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**Issues in Equitable Education for Culturally and Linguistically
Diverse Students: Process, Placement, and Advocacy**

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*Dedicated to my beautiful mother, Carmel O'Hanlon,
who always believed that this dream would become a reality.*

Thank you for encouraging me to spread my wings!

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by

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The University of Texas at Austin, 2015

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Abstract: Disproportionate representation of culturally and linguistically diverse students in special education is a threat to equality in education. Review of literature reveals that there are several concerns that contribute to the disproportionate number of CLD students; these include student factors, such as their educational background and English proficiency. Systemic issues, sociocultural elements, considerations in pedagogy, possible invalidity of assessments may also contribute to the inappropriate referral to the eligibility process for special education.

These, whether individually or combined, can lead to a misplacement of a student into special education. Empirical research reveals both an under- and overrepresentation of CLD students in special education classrooms. For students who are not referred to testing for special education, or for students whose referral is delayed, their achievement and participation in school will suffer detrimental effects from the lack in early intervention. The academic, social, and emotional progress of students that are referred to testing and placed in special education when their struggle is linguistically-based may be hindered and there is a risk of stigmatization. Recommendations for intervention and prevention are offered, as well as areas of possible future research.

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Introduction

In *Lau v. Nichols*, the ruling of the Supreme Court stipulated that “*identical* education does not constitute *equal* education” (Samway and McKeon, 2007, 73). Seven years later, the federal court decision of *Casteñeda v. Pickard* (1981) outlined three principles necessary for the basis of school curricula: educational theory, instructional practices, and effective results. U.S. public education institutions are seeking to fulfill the guidelines of these landmark pieces of legislation, and their success is becoming increasingly important in the present time.

According to data from the National Institute of Child Health and Human Development, a language other than English is spoken at home by approximately twenty percent of people older than five (Klingner, Artiles, & Barletta, 2006, 148), and this number is expected to increase. In a time of many educational reforms and increasingly diverse classrooms, the expectation is that public school educators will be equipped with the knowledge and strategies to deliver an equitable education for students with a wide variety of backgrounds and learning needs. Students whose first language is not English are at a risk of not being identified when they have a disability, and as a result having their social, emotional, and academic needs unmet or, conversely, being labelled as needing special education services when their struggle is linguistically-based. This mislabeling has serious ramifications with regard to their academic trajectory and the opportunities available to them in the future.

With the number of students speaking a language at home other than English on the rise, there needs to be a focus on the development of teacher education programs and public school procedures and curricula that serve the population of English language learners. Recognizing students who are linguistically diverse is the first step in defining their needs as they relate to the school context. Callahan, Wilkinson, and Muller (2010) claim that “the complex relationships among language minority status, English proficiency, and the tools used to measure this proficiency” interact, but the “lack of a uniform definition of ELL is but one factor that may contribute to lower educational achievement” for these students (p. 86). Literature regarding linguistically diverse students have referred to them with varying terms over the years; Limited English Proficiency (LEP), English as a Second Language (ESL), English language learner (ELL), culturally and linguistically diverse (CLD), and, more recently, emergent bilinguals. For the purposes of this paper, English language learners (ELLs) and culturally and linguistically diverse (CLD) will be the terms commonly used.

In the process of identifying CLD students eligible for special education services, student factors, socio-economic and cultural considerations, and issues in pedagogy and assessment are interconnected and play a major role. The role of the educator and availability of resources are equally influential in determining the presence of a disability and addressing it. If school officials have determined the existence of a disability, and have taken the possibility that it is only a language difference out of the equation, the decision on the appropriate educational context for the student must be made. This lengthy and complex process often leads to a disproportionate representation of CLD

students in special education, alarming to advocates of social and educational justice for children everywhere.

This report will examine the challenges to accurate identification and the placement of English language learners in special education. Unfortunately, English language learners have too often been misdiagnosed as having learning disabilities, and the resulting under- and overrepresentation of these students will be discussed. Recommendations for best practices are considered, as well as an area for further study.

Chapter 1: Student Factors That Affect Learning

Overview of Student Factors

At the heart of the discussion is whether the underlying challenge in identification and placement of culturally and linguistically diverse students can be attributed to mitigating factors surrounding the child or if causation can be traced to systemic influences. The learning preferences of the child can be further influenced by their culture, with the potential to be misunderstood by educators in the contexts of a U.S. public education institution.

James Banks (1995) conceptualizes multicultural education as having five parts: content integration, the knowledge construction process, prejudice reduction, an equity pedagogy, and empowering school culture and social structure (392). These components work together with the purpose of reforming the view of the cultural and linguistic majority to one of appreciation for diversity and to give a voice to those individuals who are members of minority groups. Without this feeling of inclusion and engagement in the school community, minority students may feel isolated. Proper implementation of principles of multicultural education is important in order to prevent these feelings of isolation. In addition, to ensuring students' emotional well-being, differences in language use and behavioral expectations can affect student learning.

The language community that the student comes from is highly influential to the student's ability to navigate his/her school community with respect to cultural competence and development in English proficiency. Linguistic differences such as

dialect, function of language use, and nonverbal communication strategies (Garcia and Malkin, 1993, 52) impact the ability to adjust and can deter students from full academic and social participation. Further, when implementing multicultural education, Garcia and Tyler (2010) identify linguistic and socio-cultural implications for the student. Students will be learning to develop their language skills in ways that are pragmatically and culturally appropriate for the academic and social contexts they are exposed to at school. The presence of a disability may cause “greater difficulty decoding new vocabulary, visual or auditory processing, retaining new information, and/or organizing ideas” (p. 116).

Many acceptable behaviors common in U.S. public institutions may differ substantially from those which students may have been raised. This mismatch in expectations may emerge when the student is introduced to classroom practices such as “independent seatwork, self-direction, and competition” (Garcia & Malkin). In terms of social and collaborative skills in the classroom, “turntaking behavior, greeting conventions, proximity, and rules of conversation” (p. 54) may be governed by different values from students’ own cultural context.

The student’s previous experiences in education is certain to impact their attitudes, progress, and achievement in school. In discussing the conceptual model of language learning as interconnected academic, cognitive, sociocultural, and linguistic processes, Collier (1995) directs attention to the experiences in formal education students received in their first language and their achievement in acquiring a second language. Students are subjected to social and cultural contexts that influence their language

acquisition. Collier, a pioneer in the study of how the literacy and use of an individual's first language impacts the development of his/her second language, contends that "academic skills, literacy development, concept formation, subject knowledge, and learning strategies developed in the first language will all transfer to the second language" (317). Therefore, if students were denied an education or if that education was interrupted sporadically, they may not have the background knowledge, foundational skills, or literacy development comparable to that of their classroom peers.

