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**A SILENT CRISIS: THE MISIDENTIFICATION OF ENGLISH LANGUAGE  
LEARNERS AS STUDENTS WITH LEARNING DISABILITIES**

**A thesis submitted to  
Regis College  
The Honors Program  
in partial fulfillment of the requirements  
for Graduation with Honors**

**by**

Krissa Baseggio

**May 2018**

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Director, University Honors Program



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## Abstract

As more people immigrate to the United States, more students who speak languages other than English enter the U.S. school system, and since English language learners (ELLs) have unique strengths and challenges, they must be educated according to their needs. Unfortunately, many educators do not have the knowledge or training on how to effectively educate ELLs. ELLs may display lower achievement in academics because of ineffective accommodations in their education or because of the difficulties and demands of second language acquisition. Therefore, numerous ELLs are misidentified as students with learning disabilities and thus placed into special education. While special education may seem like a solution that tends to the needs of ELLs, placing students into the program may actually worsen the situation and neglect the students from receiving the education that they deserve. While various solutions have been offered as a means to eradicate the issue of misidentification, each set of solutions comes with its own advantages and shortcomings. Moreover, two solutions, education and awareness, stand above the rest. Education is the training of teachers and other educators so that they are able to fully tend to the educational needs of ELLs, and awareness consists of the general public's understanding and knowledge of the issue of misidentification as a whole. Together education and awareness offer a real sense of hope for ending misidentification.

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A Silent Crisis: The Misidentification of English Language Learners as  
Students with Learning Disabilities

**Introduction**

**Mary's Story**

I could see it in her eyes that Mary was frustrated. The classroom was sweltering with heat. The sounds of multiple fans in the room bounced from wall to wall, drowning out any reasonable conversation. Students yelled to one another from opposite sides of the classroom. Paper airplanes soared through the air with no real destination in sight, simply landing wherever they lost their momentum. And there sat Mary, caught in the eye of the storm. Her teacher had just handed her back a quiz that the class took the previous class period and, as usual, she glanced at the score and immediately flipped the paper over so that no one else would see. My heart went out to Mary; her sweetness, good intentions, and hard work were obvious, but something, something less obvious, was getting in the way of her academic success.

Since meeting Mary at the beginning of the school year, I had learned a bit about her. She was an adolescent Latina girl who had immigrated from Mexico with her parents when she was younger. Now as a seventh-grader, she was a little taller than most of her classmates, wore glasses, and styled her long, dark brown hair in a ponytail most days. I was spending a few hours a week in her seventh-grade math classroom for one of my education classes with my goal for the semester being to pay specific attention to students who were a part of the special education program at the school. Mary was on an

individualized education program, IEP, meaning that she had specific and unique learning goals in certain subjects. Students in special education are labeled as having certain disabilities and are provided with IEPs. These IEPs dictate particular learning strategies, education programs, and the environment for the students in special education. Thus, Mary's teachers and specialists had determined that she suffered from some type of learning disability, which required her to receive special services to achieve those learning goals. Since I was working in her math classroom, I focused mainly on the learning goals listed on her IEP for the subject of math. When I first analyzed her IEP, though, I noticed a reoccurring trend. The IEP stated that she needed extra support in areas such as reading, writing, and math. Particularly in math, her learning targets included improving language-related problems, such as word problems and terminology. A red flag immediately began waving in my mind, but Mary's teacher seemed not to question it at all.

As I got to know Mary better throughout the next couple of weeks, I began to see the difficulties that Mary endured. Her IEP was correct in that Mary truly did struggle with language-related problems in the math class. When Mary was presented with simple and straightforward math problems, for example  $(-2)(0.5)$ , Mary had no difficulty answering the question. However, when Mary was asked to solve a word problem that essentially had her compute the same operation, Mary struggled to wrap her mind around the question. Even more important than Mary's academic challenges, though, I got to know her for the kindhearted student that she was. Mary strived to please her teachers, to succeed in school, and to be amicable toward her colleagues. The most crucial

characteristic of Mary's that I noted, though, was that she was an English language learner. When she and her family had moved to the United States in her earlier childhood years, she had to learn English.

I find this piece of information to be so essential to Mary's story because I believe that it is directly related to her having an IEP. From my experiences with her, I believe that Mary did not have a learning disability requiring an IEP; in all likelihood, Mary was simply still acquiring English. She struggled with language-related problems because her English was not yet fully developed. While this seemed fairly obvious to me, it seemed as though no other teachers or education professionals in the school seemed to blink an eye at the matter. How could this be? How could such an issue not even be noticed? As I have spent more time in schools since then, I have seen this happen over and over again to countless students. Each time I witness it, I am deeply saddened by its occurrence because I know those English language learners are not receiving the proper education or support that they deserve.

In the section that follows, I discuss the major trends and changes in the demographics of the United States as a whole, define English language learners, and establish different types of misidentification.

### **Demographic Changes in Education**

There is no question that demographics in the United States have been rapidly changing throughout the recent decades. Immigration into the United States has increased considerably, and with these changes in our nation's demographics comes significant changes in our education system's demographics. In the past, in terms of the majority and

minorities in the education system, the White student population was predominantly the majority in schools. With time, though, this has begun to change. According to the National Center for Education Statistics (2017), of all the students enrolled in public schools in 2014, less than 50% of those students were White, which was the first time this had happened since data on the public education system was first reported in 1972. From 2004 to 2014, the percentage of White students dropped from 58% to 49.5%. On the other hand, the percentage of Hispanic students has increased from 19% to 25% from 2004 to 2014. Other percentages of races such as Black students, Asian/Pacific Islander students, and American Indian/Alaska native students have varied slightly but not significantly much. The trend of decreasing White students and increasing Hispanic students is expected to continue well into the future (National Center for Education Statistics, 2017).

### **English Language Learners**

One of the biggest reasons behind this change in demographics is increased immigration into the United States. In fact, the Migration Policy Institute (2017) recently noted that immigrants in the United States and their children (born in the United States) composed 27% of the United States population as of 2016. Immigration is undoubtedly a heated topic in today's world, and although the issue of immigration is not the main concern of this paper, its implications are obvious in the US education system. Language is the most prominent implication of the immigration that is present in our schools. In 2015, 49% of the immigrant population, five year of age or older, was considered to have limited English proficiency (Migration Policy Institute, 2017). From this data, one can

conclude that as people from other countries immigrate into the United States, many do not yet speak English. Therefore, as youth follow their immigrant parents into this country, they are as likely to not yet speak English. This large population of youth who do not speak English is then placed into the US education system and thus receives education from teachers, specialists, and administrators who consequently must understand the unique strengths and challenges of a student who has immigrated to the United States and is in the process of learning English. Therefore, as the number of students who are learning English increases drastically, school personnel begin to educate more ELLs in our school system and must ascertain a successful system for doing so.

Educators refer to students who are learning English as English language learners (ELLs). Because schools in the U.S. are largely charged with being monolingual and only teaching in and using English, this influx of ELLs into schools presents a bit of a challenge for our education system. This is not to say that ELLs are not wonderful, intelligent, and capable students; I simply mean that they are a growing demographic with their own unique characteristics for educators to notice, understand, and keep in mind while educating this group of students. Unfortunately, many educators are struggling with this task (Zimmerman, 2008). Managing the unique and intricate features of ELLs as a whole is definitely no easy task, and we have not yet mastered the perfect procedure for educating ELLs (Zimmerman, 2008). I believe with time and practice, though, we can accomplish this goal.

A part of the mishandling of the ELL population is the misidentification of the ELLs as students with learning disabilities. This means that while ELLs are still learning

English, and occasionally after they have mostly mastered English, they are sometimes misidentified as students who have learning disabilities (Barrio, 2017), like Mary from the opening anecdote. Educators and scholars can often notice that this is happening in a school by the disproportionality of ELLs in the special education program.

Disproportionality essentially signifies that there are too many or too few students of a certain demographic in a specific group or program than expected based off of that demographic's representation within the entire population (Linn & Hemmer, 2011). For example, one might say that there is a disproportionality of ELLs in special education when 50% of the students in the special education program are ELLs but only 25% of the school population is considered ELL. Two types of disproportionality occur in our schools: overrepresentation and underrepresentation. Overrepresentation is "too many false positives in numbers and percentages" (Ford, 2012, p. 400). Essentially, the disproportionality arises in that too many students are represented in a certain group. Contrarily, underrepresentation is just the opposite, meaning that too few students are represented in a certain group.

Whatever the type of disproportionality may be, though, the misidentification of ELLs is wrong and harmful to their learning. As Sullivan (2011) argued, "For a field built on the principle of fairness ... and grounded in the rhetoric of the civil rights movements, ongoing disproportionality strongly indicates systemic problems of inequity, prejudice, and marginalization within the education system" (p. 318). When an ELL is misidentified as having a learning disability a number of outcomes can occur. The student could receive inappropriate learning services, which are geared more specifically toward a

learning disability rather than the actual language acquisition process. In more extreme cases, the student could be removed from the general education classroom and placed into a classroom or program specifically designed for students in special education. In any case, the incorrect label of a learning disability has the potential to stigmatize the student further. Even more, the attention from his/her unique ELL needs could be completely seized. The misidentification of an ELL entirely neglects the proper supports that students undergoing language acquisition need and wrongly places the attention on false learning disabilities. Given the current demographic trends of our country, ELLs are currently and will continue to be a major part of our education system. If many ELLs continued to be misidentified as students with learning disabilities, this sizeable population faces severe danger of receiving inequitable learning opportunities, which could ultimately impact our nation as these students progress out of school and become an integral part of our communities. Can the United States afford such a tragic mishandling of educational justice?

At this point, it is imperative to mention that the misidentification of English language learners as students with learning disabilities is not necessarily an intentional decision on the part of educators. Instead, it is commonly a result of lack of knowledge, training, and information available to the educators who interact with these English language learners. Although the factors behind misidentification will be discussed later, it is important to make the distinction now that misidentification is not intentional and is rather a consequence of other factors.

