional language, Klingner (2015, p. 3) further provides a table representing some of the characteristics of language acquisition that can mirror LD:

Some Similarities Between LD and Language Acquisition	
Behaviors Associated w/ LD	**Behaviors when Acquiring an L2**
Difficulty following directions	Difficulty following directions because the directions were not well understood; it can be harder to remember directions in a second language.
Difficulty with phonological awareness	Difficulty auditorily distinguishing between sounds not in one's first language, or sounds that are presented in a different order.
Slow to learn sound-symbol correspondence	Confusion with sound-symbol correspondence when it is different than in one's first language. Difficulty pronouncing sounds not in the first language.
Difficulty remembering sight words	Difficulty remembering sight words when word meanings are not understood.
Difficulty retelling a story in sequence	Difficulty retelling a story in English without the expressive skills to do so; yet the student might understand more than s/he can convey (i.e., receptive skills in English might be stronger than expressive skills).
Confusion with figurative language	Confusion with figurative language, idioms, pronouns, conjunctions, and words with multiple meanings.
Slow to process challenging language	Slow to process challenging language because it is not well understood.
May have poor auditory memory	May seem to have poor auditory memory if sounds or words are unfamiliar or not well understood.
May have difficulty concentrating	Learning in a second language is mentally exhausting; therefore, ELLs may seem to have difficulty concentrating at times.
May seem easily frustrated	Learning in a second language can be frustrating.

Because the mis-classification of a student as LD creates a lifelong label and a potential stigma, it is imperative that schools resolve the issue of correct identification, assessment, and subsequent placement of ELLs. Some of factors that contribute to this rampant and unfortunate problem are the following: inconsistencies in approaches to identification, biases in assessment, and variety of instructional practices and learning environments (Institute of Educational Sciences, 2010). This paper focuses specifically on the valid and reliable identification of ELLs who might have a learning disability, through assessment-related identification. Two of the most widely used methods of identification today are Assessment of Intelligence Quotient and Response to Intervention (Chu & Flores, 2011). By reviewing each, we hope to obtain a clearer understanding of how they contribute to the over representation of ELLs in special education.

Assessment of Intelligence Quotient

The structure of the Intelligence Quotient assessment puts ELLs at a disadvantage. Merriam-Webster defines an Intelligence Quotient, or IQ, as a number used to express the apparent relative intelligence of a person: as (a) the ratio of the mental age (as reported on a standardized test) to the chronological age multiplied by 100, (b) a score determined by one's performance on a standardized intelligence test relative to the average performance of others of the same age. Assessments related to this quotient are evaluated on the basis that the majority of individuals who take them will fall within a normal range. However, there are several forms of bias inherent in the creation and evaluation of these assessments that disadvantage ELLs.

Familiarity with English accounts for at least 50% and up to 90% of test variance found within IQ tests (Zetlin, Beltran, Salcido, Gonzalez, & Reyes, 2010). As a basis for a referral to special education, these assessments do not lend themselves to valid, reliable results, given the biased nature upon they are built. Many other forms of bias have been found within IQ tests, such as item or sample bias, sociocultural bias, and proficiency bias.

Another form of bias is that of teacher expectations—before or after the test is administered—which tend to be lower for ELLs than for other students. Because these lower expectations may become a self-fulfilling prophecy of failure, the ELLs' opportunity to learn is diminished. As such, they experience yet another bias, giving them fewer chances to succeed in their educational experience than their English-only peers. In a number of different ways, the creation, administration, and use of IQ tests is not fair and equitable particularly for ELLs.

Response to Intervention

Johnson, et al., (2009) define Response to Intervention as:

"a multi-tiered instructional and service delivery model designed to improve student learning by providing high-quality instruction, intervening early with students at-risk for academic difficulty, allocating instructional resources according to students' needs, and distinguishing between students whose difficulties stem from experiential and instructional deficits as opposed to a learning disability."

(p. 174)

Typically, Response to Intervention takes place within a general education setting. The classroom teacher administers the first level of intervention, helping approximately 80% of the class achieve the expected norm. Then, after evaluation, the teacher administers another form of intervention, in order to propel another 15% of the

class into the realm of achievement. This might come in the form of peer-tutoring, small group work, or some other, more personalized intervention. Finally, approximately 5% of the class is assessed for prereferral to special education, due to a persistent and significant gap in achievement. (This deficit is usually derived through gap analysis, or the difference between the ideal result or standard desired and the individual's actual, real achievement (Rueda & Windmueller, 2006).) Because the students' responses to the first and second intervention were not enough to achieve the required standard, the school and teachers must administer further measures. If a student is eligible for special education services, an IEP (Individual Education Plan) team will determine what the necessary measures are and how they will be administered. These students will be evaluated for specific problems, and a plan will be created so that they remain in the LRE (least restrictive environment) while obtaining the services and support they need to achieve success at normal levels.