Linguistic Development of Students

An educator without a background in second language acquisition may misunderstand observations of students' linguistic performance and come to the conclusion that the student has a learning disability or speech/language impairment. Whereas educators with experience in the field of linguistics may interpret the same performance in a language learner's speech as the process of language acquisition. Understanding and identifying the differences between normal stages of language acquisition and when the line crosses into special needs is important for offering strategies to best suit students' specific learning needs.

Ortiz and Maldonado-Colón (1986) outline linguistic behaviors of language learners and state that these behaviors "directly or indirectly related to linguistic proficiency constitute the most frequent reason for referral of language minority students" (46). If teacher preparation programs have not adequately prepared a professional for behaviors such as code-switching and overgeneralization, these may

appear indicative of a learning disability or speech/language impairment. In fact, these can be part of the normal process of acquiring a second language.

Code-switching, the intermingling of two languages when speaking, is often interpreted as a sign of lack of proficiency or as having some type of speech/language disorder. Ortiz et al. (2011) argues that “this interpretation disregards the fact that some children are exposed to mixed language models in their home and community” (p. 47). This can be particularly true if students’ parents are not fully proficient in English and need to incorporate words from their first language to accomplish everyday tasks. In the case of the parents, code-switching may compensate for lack of proficiency but for the children, it is a learned behavior.

Code-switching by an individual involves accessing information from all of their linguistic repertoires. An empirical study by Ribot and Hoff (2014) examined the possible explanation behind asymmetrical code-switching among bilingual toddlers and categorized four possible reasons for the code-switching in the participants that they studied. One possibility is that toddlers’ word choice may reflect their perception of language dominance in society. A second explanation is similar to that offered by Ortiz and Maldonado-Colon (1986), in that the language choice of the toddlers may be based on what they hear in the home in which they are being raised. Additionally, the results indicated that the toddlers may choose the language based on the language understood by the other individual or by the proficiency in their expressive skills in the language of the interlocutor. Ribot et al. cite several sources that state, “the degree to which parents model code-switching in their own speech and the degree to which parents accept

children's code-switched responses have been found to influence children's code-switching behavior" (p. 339). In reflecting on all of the possible reasons that students code-switch, the act itself is not necessarily indicative of a disability.

Overgeneralization is a phenomena that transpires with both first and second language acquisition alike. Hummel (2014) defines overgeneralization as "typical errors" that occur and "indicate that learners are attempting to increase their mastery by relying on information they already know" (p. 24). Similar to code-switching, a student's overgeneralization of linguistic practices does not definitively indicate that a disability exists, but rather is an indication that students are attempting to apply linguistic knowledge that they have to contexts for which it does not grammatically fit.

Awareness of Cummins' two theories of linguistic proficiency should be considered by educators before assuming the existence of a disability. Cummins posits that language learners develop skills that function at two levels. The first, Basic Interpersonal Communicative Skills (BICS) are "useful in carrying out face-to-face personal communication" (Hummel, 2014, p. 195). The rate at which individuals can effectively use BICS is affected by many variables, but the process at which they can effectively develop these skills can span between two to five years. The second type of skills, the ones necessary for the increasingly rigorous academic tasks of school, are referred to as Cognitive Academic Language Proficiency (CALP). The build-up of vocabulary and understanding of linguistic phenomena (syntax, morphology, etc.) of CALP also has a varied duration, but a language learner may need between four and seven years of instruction, experience, and exposure.

Chapter 2: Challenges to Identification

Systemic Issues

Systemic issues are considered by many to be the underlying problem with the disproportionate representation of English language learners in special education. These systemic issues manifest themselves through the organization of guidelines, the process of determining eligibility, and availability of resources.

One systemic issue is the way in which top-down, national policies fail to show how educators should address the needs of English language learners with disabilities. In a study conducted by Scott, Hauerwas, and Brown (2014), the guidelines and policies of all fifty states for addressing the needs of culturally and linguistically diverse students were examined. Through the comparison of documents available on state websites related to CLD students who may also be eligible for special education services, the authors classified each state into one of four categories according to how specific their recommended practices were. The results of this study indicated that the vast majority of states (thirty-six) “did not specifically address CLD students beyond the language that is included in federal regulations” (175). Conversely, nine states that were examined had policies that went beyond the federal requirements and specifically outlined their policies and practices and the specific learning needs of CLD students were addressed. For five states the importance of using evidence-based practices were implied, but no specific expectations for educators were included.

In addition to system issues, Rueda and Windmueller (2006) believe the combination of institutional, classroom, and individual student variables is more important to analyze, rather than one of these factors taken individually. Lack of consideration of local and educational contexts, which would be directly influential on students' progress and outcomes, manifest into "solutions that are meant to be universally applicable" contribute to the needs of culturally and linguistically diverse students not being addressed (103).

Ortiz (1997) traces the source of underrepresentation of CLD students in special education to the process of determining eligibility, specifically at the pre-referral stage. At the same time, Ortiz believes that the unnecessary placement of ELLs in special education classrooms is based on "a lack of knowledge about the linguistic and cultural characteristics" of ELLs (322). Ortiz offers several possibilities for the cause of educators failing to refer struggling ELLs for special education testing. The possibility exists that teachers incorrectly assume that the linguistic difference and slow acculturation are the basis of students' academic difficulties.

In other situations, the failure to evaluate students for special education services may even come from the upper echelons of the individual school system. From Ortiz, there are three reasons that school districts may decide not to pursue testing of ELLs for the presence of a disability. The primary reason is simply that the school district may not have a professional with the knowledge to assess CLD students and the experience to distinguish the difference between a learning disability and the unfinished process of English language acquisition. The second reason is closely tied to this; school districts

may “fear they will not be able to defend assessment procedures” (322). Finally, in the event that the CLD student is deemed eligible for special education services, the school district may not have the personnel with the unique qualifications needed to deliver the necessary supports for the student’s disability and addressing the student’s needs in a culturally and linguistically appropriate manner.

Disconnect that develops between what is socially acceptable between the CLD students and their educators, who are often a part of the ethnic majority, can result in teachers’ misunderstanding of students’ behavior and their academic work. As stated by Ortiz (1997), “if student failure can be attributed to the teacher’s lack of understanding of diversity, the use of inappropriate curricula or materials, or ineffective instructional practices” (324), then referral for testing for special education services may not be called for. Hence, proper teacher preparation, checking for students’ response to instruction and materials, and educators’ awareness of diversity are all crucial.

Ortiz, Robertson, Wilkinson, Liu, McGhee, and Kushner (2011) emphasized the important role that special educators play in the eligibility process. The need for the referrals to be based on informed, unbiased observations is important because teachers are often the first reporters in the path towards eligibility and “referrals almost always lead to special education placement” (325). Out of ninety percent of students that go through the referral process, approximately seventy to seventy-four percent are determined to be eligible for special education services (325). This number is substantial given that this number affects the long-term academic opportunities of ELLs.