In the next chapter, I discuss special education including its roots in the civil rights movement, its six core principles, and the referral process. When ELLs are misidentified as students with learning disabilities, they often go through at least part of the special education referral process, so knowing the precise steps is crucial to understanding the issue.



## **Special Education**

### **Special Education Definition**

Special education is a federally mandated program of school services for certain students. Students diagnosed with disabilities qualify for special education under both federal and state requirements (DeMatthews, Edwards, & Nelson, 2014). Qualifying students are provided with three main services: specially designed instruction, related services, and supplementary aids and services (Friend & Bursuck, 2015). Specially designed instruction is any type of instructional plan designed by a student's teachers and other educators and tailored to the needs of the student. For instance, consider a student who suffers from Down syndrome. When this student first begins special education, his/her teachers and other school professionals come together to think of a plan (consistent of various techniques and strategies) that will ensure the success of the student, all the while keeping in mind the unique needs and challenges of a student with Down syndrome. Supplementary aids and services are educational supports that aim for success of the student in special education (Friend & Bursuck, 2015). These aids and services are often listed and included in the specially designed instruction, and they provide necessary techniques that allow the student to reach certain academic goals. For example, if a student in special education has dyslexia, a learning disability that mixes up letters while reading and writing, that student's specially designed instructional plan may include working with the student on letter recognition, reading passages aloud to the student, or allowing the student extra time on quizzes which include reading and/or writing. Two major categories of supplementary aids and supports are accommodation

and modifications: Accommodations are changes that educators make that impact how a student in special education learns material, whereas modifications are changes that the educators make as to what particular material the student learns (Friends & Bursuck, 2015). Next, related services are any extra services provided by the special education program that are not necessarily educational services; these services could include counseling sessions, physical therapy, or certain transportation to and from school to accommodate for possibly a wheelchair (Friend & Bursuck, 2015).

### **Civil Rights Movement and Special Education**

Although special education and the civil rights movement may at first seem unrelated, special education in fact developed largely from the civil rights movement, which occurred in the 1950s and 1960s (DeMatthews, Edwards, & Nelson, 2014). During the famous Brown vs. Board of Education trial in 1954, the Supreme Court deemed discrimination against any group of people as unlawful (Friend & Bursuck, 2015). Therefore, the discrimination against students with learning disabilities was unlawful. This concept eventually lead to the implementation of laws and regulations that protect students with special needs.

Since special education developed under the premise of the civil rights movement, it was moreover established on the basis of human rights. The purpose of special education is to provide any and all students who have disabilities with proper education. Accordingly, all students who are either in special education or who could possibly enter special education should be treated fairly and justly and should receive proper educational support. The development of special education upon the civil rights

movement reminds educators, including educators who do not necessarily work in special education, that education is a field in which all students and staff are to be treated fairly and justly. This is indubitably crucial to keep in mind while discussing the misidentification of ELLs as students with learning disabilities because it shines light on the importance of equity and righteousness when dealing with any and all types of students.

### **Federal Special Education Law**

The main special education law that is in effect today is the Individuals with Disabilities Education Act (IDEA) (Grassi & Barker, 2010). IDEA not only provides thirteen categories of disabilities, under which students qualify for special education, but it also outlines specific procedures for identifying students with a disability (Grassi & Barker, 2010). As listed in IDEA, the thirteen disability categories are: learning disability, intellectual disability, Autism spectrum disorder, emotional disturbance, visual impairment, speech of language impairment, deafness, hearing impairment, deaf-blindness, orthopedic impairment, traumatic brain injury, other health impairment, and multiple disabilities (Lee, 2017). One should note that since the purpose of this paper is to discuss the misidentification of ELLs as students with learning disabilities, the majority of the focus will be specifically on learning disabilities, as opposed to the other twelve disabilities. Lee (2017) defined a learning disability as a condition that affects “a child’s ability to read, write, listen, speak, reason or do math.” Therefore, when an ELL is misidentified as having a learning disability, the educators who diagnosed the student

with the learning disability are essentially claiming that he/she/they have a disability which impairs his/her/their ability to read, write, listen, etc.

IDEA has six core principles: free appropriate public education, zero reject/child find, nondiscriminatory evaluation, individualized education, least restrictive environment, and due process (Friend & Bursuck, 2015). To start, free appropriate public education means that schools are required to offer educational services to all students with disabilities, and the necessary services are to be provided at no cost to the families (Grassi & Barker, 2010). According to the zero reject/child find principle, students cannot be excluded from public education in any way because of their disabilities (Friend & Bursuck, 2015). Also, students are required to have nondiscriminatory evaluation, meaning that they can only be assessed for their need to be in special education using fair procedures and tools that do not discriminate in any form (Friend & Bursuck, 2015).

Nondiscriminatory evaluation should focus on and assess strictly the presence of a disability, while appropriately recognizing and acknowledging any cultural or linguistic differences or limitations. IDEA specifically mandates that students cannot qualify for special education services solely on the basis of cultural, economic, environmental, or language disadvantages (Artiles & Ortiz, 2002; DeMatthews, Edwards, & Nelson, 2014). This stipulation requires that any features (tools, observations, etc.) that are involved in the nondiscriminatory evaluation should indeed be genuinely nondiscriminatory in that they are culturally and linguistically sensitive and relevant and free from any other bias. The requirement of nondiscriminatory evaluations is imperative when working with ELLs because, as discussed before, ELLs are often immigrants from other countries who

may have unique cultural and linguistic backgrounds, making them susceptible to bias while being evaluated for special education.

Continuing with the six core principles, once students are identified as having disabilities, students in special education are to be supplied with individualized education plans (which will be thoroughly discussed later) that are appropriately suited to their disabilities (Friend & Bursuck, 2015). Within this individualized education plan is the placement of students into least restrictive environments (LRE), which are the environments where students can achieve their full academic potential while having the most appropriate access to general education settings and receiving the specific supports for those spaces (Grassi & Barker, 2010). For example, a student with dyslexia may still thrive in a general education classroom and may be taken out of the classroom only when he/she/they work individually with a specialist once a week. In this case, this student's LRE is the general education classroom. However, a student with Down syndrome may do best in a special education classroom most of the day with some time in the general education classroom, so this student's LRE would be the special education classroom. Collectively, these six core principles of IDEA work together to make special education the program that it is.

Since special education is a federally mandated program, it is a considerably methodical program so as to fulfill all of the legal requirements and protocols. Furthermore, the six core principles help special education to sustain its position as a legal program. Additionally, IDEA has a highly structured referral process to ensure that students are appropriately assessed for their placement in special education. In the

following section, I outline the steps of the referral process including the intervention phase, full assessment phase, IEP process, and implementation phase.

### **Referral Process**

**Intervention phase.** A student's referral into the special education program can occur in a number of ways. Typically, a student's journey into special education begins when a teacher or another education professional notices that a particular student is struggling either with academics or behavior (Friend & Bursuck, 2015). Many times, a general education teacher may notice that a student is particularly struggling to thrive in the classroom; the student could be struggling to stay on task, to stay calm during tests, or to read aloud. Regardless of the specific issue at hand, the education professional must observe that the student's behavior or academic tendencies are significantly different from what is typical of most other students in the class, grade, or some type of classification. It is also important to note that the student's academic struggle must be chronic and substantial, not just a randomly failed spelling quiz one week (Friend & Bursuck, 2015). As the teacher continues to observe the issue, he/she/they often keep track of the behaviors and academic tendencies of the student. Some teachers keep mental notes about the student's tendencies while others write down their observations or even share their concerns with other educational staff. All of these observations and data are then used to begin making a decision as to whether or not the student may need some type of special education services.

At this point, there is only speculation that the student may have a disability. The student's general education teacher or other staff, such as counselor's or administrators,

usually begins to look more into the issue. In order to move forward and ascertain whether or not the student actually does have a learning disability, more educators need to become involved so that multiple perspectives are present on the issue. Usually, the educator who has been observing the student's behavior and academics then brings the issue to the attention of a team consisting of other educators (Friend & Bursuck, 2015). This team is termed the intervention assistance team (or sometimes also referred to as student success team), and it typically consists of general education teachers, special service educators, and an administrator (Friend & Bursuck, 2015). Essentially, the intervention assistance team meets to discuss the observations on the student and discuss strategies for moving forward. The intervention assistance team will also suggest various techniques that may help the student become more successful in his/her academic pursuits (Friend & Bursuck, 2015). For example, if the student they are observing is struggling with math, the intervention assistance team may suggest that the general education teacher create some supports for the student; these supports may include supplementary note-catchers, more sheltered and accessible lessons, or one-on-one conferences/mini-lessons directly with the student. Essentially, the members of the team try to draft ideas for helping the student succeed before referring him/her/them to the full assessment to determine if a learning disability is present.

After the meeting, the general education teacher then begins to make the appropriate adjustments in the class so as to help the student succeed. The general education teacher provides the students with the supports that the team suggested and implements any strategies that were proposed as well. This process is called response to

intervention (RtI) which Johnson, Jenkins, Petscher, and Catts (2009) defined as “a multitier 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 reading difficulties stem from experiential and instructional deficits as opposed to a learning disability.” In other words, the general education teacher uses RtI to provide interventions (strategies, techniques, supports, etc.) for the student to see if the student is able to succeed with these added supports or if the student continues to struggle. In some cases, the interventions will solve the problem and the student will thrive academically. This is not always the case however, and often students will continue to grapple with their problems. In the latter scenario, the intervention assistance team meets again, discusses the results of the RtI, and then refers the student for a full assessment.

**Full assessment phase.** When the student is referred for a full assessment, this means that his/her/their case is moved on to the next stage in the process, which assesses with even more precision if a learning disability is present (Friend & Bursuck, 2015). The student’s case is sent to the multidisciplinary team (MDT), which is composed of general education teachers, special education teachers, parents, specialists, and administrators who work with the student’s case to determine the appropriate next steps (Artiles & Ortiz, 2002). Once the student’s case is sent to the MDT, the student’s parents must approve before anything else occurs (Baesler, 1999). IDEA defends the rights of parents who do not agree with their children being placed in special education, so if the parents



do not approve to have a full assessment completed on their child, then the case can go no further and the whole process comes to a stop (Friend & Bursuck, 2015). If the parents approve a full assessment, the process can continue on to the next step.