Gauging each student's response to intervention can be beneficial because doing so measures both where they are and what they need, presumably. However, it can also open the door to bias created by the teacher's expectations, or lack thereof. Another issue is that of the lack of professional development for teachers regarding language acquisition skills (Zetlin, Beltran, Salcido, Gonzalez, & Reyes, 2010). With such a high population of ELLs in our public schools today, more attention must be given to the development of these skills, in order to avoid problems such as the ones addressed here.

Research Findings and Suggestions

With up to 90% of students at some point referred for special education eligibility (Zetlin, Beltran, Salcido, Gonzalez, & Reyes, 2010), the over representation of ELLs in the learning disabled category is drawing more attention than ever. "If the validity of educational decisions can be ensured, relative risk of identification for special education eligibility would be less of a concern because the assumption that students were receiving inappropriate services would be bypassed" (Sullivan, 2011, p. 328). The question is how schools can ensure the validity and reliability of the testing of students whose first language is not English.

Current findings indicate that "frameworks to evaluate and monitor procedures can provide the necessary feedback to improve and adjust screening procedures" (Johnson, Jenkins, Petscher, & Catts, 2009, p. 184). These frameworks involve a multilevel approach focusing on the whole educational milieu rather than just on the individual learner, as is the case currently. A focus on individual cognition and motivation is paired with a focus on social interaction and environmental factors such as effective instruction. On top of that layer,

institutional and community ideals are aligned to maximize equity, efficacy, and efficiency. For this to work, clear policies must be communicated at all levels, and the focus must be on local needs. Professional development is also necessary, in order to maximize instructional and environmental effectiveness. The following instructional guidelines were made by the National Research Council (2002) regarding the effective teaching of English Language Learners: build and use vocabulary as an instructional anchor; use visuals to reinforce concepts and vocabulary; scaffold learning through peer-tutoring and cooperative learning; strategize the use of a student's first language; and modulate cognitive and language demands, as not to overload the student and raise their affective filter.

Klingner, (2015) provides an example of this by suggesting that educators should use a hypothesis-driven approach when determining whether an ELL has a learning disability.
Educators should begin the referral and evaluation process by exploring the hypothesis that the causes of the student's learning difficulties are primarily external factors. When conducting the   assessment, they should do so with the notion that there is nothing wrong with the individual and that systemic, ecological, or environmental factors are the primary reason for learning problems. The next step is to maintain this hypothesis until data suggest otherwise and all plausible external factors have been ruled out. The point is not to look for whom or what to blame for a child's struggles, but rather to understand the multiple complex factors affecting the child's learning and   performance.

Klingner especially emphasizes the importance of an ecological framework to determine   whether an ELL has a learning disability. It takes into account contextual and intrinsic factors that can affect a student's performance and has four main elements (2015, p. 8):

- a systematic process for examining the specific background variables or ecologies of ELLs (e.g., first and second language proficiency, educational history, socioeconomic status, cultural variables);
- information gathered through a variety of informal and formal assessments;
- examination of the appropriateness of classroom instruction and the classroom context based on knowledge of individual student factors; and
- nondiscriminatory interpretation of all assessment data.

However, as Burr, et al. ,(2015) summarize in their report, no single method has proven effective in differentiating between ELLs who have difficulty acquiring language skills and those who have learning

disabilities. Consequently, misidentified ELLs can end up in classrooms or programs mismatched to their needs, which could hinder their academic achievement. Nonetheless, Burr, et al. contend that a structured process that uses key data to answer the following questions may be the most effective approach to deciphering whether an ELL's academic difficulties are caused by a learning disability or by struggles with acquiring a new language or some other factors (2015, p. i):

- Is the student receiving instruction of sufficient quality to enable him or her to make the accepted levels of academic progress?

- How does the student's progress in hearing, speaking, reading, and writing English as a second language compare with the expected rate of progress for his or her age and initial level of English proficiency?

- To what extent are behaviors that might otherwise indicate a learning disability considered to be normal for the child's cultural background or to be part of the process of U.S. acculturation?

- How might additional factors – including socioeconomic status, previous education experience, fluency in his or her first language, attitude toward school, attitude toward learning English, and personality attributes – impact the student's academic progress?

Conclusion

Inevitably, English Language Learners will struggle to acquire a new language, as any individual would, but that is not to say that they have a learning disability. Rather, it is a sign that they, like those students with an actual learning disability, need an equitable, informed way to learn and be academically successful. Current literature suggests that this can be accomplished through the following: adequate professional development of both general and special education teachers regarding language acquisition; alignment and clarity of policy at all levels of academia, especially identification and assessment of individuals at risk for having a learning disability; the proper use and evaluation of individual response to intervention and accommodations in the learning environment; an approach to assessment for learning disabilities that includes environmental factors of both the school and home; and finally, a reduction in bias through an attitude by individuals at all levels that is both informed and motivated.

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