When teachers' inappropriate referral of CLD students to special education testing occurs it can stem from their own cultural bias and a mismatch of expected behaviors. Obiakier (2007) states that "biased general and special educators predict doom for some multicultural learners who fail to conform to their unidimensional standards" (150). Educators may not realize they are expecting conformity from their students, because they themselves accept these behaviors and attitudes as normal functioning in the school context.

The failure of CLD students to conform to the expectations of the ethnic majority may disconnect educators and students; educators may be frustrated at the difference in behavioral outcomes and students may experience frustration at the feeling that their voices are suppressed and the apparent lack of appreciation towards their culture/language.

Socioeconomic and Cultural Contributions

Alongside the systemic and pedagogical issues that arise in the process of identifying culturally and linguistically diverse students with disabilities are other factors that need to be taken into consideration. Socioeconomic status and cultural background of the students can have a considerable influence over the ability and willingness of their families to participate in the child's academic progress. Often, CLD students may come from low socio-economic backgrounds.

Solari, Petscher, and Folsom (2012) cite Capps et al. (2005) in connecting the obstacles that school professionals face supporting CLD students with learning

disabilities due to cultural factors and the increased likelihood that language-minority students come from families with a lower socio-economic background. In an empirical research study in which they evaluated the literacy growth of over one million students, the authors compared general education students with those in the high-risk groups of ELLs, students with learning disabilities, and ELLs with a specific learning disability. The results indicated that the group with the lowest literacy growth over the school year was the one in which students were identified both as being ELLs and having a disability.

Garcia, Wilkinson, and Ortiz (1995) also acknowledge that educational opportunities for ELLs are impacted by socioeconomic factors. Often, “language minority families tend to be disproportionately poor, as compared to their White counterparts” (p. 450). Children coming from single-parent or low-income home do not have equal access to educational materials and incidental learning experiences as children from middle-income homes. Summarizing this point, Samway et al. states that “low-income neighborhoods are home to immigrant, ELL families, and these neighborhoods typically have far less access to print than middle-income neighborhoods” (2007, 61). Less access to print and opportunities for knowledge expansion are problematic for low socio-economic students, as this may cause them to come to school with less background knowledge and skills necessary for learning than their peers.

Shifrer, Muller, and Callahan (2011) cite Skiba’s (2008) findings that racial/ethnic minorities, who are at an increased risk for being over-identified as having certain disabilities, as being “more likely to attend high-poverty schools” (p. 248). Low socio-economic status has serious health implications for the children growing up in these

households, including “poor nutrition, health, or chronic stress” (p. 248), which may negatively impact their brain development. Garcia et al. (1995) state that stresses related to poverty impact the families of the student and affect their ability to act as the support network that educators are seeking. Family members or guardians may be at risk for problems with drug, alcohol, or substance abuse and those who have had negative school experiences themselves may not act in ways considered unsupportive by school officials.

Culture is an important factor when evaluating students for disabilities and for building a relationship with CLD parents when/if disabilities have been identified. Garcia, Mendez Perez, and Ortiz (2000) state that “if they do not believe that their children have disabilities, parents may attribute their children’s problems to a variety of other factors” (p. 93). The support of the parents is crucial in providing students with the best support network possible. Their disbelief in the existence of their child’s disability may stem from their desire to not have their child stigmatized or their own culture may view individuals with disabilities as being inferior. Not being convinced of the presence of a disability may inadvertently cause parents to thwart efforts by school officials to enacting intervention efforts.

In Garcia et al. (2000), a review of a study performed by Mendez Perez (1998) was reviewed. Mendez Perez sought to explore the beliefs and concerns of mothers from a language-minority background who have children diagnosed with developmental delays. The sample size of the study was very small; the subjects were seven mothers of Mexican origin who were all monolingual Spanish speakers. All of the mothers were from a low socio-economic background and had a child who had been diagnosed with a

communication disability. The mothers that participated in this study did not believe that their child had a communication disorder, “nor were they concerned about the children’s language development in relation to expected milestones” (p. 93).

With respect to ELLs and their families, Garcia et al. state, “historically, families who do not share the values, traditions, and beliefs of the dominant society have been perceived as contributors to the problem” (p. 90). Rather than take the viewpoint that families contribute to the problem, three alternative possibilities are suggested to explain the beliefs of the mothers that their children do not have disabilities.

First, the mothers in this study may have different developmental expectations than those of Early Childhood Intervention service providers. Secondly, the cultural connotations that these mothers have of terms such as “language disability” and “developmental delay” may differ from those of individuals who work in Early Childhood Intervention services. Finally, the monolingual Spanish-speaking mothers may be experiencing difficulty in communicating with the Early Childhood Intervention providers. This breakdown in communication is problematic when discussing observations of children’s capabilities and struggles and can be detrimental to the implementation of interventions. Additionally, it is interesting to note that the authors argued that the knowledge of their child’s communication disability did not affect their belief that their child had the ability to learn English.

Gunderson and Siegel (2001) discuss cultural problems in using intelligence tests to assess CLD students for discrepancies between their ability and their achievement.

The accuracy of intelligence tests is compromised when administered to students with diverse cultural backgrounds and experiences. The tests themselves are culturally-embedded and the authors contend that, “an IQ test is not culture free, because background is important, nor is it language free, because it requires knowledge of English” (p. 49). Differences in cultural norms can have a negative impact on the students’ performance if they do not possess test-taking strategies necessary for the types of assessments they are expected to take in the U.S. public education system. Gunderson et al. give the example of the dilemma that arises when an individual coming from a “culturally based slow, deliberate style” not performing well when points are valued on a subtest for how quickly the questions are answered (p. 49). This is also seen when applied to the competitive nature that is cultivated by some cultures, but not appreciated the same way in others. In the dominant U.S. culture interpersonal skills, cooperative learning, and student-centered learning are commonly-used classroom practices. If the students’ cultural backgrounds value independent, teacher-centered learning the conditions for student success are not optimal.

Hibel and Jasper (2012) cite research by Carter (2003), Farkas et al. (1990), and Oakes (2005) that “teachers are more likely to regard minority students as poorly behaved or as possessing lower academic ability than non-Latino white student based in part upon minority students’ distinct cultural repertoires” (p. 506). Garcia et al. (1995) similarly argue that often blame is transferred to the student when there is a cultural disconnect, stating that “the expectation is that student behavior must be modified to comply with the demands of the academic environment” (p. 442). When confronted with

student behavior that may be inappropriate for the school context, teachers should consider that the behavior may be acceptable or reflects values in the culture of the student.