The next step in the process is the actual full assessment (Baesler, 1999). During the full assessment, the student takes specific forms of assessments (tests, screenings, etc.) meant to examine the particular suspected area or areas of disability. The MDT then analyzes the results of each of the assessments to decide whether the student has a disability (Friend & Bursuck, 2015). If the data point toward the conclusion that the student does not have a learning disability, then the intervention assistance team reconvenes to locate more effective RtI approaches (Friend & Bursuck, 2015).

**IEP process.** On the other hand, if the MDT concludes that the student has a learning disability that is negatively affecting his/her/their academic success, then the MDT constructs an individualized education program (IEP) for the student (Friend & Bursuck, 2015). An IEP is a legal document under IDEA that all school personnel must adhere to (Friend & Bursuck, 2015). The purpose of the IEP is to help the student reach academic success, which could look different for every student. In order to reach academic success, certain criteria, such as particular goals and objectives, are specifically listed on the IEP (Best & Cohen, 2013). For instance, consider a student who suffers from Down syndrome. When this student first begins special education, his/her/their teachers and other school professionals come together to think of a plan that will ensure the success of the student, all the while keeping in mind the unique needs and challenges of a student with Down syndrome. Depending on the strengths and the needs of the child, the

IEP would likely include goals such as letter recognition, counting to 20, or possibly even attending the restroom alone. All of these goals are geared toward future academic success for the student with Down syndrome, which is the entire premise of an IEP. In essence, “The IEP addresses all areas of student need, including accommodations to be made in the general education setting and the services and supports to be provided there. The IEP also is the means through which student progress is documented” (Friend & Bursuck, 2015, p. 57). Now that the IEP has been prepared for the student, the MDT decides on the student’s placement for the implementation of the IEP (Friend & Bursuck, 2015). Students in special education are placed into their least restrictive environment (LRE). After the MDT has worked cooperatively to develop an IEP for the student, the student’s parents must again approve of the student’s placement in special education and the IEP itself for any further action to be taken (Friend & Bursuck, 2015). If the parents do agree, the IEP implementation phase can commence.

**Implementation phase.** Once the student’s IEP has been written and agreed to by all parties, the various education professionals must provide the student those services included in the IEP to the student (Baesler, 1999). At this stage in the process, all services are delivered and documented. After these services have been provided to the student for about a year, the student’s parents, involved teachers, and possibly administrators meet for an IEP annual review (Friend & Bursuck, 2015). Annual reviews occur yearly, and during the reviews, the various parties talk about the progress that the student has made. If any changes have occurred with the student’s academic progress over the past year, the educators update the IEP to accommodate for appropriate supports until the next annual

review (Friend & Bursuck, 2015). If any other services or the placement of the student need to be changed, this happens at the annual review as well (Friend & Bursuck, 2015). Similarly, every three years the MDT re-evaluates the student's disability by administering another battery of assessments to note any changes in the disability itself. (Friend & Bursuck, 2015). In some cases, a student's academic or behavioral progress may advance to the point that the student no longer has a qualifying disability, requires no further special education services, and transitions fully to a general education model. In other cases, the student's disability may persist to some degree or in some form, and the student continues receiving all the services identified in his/her/their IEP (Friend & Bursuck, 2015).

Special education is a program with various, unique aspects that can seem confusing and even intimidating at times. With a long, intricate referral system, one can begin to see how ELLs could get mixed up in the midst of all that occurs in special education. If an educator wrongly assumes that an ELL has a learning disability that is impairing his/her/their academic success, the student could easily be placed into the special education referral process and lost in the numerous complexities of the system. In the next chapter, I thoroughly discuss second language acquisition so as to see how those factors could potentially play a role in the misidentification of ELLs as students with learning disabilities.

## **Second Language Acquisition**

When students immigrate to the United States and speak a language other than English, they often begin to learn English as soon as they enter the education system. As these ELLs learn English, they go through second language acquisition. Generally, second language acquisition is the process of learning a second language, and beyond that, it is the process of subconsciously picking up a second language (British Broadcasting Corporation, 2012). Second language acquisition implies that language is not purely taught through explicit, formal instruction, such as grammar lessons, but it is also subconsciously picked up by the student while interacting with others through conversation, possibly on the playground at recess or in the cafeteria at lunch. Therefore, as students are explicitly taught English, often at school, they learn not only through that explicit instruction but also through implicit acquisition simply from being around the usage of English in school. Even if students are not explicitly taught English, if they spend time around people who speak English, they will almost assuredly acquire some English as time goes on.

Numerous aspects of second language acquisition are relevant to the misidentification of ELLs as students with learning disabilities. Next, I define language proficiency, offer two models for determining a student's language proficiency, and explain how these models are helpful for teachers.

### **Language Proficiency**

As students pursue learning a second language, the main goal is often to become proficient in that second language. While various definitions of language proficiency are

used by different institutions and in different domains, for the purposes of this paper, language proficiency will be defined as a particular stage of second language acquisition in which a student can read, write, and speak with fluidity and ease of expression, much like that of a native language speaker. Language proficiency is commonly thought of as a general competence in a particular language, but this vague definition is often of little value to teachers who are trying to assess if their students are fluent in the second language that the students are learning (Grassi & Barker, 2010). Two theories of language proficiency that Grassi and Barker (2010) suggested for guiding teachers to understand their students' English proficiency are Canale and Swain's (1980) model of communicative competences and Cummin's (1979) BICS and CALPS model.

Canale and Swain's model of communicative competence includes four major components: grammatical competence, discourse competence, sociolinguistic competence, and strategic competence (1980). Grammatical competence is a general understanding and proper application of the various grammar rules in a particular language (Canale & Swain, 1980). If students understand the grammar rules of a language and know how to apply them properly while writing or speaking, then they have mastered grammatical competence. Discourse language is the ability to assemble sentences in such a way that promotes and supports coherent conversation (Canale & Swain, 1980). When students can speak to others while understanding the context of the conversation and matching it with appropriate speech, they have mastered discourse competence. Sociolinguistic competence is the understanding of the social rules in a language and the implications behind communicative interactions (Canale & Swain,

1980). For instance in English, when students have mastered sociolinguistic competence, they understand what is implied when someone says “it’s raining cats and dogs” or when someone uses nonverbal communication, such as nodding his/her/their head up and down to imply approval. Strategic competence is the ability to work past the miscommunications that a language barrier may create and compensate by reaching their communicative goal in another way (Canale & Swain, 1980). Strategic competence has noticeably been mastered when students struggle to communicate a point of some type to another person because of the gaps in their knowledge of the language, but they possibly rearrange their statement, use different but similar words, or somehow fill in the gaps in a way that delivers their point to the other person. Canale and Swain’s (1980) model is a way to analyze where students are in their second language acquisition by understanding which competencies they have currently developed and which ones they still need to work on.

In Cummin’s (1979) model, language acquisition is divided into two categories, BICS and CALPS, in which BICS stands for basic interpersonal communication skills, and CALPS stands for cognitive academic language proficiency skills (Grassi & Barker, 2010). BICS is representative of a student’s ability to converse in casual, social conversation (Cummins, 1979). Generally, BICS employs simple, everyday language and relatively simple syntax. A teacher may observe a student’s BICS when the student plays with other children on the playground or converses with another student while waiting for the bus to arrive after school. Further, BICS takes approximately three to five years to fully develop (Grassi & Barker, 2010). CALPS is more representative of a student’s

ability to partake in academic language (Cummins, 1979). A teacher may observe a student's CALPS when the student completes a writing sample on a quiz or when called on to answer a question about subject-area content during class. Typically, CALPS uses relatively advanced, proper, and formal language with more complicated syntax. On average, CALPS develops slower, taking students roughly five to seven years to fully grasp (Grassi & Barker, 2010). Collectively, the concepts of BICS and CALPS help educators to distinguish a student's fluency in terms of social and academic language.

An ELL has reached full language proficiency when he/she/they have mastered all four competencies and has developed both BICS and CALPS. Moreover, these concepts provide teachers with language features to look for and observe while analyzing their students' language proficiencies. For example, the teacher of an ELL would first look for and expect to see the student developing BICS, discourse language, and possibly strategic competence. As time goes on, the teacher would then likely expect to see the student developing more CALPS, grammatical competence, and sociolinguistic competence. Assessing proficiency in a language is always very important for the topic of misidentification because educators must be able to understand and recognize a student's proficiency in a language in order to avoid mistaking the second language acquisition process as a learning disability.

### **First Language and Second Language Connection**

Cummins (1981, 2000, 2001), a second language acquisition theorist, argued that a person's first language and second language are "interrelated," and that the foundation of the student's first language can almost directly affect the student's acquisition of the

second language. If students have a strong and solid foundation in their first language, they will have the necessary tools and skills to more easily acquire a second language (Cummins, 1981, 2000, 2001). If students have less developed foundations in their first language, they may have a harder time acquiring another language on top of the language that they already struggle with. Consider a student who excels at reading in his/her first language; according to Cummins' theory, this student will likely succeed at learning to read in a second language as well (1981, 2000, 2001). Additionally, Cummins further attests that "academic skills (particularly literacy) learned in the first language can directly transfer to the learning of academic skills in the second language" (Grassi & Barker, 2010, p. 67). For example, if a student is beyond proficient in math, once he/she begins to learn a second language, these math skills will likely transfer over to the second language, and the student will probably continue to succeed in math.

The link between a student's first language foundation and his/her/their second language is relevant to the misidentification of ELLs as students with learning disabilities because educators who are working with ELLs need to be mindful of those students' academic and language backgrounds. If a student excelled in reading in his/her/their first language and he/she/they really struggle to read in English, then the educator working with that student must look further into and analyze the situation with that in mind. Multiple other factors besides this connection contribute to second language acquisition. In the following section, I describe Krashen's four second language acquisition theories and determine how the importance of teachers' knowledge of the theories.