In the study performed by Paneque and Barletta (2006), the participants, special education teachers with a range of experience, indicated that they value the communication with parents of their CLD students with disabilities and the support that the families can provide. Garcia et al. cites Jones (1995) and finds that “educational reform efforts have often focused on helping these families conform to the system’s expectations for them” (p. 442). To foster the connection with families, teachers may try to invite their participation by communicating with families in ways that are preferred by them. Valuing their participation may mean extending an attitude of compassionate understanding that these families, in the way that reflects values cultivated in their culture, want the best for their children. Rather than attempting to mold CLD families into the values and style of the majority, open communication may be fostered with more success by becoming informed on their culture and its communicative practices.

Garcia and Tyler (2010) touch upon the importance of validating students’ cultural backgrounds in the classroom. With CLD students that have been identified as having disabilities, the stigmatization and isolation can work against them from two angles. First, students from diverse linguistic and cultural backgrounds may not identify with the classroom content and material if the curriculum is heavily embedded with elements of the mainstream culture. This lack of connection to the content and materials has negative implications for instructional strategies and activities, such as schema

activation. Additionally, if students feel that their own experiences, backgrounds, and cultural values are different from that of the mainstream culture present in their classrooms then they “may also experience isolation as a result of their status as perceived outsiders” (p. 116).

Secondly, the culture that students come from may impact their view of what it means to be an individual with a disability. “Portrayals of people with disabilities and/or people from their communities (or lack thereof) in school materials and activities” (p. 116) may bring negative or unwanted attention to their status as both a CLD student and as a student with a disability. This will have an impact on their academic progress, social/emotional wellness, and confidence in their identity as an individual.

Considerations in Pedagogy

Legislation can often be the turning point in ensuring the provision of equitable opportunities for individuals. The Supreme Court case of *Lau v. Nichols* laid the groundwork for educators to be aware of the varying abilities and needs of linguistically diverse students.

There are a number of pedagogical elements that enhance or detract from the progress and educational experiences of English language learners. These pedagogical factors include teachers’ sense of self-efficacy and instructional practices they choose to use. Teacher self-efficacy and the awareness that teachers have towards the unique needs of culturally and linguistically diverse students with special needs affect their ability to design and implement instructional practices that further students’ progress.

An influential factor affecting special education teachers that work with ELLs is their sense of teacher self-efficacy. In an empirical study performed by Paneque and Barbetta (2006), teachers were examined in order to determine which variables affected their sense of self-efficacy. These variables include programs of teacher preparation, years of teaching experience, and the socio-economic background of students in the classroom.

For the purposes of their study, Paneque and Barbetta (2006) defined teacher self-efficacy as “a teacher’s belief in his or her capability to organize and execute courses of action to successfully accomplish specific instructional tasks” (p. 171). The authors cite many positive outcomes of high levels of teacher self-efficacy, including the achievement and motivation of students, creativity and successful implementation of classroom management strategies, an increased ability to work with struggling students, and fewer referrals to special education. The effects of positive teacher self-efficacy may increase an educator’s motivation to bring an optimistic attitude into the classroom, effecting students’ perception of their school experience and their overall feeling of connection to their classroom community.

In looking at predictors of teacher self-efficacy among special education teachers that work with ELLs, Paneque and Barbetta evaluated input from the educators about what they found to be helpful when making informed decisions about services the students may need. The results of this study indicated that overall the self-efficacy of special education teachers was high. As compared to variables such as teacher preparation, years of teaching experience, and socio-economic background of the

students, the students' linguistic capacities was more influential on the educators' sense of self-efficacy.

Procter (1984), cited in Chu, 2011, recognized the danger of low teacher self-efficacy in stating "that teachers were less likely to direct instruction to students for whom they have low expectations and will ultimately place fewer demands on these students for class performance, homework assignments, and overall academic effort" (p. 392).

An educator's belief about his or her ability to positively impact students' progress is not a self-contained box; higher levels of teacher self-efficacy may impact the emotional investment they feel towards their instructional practices and confidence in students' abilities to progress. The power of positivity can also be connected with the belief of Garcia et al. (1995) that "as the quality of instruction is diminished over time for specific groups of students, this alone could explain differences in achievement" (p. 446).

Chu (2011) conducted a pilot study to examine to study teacher's beliefs about their self-efficacy as it relates to CLD students. The author used online survey questionnaires completed by in-service special education teachers, who have worked or are currently working in an urban school with ELLs. The participants of the survey questionnaires were comprised of twenty-seven female and four male respondents, with teaching experience ranging from one to fifteen years teaching.

The results indicate several ways in which high levels of teacher efficacy can be influential in the classroom. The responses to the survey questions indicated that 61% of

the teachers were “uncertain about whether encouraging the use of students’ native languages would positively relate to their learning outcomes” (p. 406). This may be connected with the sixty-eight percent of educators that indicated that they were only comfortable using English in the classroom (397), however research regarding inclusion of students’ native language as a resource reveals that it is beneficial. This highlights the importance of including foundational theories of bilingual and English as a Second Language education in teacher preparation programs and as a part of routine teacher development workshops for those who are responsible for ELLs.

Chu (2011) states that this “calls attention to the fact that special educators who serve students from diverse linguistic backgrounds should receive adequate preparation related to bilingual education and/or English as a second language” (p. 406). Without adequate preparation, educators will not have the knowledge to adapt instruction and use strategies that specifically target the needs of CLD students. Garcia, Wilkinson, and Ortiz (1995) assert that,

effective instructional approaches incorporate students’ culture and language in the teaching-learning process, communicate value and respect ...for the students’ own diverse backgrounds, and reinforce their cultural identity, while at the same time teaching critical language, academic and social skills. (p. 455)

From a pedagogical standpoint, instructional decisions in the classroom contribute to the academic achievement of CLD students. Ortiz (1997) states that students may have “acquired their disability label because instruction was not adjusted to fit their individual needs or background characteristics” (p. 322). The incorporation of students’ cultural backgrounds and personal experiences on the part of the school through curricular

decisions and the educator through instructional and classroom management decisions is crucial to student success. Without a positive and supportive attitude toward students' cultural background and academic content that is taught in a way that capitalizes on students' experiences, "the system will continue to engender student failure" (Ortiz, 1997, p. 324).

Chu cites Garcia and Ortiz (2006) in stating that "the concern is whether teachers can ensure that CLD students with disabilities will receive appropriate educational services" (2011, p. 391). The myriad of challenges in delivering instruction to students who are CLD and have a disability may overwhelm teachers. Citing information from several researchers (Cloud, 1993; Garcia & Ortiz, 2006; McCray & Garcia, 2002), Chu asserts that students who are culturally and linguistically diverse and have a disability "many not be receiving instruction responsive to their cultural and linguistic characteristics in addition to their educational needs based on the disability" (p. 386).