### **Second Language Acquisition Theories**



A few different theories on second language acquisition exist, and each provides its own unique and valid points. Krashen, another well-known language acquisition theorist, is credited with five fundamental second language acquisition theories (1982). In his natural order hypothesis, Krashen claimed that as language learners acquire their second language, they pick up some components, specifically grammar, in a predictable order (1982). Some phrases, rules, and general conventions of the language may be more easily and quickly acquired by the language learner, and other concepts may be more challenging to grasp; hence, Krashen argued that there is a natural order to the way that language learners acquire their second languages (1982). Moreover, since there is a predictable order to the way that language learners progress through second language acquisition, a framework for the phases of second language acquisition has been developed to accompany Krashen's theory of natural order (Grassi & Barker, 2010). In this framework, there are five main stages: preproduction, early production, speech emergence, intermediate fluency, and advanced fluency (Grassi & Barker, 2010). Preproduction, which typically occurs one to three months into the initiation of the second language acquisition process, is characterized by minimal speech production; in this phase, the language learner often just listens and may attempt to make some type of speech or statement (Grassi & Barker, 2010). The second phase is early production, and this occurs two to twelve months into the process (Grassi & Barker, 2010). During early production, the language learner begins to produce one word or two word responses and may rely on memorized phrases to converse with others (Grassi & Barker, 2010). Directly in the middle of the framework is the speech emergence phase, usually one to

two years into the second language acquisition process, and is characterized by the language learner using short, choppy sentences, but comprehending quite a bit of the language (Grassi & Barker, 2010). Next is the intermediate fluency phase, and at this point (three to five years into the process), the language learner is able to speak in complete sentence and participate in conversation with others (Grassi & Barker, 2010). The final phase is advanced fluency, which occurs five years and beyond the start of the second language acquisition phase, and once the language learner enters this phase, he/she/they are capable of interpreting and producing almost any part of the language and has only minor, infrequent mistakes from time to time (Grassi & Barker, 2010).

This framework based off the natural order hypothesis is crucial to a teacher's understanding of ELLs because it highlights the different stages and the general progression of a student who is undergoing second language acquisition. Like with the two models for determining language proficiency, Krashen's natural order hypothesis provides the teacher with a general framework which allows the teacher to analyze which particular phase the ELL is currently in. ELL students certainly undergo a variety of phases not only throughout their second language acquisition process, but also throughout their general adaptation to their new culture and lifestyle. With the implementation of the natural order hypothesis structure as a guide, teachers may be more accurate in their analyses of students' levels of language proficiency, and this may consequently allow them to be more careful while assessing for either the continuation of second language acquisition or the possibility of a learning disability.

Another one of Krashen's hypotheses is the input hypothesis, which highlights the importance of the student's receiving comprehensible input (1982). Input (any type of language that the student takes in) is comprehensible when the student can easily and thoroughly understand the crux the information that is being communicated. In this theory, Krashen suggests that input can be made comprehensible through "visual support, gestures, context, drama, stories, moves, modeling, and written instruction" (Grassi & Barker, 2010, p. 64). The student must receive comprehensible input in order to understand, learn, and also create output (any type of language that the student produces). The input hypothesis also highlights the importance of comprehensible input at a growing difficulty (Krashen, 1982). In order for students to learn and grow, the input must be comprehensible so that the students understand, but there should also be challenges present in the input as time goes along (Krashen, 1982). Therefore, as students progress in their second language acquisition, they receive comprehensible input that they can understand and that challenges them too. The input hypothesis is crucial in the classroom because it reminds teachers to create lessons that are comprehensible for ELLs.

Another second language acquisition theory developed by Krashen is called the affective filter hypothesis (1982). The affective filter is a metaphorical barrier that rises when students are stressed or nervous but lowers when students are comfortable (1982). For example, if a student who is still learning English is called on to read a dense and challenging paragraph in history class, his/her/their affective filter will likely rise with the oncoming stress, and the student will have difficulty outputting any type of language. However, if the teacher has the students read the passage to each other in partners, the

student's affective filter is less likely to go up and the student will probably not struggle as much with reading the passage aloud to his/her/their partner. The affective filter is important to keep in mind when teaching because teachers need to be aware of their students' nerves and how those nerves could possibly get in the way of fully undergoing the second language acquisition process.

Both the input hypothesis and the affective filter hypothesis serve as reminders for teachers to constantly be aware of how their teaching is affecting students. These theories encourage teachers to ask themselves questions like: "Am I presenting the material in such a manner that is intellectually accessible to all students, especially ELLs? and "Am I granting students enough wait time to produce answers to questions that I ask, or am I asking too quickly by immediately calling on a student who may become too nervous and anxious to be able to process the question and answer correctly?" As a result, the input hypothesis and affective filter hypothesis promotes teachers deeply analyzing their own teaching techniques, strategies, and procedures. This decreases the possibility of ELLs being misidentified as students with learning disabilities.

Krashen's acquisition versus learning hypothesis argues that the subconscious acquisition of a language is more effective than explicitly learning a language (1982). Krashen (1982) believed that acquisition is more effective than learning because when students are explicitly taught a language, they often create a monitor, and this monitor analyzes and critiques the output produced. This concept is the premise of Krashen's fifth hypothesis, the monitor hypothesis (1982). Essentially, when students learn, they are often expected to produce output to verify and strengthen their learning, but they often

are hesitant to output incorrectly, so they try to avoid wrongly outputting, thus limiting their output in general. While teaching, it is important to keep in mind a student's monitor and reinforce the importance of constantly producing language (outputting), despite the correctness of the output. However, it is important to note that various studies have shown the benefit of teaching students explicit language lessons on grammar, vocab, and other learning objectives, so teachers should not completely eradicate those particular lessons. (Grassi & Barker, 2010).

Krashen's acquisition versus learning hypothesis also reminds teachers that not all parts of a language can or should be taught explicitly (1982). Often, students need both explicit language lessons and implicit acquisition of the language as they carry out their daily lives. Krashen's five second language acquisition hypothesis, as a whole, provide an indubitably helpful framework for teachers to evaluate their students' progress in the second language acquisition process. When teachers are more knowledgeable about the many complexities of second language acquisition, they are more prepared and adept to be able to distinguish between ELLs who are truly just still acquiring English and ELLs who genuinely have learning disabilities. Second language acquisition is such a unique and complex process that knowledge of Krashen's theory is indubitably helpful for educators of all types.

In the following section, I highlight some of the most important and common errors in second language acquisition. I also discuss the importance of recognizing and understanding these errors so that they are not wrongly perceived as being directly linked to a learning disability.

## **Errors in Second Language Acquisition**

Krashen's (1982) hypotheses on second language acquisition may make the process seem natural and effortless, but we must keep in mind that various errors occur throughout the process as well. Multiple errors can arise during interlanguage, which is the intermediate step between proficiency in the student's first language and proficiency in the student's second language (Grassi & Barker, 2010). The errors that commonly occur in interlanguage can stem from an unsteady foundation in the first language, a misunderstanding in the second language, or even some type of developmental issue (Grassi & Barker, 2010). Four of the most common types of interlanguage errors are: developmental errors, interlingual transfer errors, intralingual transfer errors, and incorrect hypotheses about the language (Grassi & Barker, 2010). When a student makes developmental errors, he/she/they usually have language mishaps that are similar to mistakes a child would make while learning a first language (Grassi & Barker, 2010). When a student makes interlingual transfer errors, he/she/they apply certain rules and principals that are true in their first language to similar situations in the second language (Grassi & Barker, 2010). For example, if a student's first language involves making possessive adjectives plural in certain contexts, he/she/they may attempt to make adjectives plural in the second language to try to satisfy the rule from the first language. On the other hand, if a student makes intralingual transfer errors, the student essentially takes a rule that he/she/they have learned in the second language and applies it to all situations in the second language (Grassi & Barker, 2010). For example, if a student learns to create plurals by adding an "s" to the end of words, he/she/they may try to make

all words (including words such as *deer* or *child*) plural by simply adding an “s” to the end of the word. A student may also make incorrect hypotheses about the second language in general, and this could occur when he/she/they receive incorrect information about the language in some context (maybe from a friend or from the media) and apply that information to the language as a whole (Grassi & Barker, 2010).

Beyond these four common interlanguage errors, students tend to undergo a developmental sequence of interlanguage (Grassi & Barker, 2010). Like Krashen’s natural order hypothesis, this concept suggests that students usually make certain errors at the beginning of their second language acquisition process and continue to work through those issues as their language progresses. Certain progressions of making errors and correcting those errors are common for negation, questions, references to the past, and grammatical morphemes (Grassi & Barker, 2010). Even more, as students continue through the second language acquisition process, it is not unlikely for them to often take one step forward and a couple steps back, a concept termed backsliding (Grassi & Barker, 2010). Backsliding is completely natural for students because as they continue to learn and grow in their second language, they can easily forget other aspects of the language that they have previously learned. Usually, though, students tend to move past this backsliding and take part in a process called restructuring, which is the continual losing and regaining of language-related content and application (McLaughlin, 1990). A specific type of restructuring is U-shaped learning, during which the student (at the top left side of the U) learns a great deal of information quickly and efficiently, but as time goes on a bit, this learning slows down and the student experiences back sliding (lowest part of the U)

(McLaughlin, 1990). With time, the student pushes past through the backsliding and starts to effectively put together all the various parts of the language that he/she/they have learned and progresses to the top right side of the “U” (Grassi & Barker, 2010). The implication is that teachers need to be well aware of this process so that they are not alarmed by their students’ seemingly misleading progress. More importantly, teachers must realize that these behaviors are common and natural, and do not necessitate a learning disability.



## **Literature Review**

At this point, it is clear that both special education and second language acquisition are detailed, intricate entities, each with unique qualities and characteristics. Special education and second language acquisition are entirely separate entities, and yet many ELL students are consistently misidentified as students with learning disabilities (Barrio, 2017). Naturally, as this occurrence becomes more frequent, educators and scholars continue to ask “Why?” Why are so many ELLs being placed into special education? How has this issue not been solved by now? And where do we go from here?

In this literature chapter, I introduce what is considered to be the heart of the problem: the undeniable similarities in manifestations of ELLs and students with learning disabilities. Next, I identify numerous elements that are considered to be factors of the misidentification of ELLs as students with learning disabilities. I then explain solutions that various authors and scholars offer to eliminate those particular factors.