Review of Assessment Literature

Shifrer, Muller, and Callahan (2011) state there is a possibility that the "disproportionate identification by race/ethnicity results from current methods of assessment" (p. 248). There are many problems in assessing English language learners for the presence of a disability, including, but not limited to, linguistic obstacles, difference in cultural expectations, and availability of resources such as assessments and interpreters.

There is a long history of issues with using IQ tests to examine culturally and linguistically diverse students for the presence of a learning disability. Cummins' theory of CALP reflects the belief that students need approximately four to seven years in order to be proficient in a language for academic purposes. This predictive time frame can be further influenced by previous educational experience, or lack thereof, and may affect their ability to undergo testing in English. Students who are recent immigrants or who are the children of immigrants may not have had educational opportunities equal to those of their peers, nor is it a certainty that the educational background they have well be comparable to that of the U.S. public education system. Abedi (2006) states that

...lack of access to effective education will also affect assessment results. Research has clearly demonstrated that assessments designed mainly for native English speakers may not be as reliable and valid for ELL students. (p. 2283)

There are cultural and linguistic factors that influence the validity and reliability of such assessments. Regarding the assessment of students who are English language learners, "the linguistic complexity of the test items that are not related to the content of the assessment may increase the measurement error, thus reducing the reliability of the assessment" (Abedi, 2006, p. 2283).

Factors can arise during assessment procedures and account for the "indistinct line" that becomes blurred when CLD students who are emergent English proficiency and those students who have a learning disability, according to Abedi. The linguistic features that increase students' cognitive load and detract from their performance are unfamiliar words, questions that have lengthier phrasing, complex sentences, clause types

(conditional, adverbial, and relative), passive voice, prepositional phrases, and questions with abstract wording. These factors should be considered when comparing ELLs' performance on standardized assessments with those of native English speakers.

Chu and Flores (2011) echo Abedi's concerns in stating that "linguistic complexity factors" can have a detrimental effect if students are limited in their comprehension of English. Data reported by the 2010 U.S. Census bureau indicates that there are populations using nearly four hundred languages in the U.S. This information validates the statement of Chu et al. that "language-specific assessments for each and every student are unavailable" (p. 246). Use of an interpreter is a possible solution, however these individuals must be able to negotiate meaning in the educational context intended by the assessment not simply offer a translation (Chu et al., 2011, p. 246).

Given the many obstacles that ELLs can encounter during assessment, it is not surprising that their success is "dependent on the ability to read and answer questions in English" (Spinelli, 2007, p. 102). Spinelli states that CLD students are "misidentified as learning disabled when their problems are due to cultural and/or linguistic differences" (p. 101). This misidentification could be due to the way in which students are evaluated for special education services. Considering that the "majority of assessment procedures are highly language-dependent" (p. 102), strong reading and writing skills are necessary for all students (native English-speaking and ELLs) in order to achieve passing scores. The linguistic skills necessary to perform well on these assessments may be beyond the ones developed by the student and this gap could lead to misidentification.

This is problematic for ELLs and Spinelli cites Menken (2000) in stating that “when ELL students take standardized tests, the results tend to reflect their English language proficiency and acculturation rather than their content knowledge and skills” (p. 103). If the student’s native language is taken into account, the very nature of standardized testing may still be foreign to the student. If the student has little to no experience with completing standardized tests, he or she can “become anxious, confused, or have difficulty controlling their attention and behavior during test situations” (p. 103).

Schon, Shaftel, and Markham (2008) reviewed empirical research and discusses the increase in the population of CLD students as it relates to “legal requirements for assessment of CLD students for special education eligibility” (p. 163). The authors examined the problems associated with both the referral and the assessment process and connect these problems with knowledge taken from the field of second language acquisition. Schon et al claim, “validity is a central issue in the assessment of CLD students” (p. 168). School psychologists have an obligation to use unbiased and nondiscriminatory assessments when evaluating students for the possible presence of a disability, and several issues arise including “reliability, validity, cultural loading v. cultural bias, language bias v. language demands, norm sample inclusion v. representation, and native-language testing” (p. 168).

From the findings, the authors, it is revealed that school psychologists experience many difficulties in evaluating CLD students for special education eligibility due to the lack in appropriate training of examiners and the creation of appropriate assessments for the unique situation of these students. Schon et al. cite empirical research from Ochoa,

Rivera, and Ford (1997) and state that in a study of more than 1,500 school psychologists, approximately eighty-percent regard their training and knowledge in second language acquisition and appropriate assessment, methods of bilingual psychoeducational assessments and ways to interpret them as being “less than adequate” (p. 167). The authors conclude that the “the numbers of competent professionals, the amount of research attention, and awareness of sound instructional and assessment strategies and policies” (p. 184) will be of paramount importance to the accurate identification of culturally and linguistically diverse students with disabilities.

Inappropriate assessment results can stem from cultural bias in the texts and the linguistic proficiency of the student. ELLs vary greatly in their individual comprehension of English, so the formulation of a standardized intelligence test for ELLs is a nearly impossible task to make equitable. Differences in cultural norms can have a negative impact on the students’ performance if they do not understand the expectations or do not have good test-taking strategies.

When a learning disability is suspected the policy of school districts is often to administer an intelligence test, and if there is a large gap between IQ and reading achievement the child is diagnosed as having a disability. According to Gunderson and Siegel, the use of intelligence tests in diagnosing students whose primary language is not English is inappropriate for these students. IDEA mandates that students have the right to be tested in their native language, but “translating a test that has cultural biases into different languages does not eliminate the inherent difficulties related to cultural biases” (Gunderson and Siegel, 2001, p. 52).

ELLs may not have the English proficiency nor the exposure to expectations of the cultural majority needed to perform well. The intense climate of high-stakes testing and evaluations of educators based on student performance may cause a pressure to find an answer to lack of student achievement in the general education setting and on assessments.

Chapter 3: Placement

Hibel and Jaspas (2012) emphasize that the placement of students in special education whose academic difficulties are linguistically based to be “a major educational policy concern” (p. 504). The concerns in misplacement of culturally and linguistically diverse student in a setting outside of the general education classroom has implications beyond those of educational policy; this placement affects the student directly and may have long-term effects on their academic trajectory.

Many forces play a role in the decision to refer a CLD student for special education. Determining the necessary services and appropriate setting outside of the general education classroom is equally important to educational equity as the process of identification. Results from the study conducted by Hibel et al.(2012) indicate that “schools use ESL programs as an alternative to special education during the first five years of elementary school” (p. 522).