### **The Heart of Misidentification**

Although ELLs and students with learning disabilities are often very different in both their academic needs and characteristics, it should be acknowledged that differentiating between second language acquisition and a learning disability can be challenging. “The heart of the problem... is discerning whether students are simply struggling with acquiring English or truly have disabilities that are impeding their progress” (Maxwell & Shah, 2012). On the surface, second language acquisition and a learning disability can present themselves through fairly similar manifestations (Hamayan, Marler, Sánchez-López, & Damico, 2013).

Six main characteristics of ELLs are often mistaken as indicators of learning disabilities (Layton & Lock, 2002). First, ELLs may have a lower rate of learning, which could seem like a processing disorder (Layton & Lock, 2002). Second, poorer communicative competence may also seem like an indication of a processing disorder (Layton & Lock, 2002). Third, behaviors such as failing to follow directions, day dreaming, and inadequate eye contact may point toward a disability (Layton & Lock, 2002). Fourth, reading skill difficulties could signal a learning disability (Layton & Lock, 2002). Fifth, “use of conceptual language including temporal and spatial terminology appears to indicate poor expressive language skills” which is also typical of students in special education (Layton & Lock, 2002). Last, poor literacy skills such as narrating and the application of abstract language are characteristic of students with learning disabilities as well (Layton & Lock, 2002).

These behaviors can all be considered characteristic of some type of learning disability, so someone who is not familiar with the needs of ELLs may wrongly label these behaviors strictly as characteristics of learning disabilities. An important distinguishing factor between ELL mannerisms and the behaviors of students with learning disabilities is the intrinsic versus extrinsic factor of the manifestation (Hamayan, et al., 2013). Learning disabilities are often a result of intrinsic factors such as a brain impairment; whereas, ELLs often struggle because of extrinsic factors such as emerging familiarity with English and US culture (Hamayan, et al., 2013) Moreover, although ELLs and students with learning disabilities commonly present their manifestations in

similar fashions, the manifestations themselves stem from different factors and should thus be treated differently as well.

Since these differences are so subtle, the easiest solution for some educators is to simply label the student who is struggling as having a learning disability (Hamayan, et al., 2013). Looking further into the issue to investigate the real root of the problem often takes a great deal of time and effort, so presuming that the student suffers from a learning disability and then sending him/her/they off to the special education program seems to be a quick and simple solution. Even more, the notion that the student's struggles could be related to flaws in the teaching, lessons, or other educational protocols reflects poorly on the teacher and/or school, so the thought is sometimes avoided altogether (Hamayan, et al., 2013). Sadly, school personnel sometimes prefer to place the blame on the student and the student's learning disability instead of facing a possibility that the issue could truly be stemming from a flaw in the educational system in place (Hamayan, et al., 2013). Although this is not always the case, a single occurrence of this injustice is still too much.

There is no question that ELLs and students with learning disabilities have similar characteristics and behaviors, but it is important to note that these similarities do not translate to similar approaches in intervention. Therefore, it is of utmost importance to recognize the difference between the manifestations of ELLs and those of students with learning disabilities so that all students are properly educated because "the misplacement of students in special education is problematic in that it is not only stigmatizing, but it can also deny individuals the high quality and life enhancing education to which they are entitled" (Artiles, Harry, Reschly, & Chinn, 2002, p. 4). Special education is not

beneficial for students who do not have learning disabilities. In fact, in one study it was shown that Hispanic students who were labeled as having learning disabilities and were put into special education for three years actually performed at lower levels on various assessments compared to their scores when beginning special education (Ortiz, 1992). For these reasons, it is absolutely not acceptable for educators to be misidentifying their students for the reasons listed above, or any reason at all for that matter.

As I have gone through my schooling on education, I have personally seen teachers' weariness to partake in this unjust tactic. In a few of my education classes, we have been made very aware of the issue of misidentification, and I have noticed that it is taking on greater significance at most of the schools in which I have completed placements. As more become aware of this far-reaching issue, fewer educators want to be involved in the continuation of the problem. For instance, when I worked with a middle school teacher in a school with a large ELL population, he was aware that misidentification is a significant issue that needs to be fixed and thus did not want to fall into the trap of misidentification. This teacher was careful to look for ineffective practices in his own teaching before seeking to identify ELLs as students with learning disabilities.

In the section that follows, I discuss teacher education, referral bias, policy, demographics, family, assessment, race, and discipline in terms of both their roles and factors and possible solutions.

### **Factors of Misidentification**

**Teacher education.** It is important to note that not all misidentification occurs out of spite or lack of effort; some educators actually do not have the knowledge on the

issue to be able to distinguish between ELL behaviors and the manifestations of learning disabilities (Hamayan, et al., 2013). A teacher's ability to distinguish between these two actually has a significant impact on which students are referred to special education (Layton & Lock, 2002). This makes sense in that teachers cannot be expected to determine whether ELLs have learning disabilities if they do not have much education on the second language acquisition process of ELLs themselves.

Moreover, if teachers do not have an adequate understanding of the second language acquisition process and the typical needs of ELLs, they are less equipped to be able to teach in a way that resonates with students undergoing the language acquisition process. In order for ELLs to pursue academic achievement, they must receive the proper education that is tailored to their unique needs (Zimmerman, 2008). ELLs have unique needs because of their second language acquisition, and "because of the complexity of these students' needs, their instruction must be multi-faceted in order to be effective, incorporating a variety of techniques and strategies" (Zimmerman, 2008, p. 23). If teachers are not aware that ELLs need to be taught with particular instructional strategies, then teachers could easily not teach in such a manner, resulting in ineffective instruction. Hence, teachers must receive their own instruction on the issue so that they can teach in a way that is accessible and beneficial to ELL students. Otherwise, the ELLs will continue to struggle and run the risk of being misidentified.

Moreover, whether or not the teacher of an ELL speaks the same language as that ELL could be a factor in the issue of misidentification. For instance, if an ELL spoke Spanish as a primary language and the ELL's teacher spoke Spanish, educating the ELL

would likely be less challenging than if the teacher spoke only English. Not only could the teacher present the information to the student in Spanish, but the teacher could also more easily see if the student was struggling to process in Spanish as well or if the problem was only present when the students was using English. Generally, if an ELL's teacher speaks the same language, or is somewhat familiar with the same language, as the student, then the communication barrier is much less protrusive.

In my experience in the field of education, I would definitely agree that teacher education is lacking on the topic ELLs and special education. Of all the teachers I have worked with in my placements, only one has said that he received specific training and education on how to teach ELLs. Consequently, the other teachers who did not receive training on how to teach ELLs struggled to properly teach the ELLs in their classrooms, which was very difficult for me to observe since I have received a great deal of training in the area myself. Since ELLs are rapidly growing portion of our education system, it is disheartening to know that so few educators have receive proper training on how to specifically serve the ELL population.

*Solutions.* Very few educators have training in the topic of both ELLs and special education, and few schools offer education on the topic (French & Rodriguez, 1998); thus when scholars examine all of the teacher-related factors of the misidentification of ELLs as students with learning disabilities, teacher education is the most commonly suggested solution. Teachers should have high efficacy, meaning they thoroughly educate their students in a manner that is effective and the students really learn (Zimmerman, 2008). The path towards this efficacy often involves providing teachers with intensive education.

Teachers with high efficacy make fewer referrals to special education, and this is a major solution that we are currently aiming for in education (Zimmerman, 2008). The concept of efficacy is broad, and scholars have pointed to several areas of teacher education that can help teachers develop this competency.

Layton and Lock (2002) advocated for “sensitizing teachers.” Sensitizing teachers would be a type of teacher education that brought awareness to the “issues that indicate a learning disability versus the typical differences that result from new language acquisition and culture” (Layton & Lock, 2002, p. 362). Layton and Lock (2002) conducted a study in which they instructed these teachers on the myriad commonalities of ELLs and students with learning disabilities because they believed in the power of a teacher’s knowledge when differentiating between second language acquisition and a learning disability. The study confirmed the notion that teacher sensitivity to these issues is unquestionably influential on a teacher’s ability to effectively instruct and evaluate the performance of ELLs (Layton & Lock, 2002). In essence, sensitizing teachers improved their efficacy.

Throughout my four years of college, I would certainly say that I have been sensitized to both the subject of the misidentification of ELLs as students with learning disabilities and the strengths and challenges of ELLs as well. I have become sensitized through being explicitly taught about the matter and by spending time with ELLs in various classroom settings. I have a deeper understanding and greater appreciation for the educational journeys of ELLs, and I hope to respect their educational journeys by effectively educating them once I begin teaching.

Additionally, Barrio (2017) encouraged school districts to provide developmental trainings for teachers, specialists, administrators, and any other relevant school staff to help further develop the educators' knowledge in the practices that are most beneficial for ELLs. These trainings would consist of educating the school personnel on "evidence-based practices for ELL students, multicultural responsive practices, and RTI" (Barrio, 2017, p. 69). Training would not be provided only once; in this model, refresher sessions would be available yearly (Barrio, 2017). Not only would this allow all previous educators in the district to be consistently reminded of these topics, but these refresher sessions would allow newly hired personnel to be trained on the issue as well. Further, the educators would be expected to apply the information they learned in the trainings in their own lessons and instruction with their students (Barrio, 2017).

Since teachers who speak the same language as their ELL students have less trouble communicating instruction to the ELLs, teachers could partake in language training (Zimmerman, 2008). Speaking the same language could also aid in the communication between the teacher/school and home unit (Zimmerman, 2008). Even more, this could help to improve a student's test scores in his/her/their primary language. Throughout my own schooling, I have only taken four years of Spanish classes. Even with that little amount of language training, I have been able to communicate much more efficiently with Spanish-speaking students in the classrooms of my placements. Although I was not able to have fluid, easy conversations with the Spanish-speaking students, I was able to convey my points and the relevant information to the students so that they were able to succeed in their academic tasks. Once, in a high school math class, I noticed a boy



who was not completing the worksheet packet that had just been assigned. The boy was noticeably confused, not distracted by his friends, his phone, or another assignment. I sat down next to him and asked him if he needed help, and he looked back at me with a confused expression. I then asked him if he spoke English, to which he shook his head “no.” At that point, I used my small Spanish vocabulary to guide him through the mathematical concepts on the worksheet packet, and then left him to work independently. The next time I walked by him, he had completed the entire packet almost flawlessly.

Zimmerman (2008) suggested another option for improving teacher education, which is providing ESL and Bilingual Education majors a course on ELLs and special education. Essentially, college students who are majoring in either ESL or Bilingual Education would be offered a course that educates the future teachers on issues related to misidentification and ways to avoid this outcome.

More teachers than solely ESL and Bilingual Education teachers work with ELLs and are involved in the process of referring ELLs to special education, so these other teachers should also receive education on the subject (Ochoa, Brandon, Cadiero-Kaplan, & Ramirez, 2014). Many general education teachers are the first to notice that a student in their class is struggling, which sparks the special education referral process (Grassi & Barker, 2010). After that initial observation, the general education teacher is usually put in charge of implementing RtI in his/her/their own classroom (Ochoa et al., 2014). Additionally, many students in the special education program are placed into general education classrooms as there is a push for full inclusion models that keep students with disabilities in the general education classroom (Ochoa et al., 2014). Therefore, general

education teachers are often expected to first notice a possibility of a learning disability, utilize RtI to gain more information about the possible learning disability, and educate students who are a part of special education. For these reasons, general education teachers should most definitely receive some type of education on ELLs and special education (Ochoa et al., 2014).

Ochoa et al. (2014) completed a study in which they provided teacher preparation education on acquisition of language skills and academic literacy (ALAS). This training was provided to “bilingual individuals proficient in Spanish and English seeking a Bilingual Authorization K-8 or 7-12 credential and a demonstrated commitment to working in Special Education ... while also being dedicated to meeting the specific needs of English language learners...” (Ochoa et al., 2014, p. 74-75). The study showed that the teacher preparation program that was aimed specifically toward the issues of ELLs and special education was beneficial for the teachers, and this type of training allowed teachers to “develop critical knowledge and skills required to address the growing linguistic diversity” (Ochoa et al., 2014, p. 79). Furthermore, providing teacher education, like that of the ALAS program, strengthens educators’ knowledge on ELLs and thus should aid in the issue of misidentification. Overall, the various teacher education programs, although each differing slightly in nature, all seem to have positive impacts on educators’ understanding of ELLs and their abilities to differentiate between ELLs who are still acquiring English and ELLs who have learning disabilities.

Professional development that is provided by a school district obviously costs money, so the budget dedicated to staff development would likely need to increase or be

reconfigured to cover the cost of these teacher educator efforts (Barrio, 2017). The budget and the issues that revolve around the budget could certainly be a major reason as to why this professional development is not always provided. The models of training implemented in different school districts often vary based on the type of funding that the school district has available (Zimmerman, 2008), which could be beneficial for wealthier school districts but disadvantageous for lower income school districts. For this solution to be effective, budget is a major area of concern that must be properly sorted out.

**Referral bias.** Bias may also be a factor that is related to a lack of education and/or knowledge on the subject. Often if teachers are not trained to become aware of their biases, they will not be able to eradicate their biases. Both the teacher's perception of students and their thoughts on other aspects of education can have an effect on special education placements (Baer, et al., 1991). In fact, teacher perceptions can even be considered "predictors" of which students are referred to special education (Baer, et al., 1991). The most relevant bias affecting the referral process occurs in three main areas: teacher characteristics, student characteristics, and class characteristics (Baer, et al., 1991). Teacher characteristics that create bias in the referral process include gender, ethnicity, marital status, opinions of mainstreaming, and perceptions of the educators who are also involved in the referral process (Baer, et al., 1991). Female teachers are actually more likely to refer students to special education than their male counterparts (Baer, et al., 1991). Also, teachers who are an ethnicity which is different from the student's are more likely to refer the student to special education (Baer, et al., 1991). If the teacher is single, he/she/they are more likely to refer the student as well (Baer, et al., 1991). If the

teacher has positive opinions of the educators who will be assessing the student during the referral system, then the teacher is more willing to send the student into the referral system (Baer, et al., 1991). Last, if the teacher thinks poorly of mainstreaming (a term used to describe the model of special education in which students with learning disabilities are kept in the general education class for most of the school day, if not all of the day), then the teacher is more likely to refer the student to special education (Baer, et al., 1991).

Student characteristics that impact referral bias include gender, ethnicity, and attractiveness (Baer, et al., 1991). Male students are more likely to be referred to special education than their female counterparts (Baer, et al., 1991). Also, “Black and low socio-economic status (SES) Mexican Americans are more likely to be referred than whites” (Baer, et al., 1991). Even more, students who are perceived as “unattractive” are more likely to be sent to the referral system than students are who are perceived as “attractive” (Baer, et al., 1991).

The classroom factors that affect referral bias are the class size and the number of mainstreamed students in the class (Baer, et al., 1991). If the class size is large, the teacher is more likely to refer a student to special education (Baer, et al., 1991). Additionally, if there are a great deal of mainstreamed students in the class, the teacher is more inclined to send the student to the special education referral system.

Although I have not explicitly observed bias in the referral of a student to special education, I would certainly agree that these factors do play a role. The teacher’s perception of the student is dependent not only on the student’s characteristics, but can

also be dependent on what else is going on in both the classroom and the teacher's life. Sadly, I have seen many mishandlings of various types of students which I believed were rooted in causes other than the characteristics of the students alone. As an educator, I could see how bias could play a role in the referral process. If students and teachers have strong relationships, then more learning can take place. However, if teachers are biased against students for some reason, then the relationship between the teacher and student is less strong and the student may have a decreased ability to learn as efficiently.

*Solutions.* Many of these biases that impact the referral of students to special education are subconscious, so educators often do not even realize that they are partaking in these thought processes. A solution to this problem would be more efficient and in-depth teacher education on second language acquisition, as discussed previously. Specifically, this type of teacher education would entail training on diversity and multicultural education (Artiles et al., 2002). Education that shed light on the differences in various cultures would allow teachers and other educators to acknowledge and even appreciate the differences between their own cultures and their students' cultures (Artiles et al., 2002). With this realization, there should ultimately be less bias in the referral process.

Additionally, teachers can implement some specific frameworks in their classrooms that should cut back on referral bias (Ortiz, 1992). First, the framework for empowering minority students is one that empowers minority students by cultivating a classroom culture that is geared toward emphasizing all students', especially ELL students', successes instead of constantly focusing on their weaknesses (Ortiz, 1992).

Another framework, the collaborative school-community relationships framework, includes involving all parents, especially parents of ELLs, so that it is apparent that the teacher appreciates all participation and input, no matter the party's race, ethnicity, or culture. The third framework of cultural and linguistic incorporation implements cultural and linguistic relevance into classroom instruction; by including references that are culturally and linguistically relevant to students of all backgrounds in the class, all students should feel welcome and appreciated (Ortiz, 1992). Interactive pedagogical approaches are a major component of another framework and are characterized by their focus on interaction with a major emphasis on communication (Ortiz, 1992). As students are encouraged to participate communicatively throughout instruction, they are given the opportunity to practice both inputting and outputting language, which is obviously beneficial for ELLs going through the second language acquisition process. The last framework is advocacy-oriented assessment, which encourages advocacy for the student as he/she/they are going through the assessment portion of the referral process. This framework suggests that the educators involved should not look to automatically find some type of issue, such as a learning disability, for a reason such as the student being an ELL, but rather should try to advocate for the student's strengths and needs (Ortiz, 1992).

**Policy factors.** Since this issue has many complicated facets, policy regarding the labeling ELLs with learning disabilities should be precise and clear. However, many policies regarding the issue are vague and misleading (Zimmerman, 2008). For example, IDEA has various specifications and complexities, but many educators are still unclear on the implications of the policy and how to implement the policy in their own

classrooms/schools (DeMatthews, Edwards, & Nelson, 2014). If policies (of any kind really) are vague and unclear, they often result in inconsistency and errors (Zimmerman, 2008). Therefore, if the policy about assessing ELLs for learning disabilities is not entirely clear, various errors can arise, thus resulting in the misidentification of ELLs as students with learning disabilities. Further, in some of the schools where I have completed observations, there was not even a policy in place about assessing ELLs for learning disabilities. The lack of policy at all is obviously an issue because it leaves teacher and other educators with major questions and little to no guidance.

IDEA is often criticized as being too vague as well (DeMatthews, Edwards, & Nelson, 2014). Specifically, “IDEA and subsequent court rulings are mostly broad, set minimum baselines for service types and quality, and leave room for states, districts, and schools to implement education policies and programs” (DeMatthews, Edwards, & Nelson, 2014, p. 28). Although having the power in hands of the states, districts, and schools is not necessarily a negative concept, it does require that, if policy is to be made clear and formal, somewhere along the line some type of representative or administrator must work to develop specific and understandable policy regarding ELLs and special education. Again, if IDEA is to be completely and properly implemented, then it must be broken down and simplified so that it is understandable and meaningful for the personnel responsible for the implementation of the policy. It seems as though this task is getting lost amid the rest of the highly important education issues, and this is creating a major obstacle for teachers to overcome as they are working with ELLs and trying to decipher whether the students have learning disabilities.

In all of my education placements, none of my teachers have discussed policy regarding ELLs and special education. I would argue that the reason I have never heard about this type of policy is either that such policy does not exist, the policy is confusing and misleading, or the policy is not emphasized as important within the school. The lack of firm and explicit expectations creates a challenge for educators who are trying to properly educate ELLs because there is little guidance. In any of those situations, this is harmful for ELLs who are referred to special education because the guidelines for that process are unclear and not commonly discussed.