Related to the issue of disproportionate enrollment in special education is the access these students have to the Least Restrictive Environment (LRE). If not placed in the LRE, one of the main components of IDEA, the more segregated setting denies the CLD student access to valuable language input from native speakers. With respect to placement, De Valenzuela, Copeland, and Huaqing (2006) examined the link between students’ ethnic backgrounds, language proficiency, and enrollment in special education. De Valenzuela et al. reported that fifty-seven percent of ELLs receiving special education services were placed in a separate class sixty-percent or more of the school day. The

authors found that African American, Hispanic, Native American, and ELLs were placed in more segregated settings than White, Asian/Pacific Islander, and non-ELLs that were receiving special education services.

Similar findings are described by Klingner, Artiles, and Barletta (2006). The authors found that students classified as language-minority and needing special education services were more likely to be in segregated classroom settings, as compared to their native English peers. Klingner et al. state that ELLs that have been identified as having a disability “are more likely to receive fewer language support services and to be instructed only in English” (p. 108). This combination of English-only instruction with limited language supports would be extremely detrimental to the academic progress and development of confidence for a student whose struggles are linguistically-based.

Chapter 4: Under- and Overrepresentation

Disproportionate representation is a threat to social and educational equality. Underrepresentation is problematic in that the students whose disability is overlooked miss out on services that would aid in their emotional, social, and cognitive growth. The overrepresentation of students that are misdiagnosed as having a disability can long-lasting, detrimental effects on their academic trajectory and limit their potential.

Although Ortiz (1997) discusses the causation of CLD students being proportionally underrepresented in special education as it related to teachers' diagnoses, she also offers possible explanation for the occurrence of overrepresentation. She finds that inappropriate teacher referrals, instruction not tailored to their specific learning needs and student characteristics such as race, physical appearance, and socioeconomic status contribute to the problem of mislabeling and overrepresentation.

Hibel and Jasper (2012) consider the inaccurate diagnosis of learning disabilities to be a "threat to educational equity" (p. 504). The underrepresentation and overrepresentation of culturally and linguistically diverse students at different grade levels and in different disability categories can be attributed to various and perhaps simultaneously occurring factors. The mislabeling of CLD students as having special education needs affects language minority students differently between the early elementary and the upper elementary grades.

The struggle of CLD students who are identified leads Ortiz (1997) to refer to them as an "invisible population" (p. 322). From Ortiz's point of view, a possible

explanation of the underrepresentation of English language learners may stem from lack of action on the part of the general education teacher. Ortiz explains that “teachers do not refer CLD students to special education because they inaccurately attribute their academic difficulties to differences of language and culture” (322). This attribution of students’ difficulties to their cultural and linguistic background prolongs their struggles. The delay in appropriation of services may not be indefinite, but it may prevent student’s growth to the point that later intervention is not sufficiently effective.

An empirical research article written by Samson and Lesaux (2009) studied the representation of CLD diverse students in special education and investigated the grade level the students were in when they were placed. They evaluated the Early Childhood Longitudinal Study- Kindergarten Cohort (ECLS-K), which contains data from nearly twenty-three thousand students attending both private and public schools across the United States. Together with factors such as the child’s status a language minority student, socio-economic status, reading assessments, and teacher questionnaires, information from the ECLS-K was examined. From their findings Samson et al. discovered that in kindergarten and first grade, language minority students were identified at a rate lower than their peers whose first language was English.

Added to this potential social inequality, Ortiz warns that “lack of access to early intervention and specialized services can prevent students from realizing their social and academic potential” (p. 322). For English language learners this means that their late identification for eligibility for special education services not only denies the students

early interventions and support, but the long-term consequences of this loss may stunt their possibility for achievement.

Late diagnosis is not the only threat to educational equity. Samson et al. stated that the trend of underrepresentation of CLD students in special education eventually reverses itself and they “were overrepresented in third grade and across all disability categories” (p. 148). The third grade data indicated that ELLs were more likely to be placed in special education than their native English-speaking peers. Specifically, English language learners were found to be overrepresented in the categories of speech/language impairments (SLI) and learning disabled (150).

As much as underrepresentation has negative implications for students in that they do not receive much-needed accommodations, overrepresentation has consequences of its own. From the perspective of the school district, Hibel and Jaspar (2012) note that when students are placed in special education and receive services the financial costs are significantly more than the placement of the child in a general education setting. Not surprisingly, Hibel and Jaspar cite studies that reveal that stigmatization occurs from placement in special education and results in “flatter achievement trajectories and poorer socioemotional outcomes” (p. 504). It may be the case that misplacement in special education does not provide ELLs the same level of content and skills, ones they may be capable of with proper linguistic assistance. Stigmatization affects their access to certain opportunities, thus inhibiting their potential and may contribute to feelings of low self-esteem.

Rueda and Windmueller (2006) discuss the inclusion of CLD students in special education with similar findings of overrepresentation. Citing information from Artiles et al. (2002), Rueda and Windmueller state that English language learners were twenty-seven percent more likely to be put into special education in the elementary grades than native English speakers and “almost twice as likely to be placed in secondary grades” (p. 101). They explain the overrepresentation of ELLs in the disability categories of mild mental retardation, emotional-behavioral disorders, and specific learning disabilities as related to systemic bias and the use of discrepancy models. Discrepancy models, which are the traditional method to determine if a student has a learning disability and needs special education services, are ineffective in diagnosing ELLs with special needs.

De Valenzuela, Copeland, Qu, and Park (2006) evaluated the identification of disabilities and the resulting placement and distribution of services. In their examination of data provided by a southwestern school district they found both under- and overrepresentation, and the specific categories found by the examination support the claim of Rueda et al. in stating that “overrepresentation is treated as an outcome rather than as an indicator of underlying problems” (p. 105). ELLs were found to be underrepresented in the categories of developmentally delayed and gifted education. In the categories of emotionally disturbed, intellectually disabled, learning disabled, speech-language impairment, and special education in general, ELLs were proportionally overrepresented (432). Of significance is that De Valenzuela et al. also found that “African American, Hispanic, Native American, and ELL students were more likely to be

identified with a potentially stigmatizing disability” (p. 436) and less likely to be identified with socially-valued one, namely gifted education.

Chapter 5: Discussion and Recommendations

The issue of disproportionate representation of culturally and linguistically diverse students in special education is one that is multi-faceted. Given the complexity of meeting the needs of English language learners, needs that are made more complex by the presence of a disability, there is no one-approach-fits-all that can be considered appropriate. From the review of research, several recommendations can be drawn.

Response-to-Intervention before the commencement of the referral process is a recommended practice for all educators, but can be particularly useful in addressing the unique needs of culturally and linguistically diverse students that need special services. Response-to-Intervention, often referred to as RTI, is defined by Linan-Thompson (2010) as a “cyclical process that incorporates assessment and instruction” (p. 970). RTI can be used to create the foundations necessary for students whose educational background is limited, as well as be an “approach to prevent learning difficulties and to establish student eligibility for special education” (p. 970).