*Solutions.* If policy regarding evaluating ELLs for special education is vague and unhelpful, then the obvious solution is to create policy that is clear and useful. Since IDEA leaves major gaps in policy to be filled in by state education agencies and school districts, an attempt must be made to establish meaningful policy on the issue (DeMatthews, Edwards, & Nelson, 2014). Very little literature is written on ideas for policy creation, but Barrio (2017) suggested one method for developing clear policy aimed toward eradicating the issue of misidentification. In this model, all “stake-holders” including parents, teachers, and administrators gather to plan a new policy (Barrio, 2017). The policy would likely be related to the pre-referral process for ELLs, delivering RtI to ELLs, and generally evaluating ELLs for learning disabilities (Barrio, 2017). Further, the policy should be composed of a “step-by-step model that could be used as a guide for interventions for all students before assessing them for special education services” (Barrio, 2017, p. 68). If school districts, or other state education agencies, followed this procedure for producing new policy, schools would have a straight-forward model to



follow that would guide them throughout the process of evaluating ELLs for learning disabilities, and this would likely cut down on the misidentification of ELLs as students with learning disabilities.

**Demographic factors.** The quality of education that ELLs receive, like any other demographic of students, is highly dependent upon the funding that the particular school district receives. Students who live in poor neighborhoods often attend poor schools (Artiles et al., 2002). Although it is most definitely not true that all ELL students live in poor neighborhoods, we can see how immigrant families could reside in lower income neighborhoods; immigrating to the United States is likely highly difficult and could easily create quite the financial burden, so it would be understandable for the families to live in lower income neighborhoods while they are still getting their feet underneath them. Thus, “high poverty schools serve primarily ethnic minority students” (Artiles et al., 2002), and such schools are often associated with lower achievement levels. If ELLs receive poorer education, they will almost certainly have lower academic achievement, especially because ELLs have such unique and precise academic needs. Additionally, research has shown that the education personnel in poorer school districts are often less qualified and less trained, which results in lesser quality education for the students and poor academics (Artiles et al., 2002). High poverty schools have higher percentages of uncertified and inexperienced teachers (Artiles et al., 2002). Although uncertified and inexperienced teachers are not necessarily ineffective in the classroom, it would be reasonable to conclude that at least some likely do not have much education and/or background with working with ELL students. Uncertified teachers have likely taken little to no classes

about education, so their knowledge on second language acquisition and how to distinguish between ELLs and students with learning disabilities is likely very limited. Inexperienced teachers may have learned about ELLs, but if they are inexperienced they probably do not have much background working with ELLs in terms of teaching them and labeling them properly. Therefore, if families of ELLs live in low income neighborhoods with low income schools, the ELL students could be receiving lower quality education from school personnel who are likely not highly qualified to work with the ELL population. Moreover, ill-prepared teachers working with ELLs are less likely to differentiate between learning needs of ELLs and manifestations of learning disabilities and thus more likely to misidentify some of their ELL students. Recall that professional training in a school district is closely linked to the school district's funding (Zimmerman 2008), so lower income schools are less likely to have teacher development programs, which only worsens the problem.

Obviously the location of the school that an ELL attends plays a role in his/her/their education because of the financial resources that are available in that area. Location also plays a role in terms of the types of other resources that are nearby as well. The location in which immigrant families reside is certainly not limited to big cities or suburbs, so ELLs can definitely attend school in rural areas as well. Teachers in rural school districts may have less access to educational resources and teacher development programs because of their locations, and this could thus worsen the problem for ELL students in rural areas (Barrio, 2017). Traveling outside of these rural areas to more urban

areas in order to receive training that would equip educators with the necessary tools to effectively educate ELLs, but would be costly and time-consuming (Barrio, 2017).

Sadly, my experience in education has shown me that money plays a huge role. I have spent time in schools that are well funded and in schools that are underfunded. Even as I walk up to a school, I can often start to get an idea of the status of the school's funding. Although not always the case, I have often seen lower funded schools struggle to attract highly trained professionals since those personnel can often work at other schools that offer higher salaries. Additionally, since I am from a rural area, I understand the unique challenges for professional development in distant areas. In my hometown where my mom taught elementary school for over thirty years, resources were limited and training on subjects such as ELLs and special education were extremely hard to come by. Unfortunately, location, funding, and other demographics can play a significant, and sometimes very negative, role in the misidentification of ELLs as students with learning disabilities.

*Solutions.* Solving issues of poverty in areas of society is never easy, and education is no exception. Although numerous theories aim toward funding all schools equally, that is not necessarily the purpose of this paper. However, the idea of educating teachers about other cultures and training them to be culturally sensitive would likely appease the issue of cultural misunderstanding between students and educators.

**Family factors.** Family exigencies, often dependent upon where the student's family immigrated from, can play a role in misidentification as well (Artiles et al., 2002). The realities and needs that families face can necessitate how much time the ELL can

devote to school, how much homework the ELL completes, and how much help the ELL receives from family members at home while working on homework and studying. For example, the ELL may not be able to complete schoolwork at home because he/she/they are busy taking care of younger siblings while the parents are at work, thus negatively impacting the student's academic achievement. Since the student is already an ELL, teachers may perceive this occurrence as related to a learning disability and pursue special education for that reason. "When the cultural backgrounds of students and teachers are incongruent, it may result in interpersonal misunderstandings, which may have consequences for special education" (Artiles et al., 2002, p. 7). Various situations can arise regarding culture that may make the teacher or other education staff think that the ELL has a learning disability when the matter is actually just an extension of the ELL's family's culture.

Further, classrooms and educational settings in general must be culturally responsive and sensitive to students of all backgrounds (Artiles et al., 2002). In order for ELLs to succeed academically, teachers and other educators must put in the extra effort to combat this array of issues. However, if particular steps are not taken to help the student who is raising his/her/their siblings, then cultural mismatch will likely occur. The teacher may see a student who refuses to do homework or study outside of school, while the student may see a teacher who does not care about the situation at home. This cultural mismatch could reflect poorly on the student's academic growth, and in return the teacher could misidentify the student as having a learning disability.

Immigrant families often must overcome various obstacles throughout their journey. Parents of ELLs often want to be involved in their child's education, but must overcome multiple obstacles in order to be an integral part of their child's educational journey (Zimmerman, 2008). Parents of ELLs are often ELLs themselves, who usually have busy schedules because of jobs and other immigration-related tasks (Zimmerman, 2008). These parents usually do not have much information regarding their child's education and struggle to attain that information, for reasons such as language barriers or other issues (Zimmerman, 2008). Therefore, strong connections to school are indubitably challenging for many parents of ELLs. This could be factoring into the issue of misidentification because parental/ home support is a crucial part of a student's education. Although a great deal of learning happens at school, teachers and schools often require that learning must continue into the home, for example, through homework or studying for tests. If these required home-based activities entail parental tutoring and if parents are unable to provide such support (for numerous reasons), teachers may assume that such ELLs are not progressing academically and may search for reasons such as learning disabilities to explain this lack of progress.

One of my placement sites was a high school with a high ELL population, and one of the first comments my supervising teacher told me was, "The most important thing to keep in mind while teaching these students is that school is likely not their top priority in life; they have a lot more going on outside of school, which is often more important than the math I'm teaching them." At first I was taken aback by this comment; I had never heard a teacher insinuate that education was not the most important aspect of a

student's life. As I got to know the students better, though, I began to better understand what she meant. The students did have a lot going on outside of school; in fact, the teachers were not allowed to assign homework to the students because the students usually had other responsibilities, such as watching younger siblings or working to help provide for their families, once the school day was finished. Throughout my time at that school, I learned to never make assumptions about a student's life outside, but instead to be mindful of the possible home-life situations that could be impacting the student's academics.

*Solutions.* Communication is a major solution for the connection between ELLs' home units and their academic endeavors. Every year, students are sent home with a survey that asks them if any languages besides English are spoken in their household, and if this question is answered with a yes, the student is automatically labeled as an ELL and enrolled in any language classes that the school requires ELLs to be registered in (Zehr, 2010). The student must then test out of the ELL program in order to be placed completely back into the general education model (Zehr, 2010). I have personally known parents who marked "yes" on their surveys simply because they encouraged the usage of a second language, such as Spanish, at home to try to help develop their children's second language skills. After they marked "yes," the school immediately considered the children ELLs and placed them into the appropriate programs. Although the parents thoroughly communicated the reasoning behind their answers to the survey question, the children were not allowed to exit the ELL program until they tested out, and in some

cases, this took multiple attempts. This is a prime example of the lack of communication that often occurs between the school and the home unit.

Schools should constantly strive for a positive pathway of communication between school staff and a student's home unit. This is especially true in the case of ELLs because the dynamic can be considerably complicated. Effectively educating ELLs comes with various challenges, so there must be open and positive communication in all areas. For example, parents should be made thoroughly aware of their children's education and should be invited to become as involved and educated on the process as possible (Barrio, 2017). Parents and other members of the home unit should be invited to work shops and meetings that consist of informing those family members what exactly is occurring in the student's academic journey (Barrio, 2017). Other tactics could be used to keep the home unit in the loop, such as newsletters or home visits (Ortiz, 1992). Again, this communication is crucial because it helps to provide ELLs with the best education possible, thus avoiding the issue of misidentification.

**Assessment factors.** Another factor that could lead to misidentification of ELLs as students with learning disabilities is assessment. Currently, there is no single form of assessment that accurately screens ELLs for learning disabilities (Schilder, 2013).

Although assessment can be used in a variety of settings, the particular assessment of concern here is the assessment of ELLs to try to ascertain whether they have learning disabilities. In such an assessment, aspects like cultural sensitivity and linguistic sensitivity are important matters. Over the years, there has been much controversy over assessment and the special education referral process (Artiles et al., 2002). Teachers and

educators often either are unaware of or disagree about whether the assessments they are asked to use are culturally sensitive or if they are biased in some ways. If the assessments are culturally insensitive or biased, acquiring new assessments that are approved by the school could be challenging and time consuming.

During my education placements, the area that I have seen ELLs struggle the most with has undoubtedly been assessment. I once worked with a seventh-grade boy in math who could work through a problem out loud, especially if I used guiding questions to point him toward the right direction. However, when he read a word problem on a quiz, he truly struggled. I could tell that he did not know what the word problems were asking him mathematically, how to translate the question to his primary language of Spanish, or how to go about solving the problem. If I asked him out loud to complete the computation, he could solve the problem with some ease even. Therefore, a written test or quiz was not an adequate representation of his knowledge on the content; his test scores simply showed that he had not yet entirely acquired English.