RTI is characterized by a three-tier approach to instruction. The first tier of RTI takes place in the general education setting and is a process called Universal Screening (Linan-Thompson, 2010, p. 971). This can be viewed as the instructional approach “synonymous with the core reading or math curriculum that is aligned with the state standards and outcomes” (Utley & Obiakor, 2012, p. 44). For students whose achievement measures below the benchmarks for state standards, evidence-based interventions are enacted and the student’s progress is monitored. Finally, tier three of

RTI involves children who are at a “high risk of academic failure” because they are not responding to the systematic inclusion and monitoring of evidence-based interventions and their eligibility for special education services begin to be evaluated.

Klingner and Edwards (2006) discuss the cultural implications to response to intervention. In order to meet the unique needs of ELLs that have disabilities, response to intervention should also be culturally relevant. According to Klingner and Edwards, culturally responsive instruction requires three considerations: accommodation, incorporation, and adaptation (199). These actions are performed on the parts of the school personnel, the school as an institution, and the students and their families, respectively. In accommodating CLD students, educators and other school personnel must incorporate the learning and communication styles into their instructional practices. Incorporation occurs at the institutional level and involves the inclusion of “community practices that have not been valued” into the school’s curriculum (p. 199). Finally, the students and their families must attempt to adapt, in a manner that is “additive rather than subtractive, to the expectations of the dominant cultural group” (p. 199).

Utley and Obiakor (2012) recommend Positive Behavior Intervention and Supports (PBIS) in addition to RTI. They describe PBIS as a series of approaches with the purpose of aiding in children’s development of behaviors that are both socially desirable and that will reduce behaviors that will socially stigmatize the students with their peers. Important skill building is designed to encourage children to positively interact in social situations.

It is recommended that educators provide students with opportunities to enhance their language proficiency before initiating referrals for special education testing.

Cummins' theories of Basic Interpersonal Communicative Skills and Cognitive Academic Language Proficiency encourage development of students' language capacities for them to function well in social and academic contexts, respectively. Collier (1995) suggests the design of activities to be "highly interactive, emphasizing student problem-solving and discovery learning through thematic experiences" (p. 318). This will foster an increase in academic language, encourage development of positive social skills, and enhance the fusion of academic language in a variety of contexts.

Ortiz (1997) highlighted the importance of the pre-referral stage. The recommendation is a revamping of the pre-referral process, and one that is set up in two parts. The first part of this pre-referral phase would be focused on prevention, in which the educational setting would be organized to best appeal to the academic needs of CLD students. Secondly, it is recommended that the mode of instruction is adapted, the educational environment is modified, and other professionals are consulted before moving forward to special education referrals. According to Ortiz, without changes in the eligibility process it will perpetuate the existing problems in educational equity and "the cycle will continue to engender student failure" (p. 324).

A key aspect of evaluation that Ortiz advocates for is assessing students in their dominant language. Assessing skills in a language that students are not proficient in cannot indicate a reliable view of their abilities (Linan-Thompson, 2010, 971). If learning

disabilities become apparent through assessment in a child's dominant language, then services through special education may be appropriate.

Ortiz states that "if the student lacks English academic language proficiency, emphasis should first be given to improving language skills before a referral is considered" (p. 328). This may be especially true if an assessment in the student's dominant language is not available or if they have had less than three years of experience using English, as they may not have the four to seven years of Cognitive Academic Language Proficiency development.

Correspondingly, the way in which students are examined for the presence of a disability can be examined for effectiveness. When assessing CLD students for the presence of a learning disability there is danger to equity in education if students who are not identified correctly. Gunderson and Siegel (2001) astutely comment that intelligence tests "assess only what a person has learned, not what he or she is capable of doing" (p. 49). Assessments may indicate the present knowledge acquired in English, but limited English language proficiency will not reveal potential.

As an alternative to traditional intelligence tests, it is recommended that a variety of measures should be carefully reviewed, including observations, interviews, student's records (such as school history), and their overall educational experiences. Spinelli (2007) argues that informal assessments are more appropriate when evaluating the possibility that ELLs are also eligible for special education services and describes informal assessments as "an authentic solution to the need for formative evaluation that is

adaptable to language and cultural diversity, individual learning styles, and personal challenge” (p. 101). Contrary to a standardized, norm-referenced test in order to evaluate the possibility of a disability, Spinelli asserts that assessing students informally and with context-embedded content is a more reliable way of determining a student’s needs. The use of dynamic assessment may be a more appropriate, alternative method of evaluating CLD students. Similar to the process of response-to-intervention and in a Vygotskian fashion, dynamic assessments involve the educator monitoring the student’s progress and learning style and adding or removing supports as necessary “to facilitate the learning process” (Spinelli, 2007, p.110).

Linan-Thompson (2010) suggests dynamic assessments as a supplement to universal screening (972). Through dynamic assessments educators are able to delve into student’s cognitive process and gauge their mastery of the material and concepts. Understanding students’ cognitive processes can aid educators in designing interventions and inform decisions on what works and what does not work for a particular student.

In addition to dynamic assessments, it is recommended that a multilevel approach is used when evaluating CLD students for the presence of a disability. Rueda and Windmueller (2006) suggest that the most effective way to diagnose potential learning disabilities is to use more than one measure of evaluation. In this multilevel approach, “various levels of the learning and development ecology are considered”, but “local context” is the most important factor in determining whether or not students have a learning disability (103).

Culturally Responsive Teaching (CRT) is recommended as a multicultural practice to include students' language and culture in the classroom and curriculum and is defined by Chu as a pedagogical approach "in response to a sociocultural and linguistic mismatch between students' home and school cultures" (p. 388). Teachers with high levels of self-efficacy are more likely to demonstrate resiliency in the face of setbacks, the setting of high expectations for all students, and a more personalized in a "humanistic way" (p. 390). Although the main focus of Chu's article is self-efficacy among special education teachers working with CLD students, Chu makes a connection between teacher efficacy and their ability to successfully enact Culturally Responsive Teaching. Citing Garcia and Malkin (1993), Chu outlines major objectives to the implementation of Culturally Responsive Teaching.

First, educators need to have an understanding of the characteristics of students' native language in order to help them develop their linguistic capabilities in English. Second, knowledge and understanding of students' native culture and its implications in the U.S. public education system.

Correspondingly, a multicultural approach is recommended and described by Garcia and Malkin (2010). The recommendation that the educator develop of intercultural competence, with the purpose of gaining a greater understanding of students' backgrounds is particularly helpful for inclusive practices. Through intercultural competence educators can capitalize on the patterns of cognitive reasoning and preferential modes of learning that have been imprinted and reinforced on the cultural context in which students grew (53).

Rodriguez (2009) identifies educators as the catalyst for change. While respecting the intricacies and boundaries of the special education and bilingual education fields, Rodriguez states that for the benefit of ELLs with disabilities it is the responsibility of the teacher to “engage, affirm, and accept diversity within the educational context of the classroom and the school environment” (p. 457). The recommendation can be drawn that educators need to approach their role as advocate for their CLD students as being especially important. Shifrer, Muller & Callahan (2011) echo this belief in stating that “parents with less English proficiency may have more difficulty acting as an advocate for their child within the school system” (p. 250).

Recommendations can be taken with respect to pedagogically addressing the unique needs of CLD students with disabilities. Rodriguez identifies Krashen’s principle of comprehensible input as the vehicle through which to use the current proficiency level of students as a foundation and build their language skills. Recommendations for specific strategies to use comprehensible input include scaffolding instruction, using students’ existing schemata, communicative and collaborative activities, and content that is meaningful and relevant to the students.

It is recommended that educators consider the cognitive and linguistic implications when connecting academic objectives. Zwiers (2006) offers three suggestions for accomplishing this. First, he recommends modeling and scaffolding. In structuring scaffolded activities, Zwiers values “the role of authentic communication, with language as a tool, in learning” (p. 330). Finally, Zwiers uses assessment as a way to

evaluate gaps in student learning and as a way to monitor academic language growth (330).

Paneque and Barbetta (2006) focused on the potential of high teacher efficacy among special education teachers in an urban school district. In the surveys completed at the conclusion of the study, the participants had several suggestions for pre-service and in-service educators based on their own teaching experiences in special education classrooms with ELLs. These suggestions from the experiences of the participants can be developed into two recommendations. Proper teacher preparation programs and teacher development workshops should include information in how to identify language diversity and the presence of a disability. The second recommendation that can be drawn is the value in the type of field experience pre-service teachers receive as part of teacher education programs. First-hand experience in intervention strategies for CLD students and students with disabilities would be beneficial for pre-service teachers, in the hopes that they will know how to implement RTI in a culturally responsive way.

Garcia and Tyler (2010) offer recommendations for the educators to enact at the classroom level for ELLs that have been identified as having a disability. To meet the unique needs of these students, educators should closely examine the content and material of their lessons, specifically focusing on the cognitive and linguistic demands required of students. How instruction and design of activities meets the linguistic needs of English language learners must be reviewed critically as well, to avoid “doubling cognitive demands” (p. 117) when introduction new information and concepts.

Finally, it is recommended that with respect to instructional strategies and choice of classroom materials, there is “evidence that children learn best when they are taught in a culturally familiar way” (Samway et al., 2007, p. 65). Reflecting on the characteristics of successful classroom practices, Garcia et al. (1995) describe that the ideal “curricula and instructional materials go beyond attempts to incorporate traditional aspects of language minority students’ cultures into the curriculum” (p. 456).

Recommendations for Further Studies

The growing number of culturally and linguistically diverse students in U.S. public education institutions is projected to increase. This prediction should be a major concern to educators, administrators, and policy members, as it is their responsibility to ensure a fair education for all students under their care. Addressing the unique needs of CLD students, and particularly those suspected of having a disability, is challenging. Differentiating linguistic struggles from disability-related struggles is even more challenging.

There is relatively little study into the flaws with regards to the use of interpreters to translate assessments or the cultural gap that will inevitably still exist in a translation of the assessment itself. Abedi (2006) suggests that “assessments designed mainly for native English speakers may not be as reliable and valid for ELL students” (p. 2283). Validity and reliability are of the utmost importance in the accurate diagnosis of the presence of a disability, and these standards should not stop with the challenge of evaluating a CLD student.

In order to ensure an equitable education for all CLD students, research needs to be done in the area of assessment. As ELLs are not fairly in the data set, there is no baseline for their achievement. When using these assessments, ones that have previously not determined a baseline for CLD students, there is a lack of reliability and validity for their scores. Therefore, it is not prudent to use these assessments to determine a student's potential need for special education services.

Conclusion

When examining a culturally and linguistically diverse student for the presence of a disability, a major concern becomes if there are external factors or systemic issue. Incorrect identification of CLD students with learning disabilities is both a historical and ongoing issue, as well as an obstacle to educational equity with long-term consequences for the students that are misplaced.

Before the eligibility process begins, many student factors may drive the decision of the educator to refer the student for testing for services. Differences in students' cultural backgrounds and indicators of second language acquisition may be confused for disabilities to educators without a linguistic background.

There are many proposed causes that lead to the disproportionate representation of English language learners in special education. Underrepresentation, occurring in the early elementary grades for English language learners, can be caused by educators not referring students for testing due to the belief that their struggle is linguistically-based and they will grow out of it with an increase in English proficiency. Overrepresentation usually occurs later in the elementary grades. When students continue to struggle academically or socially, their linguistic needs may not receive the focus and instead the student will be unnecessarily referred for testing.

Regardless of the cause, however, the persistent underachievement and high drop-out rate of CLD students should be a significant concern to educators, policy makers, and other school professionals (Chu, 2011, 201). There are systemic, socio-

cultural, and pedagogical factors that can be examined and reformed, in order to get at the root of disproportionate representation.

Klingner, Artiles, and Barletta (2006) examined empirical research on English language learners who are also struggling readers and found that, “students are placed in special education as the result of a series of social processes” (p. 123). When placement of CLD students with disabilities is being decided, the Least Restrictive Environment is the most appropriate. Although research has shown that minority students are often placed in more segregated settings than their native English speaking peers, this lack of adherence to one of the main principles of IDEA deny ELLs to valuable content knowledge, language input, and put them at the risk of being socially stigmatized.

There are many recommendations before the referral stage. Response-to-intervention is an approach that has been determined to be successful in implementing intervention strategies and alleviating concerns when a one-size-fits-all approach does not work. Culturally Responsive Teaching is another recommendation before referral, in order to activate schema and foster students’ confidence.

When evaluating students for the possible need of special education services, a multilevel approach may better serve the student than simply administering an achievement test. There are many concerns with determining a CLD student’s eligibility using this type of assessment, and dynamic assessments, observations, student’s background, and interviews are the preferred method of evaluating for the existence of a disability.

Of the utmost importance is the educator's sense of advocacy for their students. Parents, especially those from diverse cultural and linguistic backgrounds, depend on their child's teacher to serve the student's best interests when under their care. The role of educators is important in setting high expectations for all students, while ensuring that students that are struggling receive the support that they need to succeed academically, socially, emotionally, and physically. Using evidence-based practices to ensure that CLD students with disabilities receive the supports they need and access to an equitable education is crucial to reducing the achievement gap and language-minority students gaining access to a more promising future.

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Vita

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This report was typed by the author.