Assessment can be challenging for ELLs because they do not have enough time to input the language, translate, and output the language, or because they do not understand the language on the assessment. A great number of assessments used in the special education referral process are written so that the results are tangible and create data to make a diagnosis, and this is often challenging for ELLs. Even more, various cultural insensitivity and bias could be present in the assessments, which puts ELLs at even more of a disadvantage. (Artiles, et al., 2002).



*Solutions.* A few influential court cases have set precedents related to the cultural and linguistic sensitivity of assessment used for both African American students and ELLs as they enter the special education referral process (Artiles et al., 2002). Additionally, *Diana v. State Board of Education* and *Larry P. v. Riles* were two of the most impactful court cases on special education assessment (Artiles et al., 2002). Because of the *Diana* case, it is now mandated in the referral process to “include a mandate to test in students’ primary language, use nonverbal tests, and use extensive supporting data in future placement decisions” (Artiles et al., 2002, p. 7). Also, the *Larry P.* case has banned IQ tests as means for the identification of African American students in California as students with special needs (Artiles et al., 2002). Together, these two major court cases have helped to set precedents that have shaped the way that ELLs are assessed during the special education referral system.

**Race and discipline.** In the past, another major issue in education was the misidentification, specifically the over-identification of students of color, as students with learning disabilities (Linn & Hemmer, 2011). Although this issue has not necessarily ceased in today’s education system, the topic tends to revolve around language rather than race. Ford (2012) pointed out that the issue of misidentification pertains to both students of color and ELL students. When ELLs immigrate from other countries, they have varying ethnicities, and many could be students of color. The question arises, then, of whether this issue is solely about language or if race plays a major role as well.

If this issue is not solely about language and race does play a role, then this has some considerable implications for how educators and scholars think about

misidentification. All solutions offered up to this point would need to include an emphasis on race as well. For example, educators should receive education not only on second language acquisition but also on the various features of the issue of race in education. Education as a whole would need to be reevaluated and certain precautions would need to be put into place to assure that race is never an issue in any educational settings.

Another issue to consider is the use of exclusionary discipline in the education system. Exclusionary discipline consists of educational discipline which excludes students from schooling, and could include suspension and/or expulsion (Anderson & Ritter, 2017). Over time, a growing concern has been that “zero-tolerance policies and exclusionary practices have been applied disproportionately to students from marginalized backgrounds” (Anderson & Ritter, 2017, p. 3). ELLs from marginalized backgrounds could be experiencing disproportionate exclusionary practices, which could result in less time in class. If students spend less time in class, they have less time and practice for academic growth. Essentially, if this occurrence is overwhelming, ELLs could suffer academically, and again could be misidentified as students with learning disabilities.

*Solutions.* To avoid seeing race as an indicator of a learning disability and/or disciplining students based on their race, Howard (2015) recommended a couple of practices. In one practice, records and data are kept on which particular teachers and educators refer higher numbers of students of color to either special education or a disciplinary plan. The purpose is not to place blame on those educators, but to use that as

a framework for educating the staff on how to be more aware and proactive about the issue (Howard, 2015). The second tactic involves “more restorative-justice practices” in which students are not immediately reprimanded but are given time to reflect on the situation and respond appropriately (Howard, 2015) This approach is designed to be more compassionate and humane, so as to avoid wrongly accusing or assuming (Howard, 2015).

Clearly, numerous factors play a role in the misidentification of ELLs as students with learning disabilities. The heart of the problem is that manifestations of ELLs who are going through second language acquisition and students with learning disabilities are often strikingly similar. However, diagnosing those manifestations as the same cause and consequently treating them the same way is harmful to the students because it does not allow them to receive the support that they really need. Teacher education, referral bias, policy, demographics, and family factors all contribute to the issue of misidentification. Teachers, and other educators, often are not properly educated on the subjects of ELLs themselves, second language acquisition, special education, or how to distinguish between ELLs and students with learning disabilities. An obvious solution to the lack of educator knowledge is to provide professional trainings on the subject in one fashion or another. Referral bias can impact who is referred to special education too, and professional training would likely help lessen bias as well. Additionally, vague policy can be confusing and misleading for both school staff and school district officials. Policy on ELLs and special education often lacks the guidance that is truly needed in this area. Solving this problem would require increased specificity and clarity for the policy on the

topic. Demographics, too, can determine how much funding school districts are allotted and how much education staff in the district are able to receive on ELLs and special education. Certain measures would need to be taken to assure that all educators and staff were able to fairly receive training and other elements that are fundamental to the eradication of misidentification. Lastly, family factors, such as the various unfortunate obstacles that immigrant families must overcome while transitioning into their new country may impact a student's chance of being misidentified as a student with a learning disability. To combat this issue, educators need to be mindful of the realities that their students face at home and with their families. Although it is clear that the misidentification of ELLs as students with learning disabilities is an incredibly complex problem, it can be solved. In the next chapter, I discuss the solutions offered in this chapter in terms of their connection to special education, second language acquisition, and the problem in general.

## **Findings**

In the section that follows, I discuss how special education informs on the solutions previously addressed in the literature chapter. Specifically, I discuss the heart of the problem, teacher education, referral bias, policy, and assessment.

### **Intersection of Second Language Acquisition and Special Education**

While it is apparent that misidentification is a major problem in education, it is also important to note that second language acquisition and special education can overlap. Some ELLs do indeed have learning disabilities, and those students should certainly be placed into special education for their learning disabilities. Determining if an ELL has a learning disability is clearly no simple task and requires a great deal of time and effort. Although misidentification is a common problem, educators must keep in mind that ELLs can have learning disabilities. However, far too many ELLs are identified as having learning disabilities, and that is why misidentification is such a pressing issue.

### **Solutions and Special Education.**

**The heart of the problem.** Various solutions that have been offered as means to end the misidentification of ELLs as students with learning disabilities relate to special education in some aspect. As Maxwell and Shah (2012) termed the difficulty of distinguishing between the manifestations of a learning disability and the characteristics of second language acquisition as the “heart of the problem,” not much light is shed on this issue in special education policy and/or literature. As noted previously, students cannot legally be placed into special education strictly for a language or cultural reason (Grassi & Barker, 2010), but IDEA does not mention much else about the connection

between ELLs and special education. While progressively more literature is being produced on the topic of ELLs and special education, IDEA and many teachings of special education often do not give the issue the time or the attention that it truly deserves.

Although identifying a student who is showing the manifestations of second language acquisition as a student with a learning disability is unlawful because of the restrictions set in place in IDEA, few schools have strategies to make sure that this does not occur. In all of the schools that I have completed placements, none have had a system that put special emphasis on which students were being referred to special education and by which teachers. Essentially, it seems as though there is little to no accountability for educators in terms of who they are referring to special education, so there is not a clear way to make sure that certain educators are not wrongly partaking in the misidentification of ELLs as students with learning disabilities.

In my experience with both training and literature specifically on special education, the risks and disadvantages of placement into special education are not too commonly discussed. Textbooks and class discussions usually bring up the importance of referring students who are truly in need of special services and support, but not much is mentioned about how referral to special education could negatively impact students. Even more, the negative effects of incorrect referral for students who do not actually need special education are mentioned even less. I would argue that it is just as important to discuss the downsides of referrals to special education as the benefits of referrals.

**Teacher education.** Furthermore, special education is indubitably complex, and learning about special education in its entirety can be challenging for any and all educators. When teachers and other types of educators receive their initial training in order to receive their licenses, they may not be required to take many special education courses. The special education courses that they are required to take may also be broad and introductory, providing them with little knowledge on the program of special education. I am lucky to have had a few special education classes that went far beyond the introductory level, but I have spoken to multiple teachers who were not able to learn much about special education before they started teaching. While scholars and educators established a plethora of education/training solutions for misidentification, none of the solutions previously discussed in the literature chapter suggested education/training solutions that specifically deal with special education. Since special education is a program that is implemented in all types of education systems and is relevant to any teacher or educator, I think it is crucial that special education training becomes more incorporated into an educator's training. Various types of education for staff have previously been mentioned and will be discussed in a later section.

**Referral bias.**

Unfortunately, bias plays a role in the misidentification of ELLs as students with learning disabilities (Baer et al., 1991). Although bias may not always be explicit and easily noticed, it can affect who is referred to special education and by whom (Baer et al., 1991). While working in the field of education, I have heard little discussion about being cautious of bias while referring students to special education. The teacher I spoke about

earlier who genuinely attempted to confirm that his student had a learning disability and was not simply still undergoing second language acquisition was the only teacher who I have seen try to avoid bias in his practice of referring students. Otherwise, I have seen quite a few teachers refer students to special education without much regard to bias and how bias may be affecting his/her/their decision to refer the student. While I have not been able to witness too much caution regarding bias in the classrooms I have worked in, I have been able to learn about avoiding bias in my own education classes. In my special education classes, and my more general education classes too, we often talk about the importance of being aware of our own biases and disallowing them to influence the way we teach, including who we refer to special education.

Bias needs to be brought to the attention of all educators. With so many varying demographics in today's education system, all educators must be aware of their own biases so they can avoid those biases playing a role in any of their professional decisions. Artiles et al. (2002) recommended providing educators with training on diversity and multicultural awareness in order to educate the staff on differences in cultures and lifestyles, thus avoiding bias when referring students to special education. I would argue that the best way to bring bias to educators' attention is to educate them on bias. Simply discussing bias can raise awareness and at least lessen the issue. I think that bias should not only be taught about in college while educators are receiving their licenses, but I think that it should be an ongoing conversation once educators are working in the field as well. Bias could be discussed at various professional trainings or during staff meetings. No matter how this conversation about bias is implemented, simply talking about the



issue can change the way that teachers and other educators see their students, which in turn could lead to the solution of misidentification of ELLs as students with learning disabilities.

**Policy.** Special education policies are often vague and misleading (Zimmerman, 2008). Because these policies are not totally clear and concise, this often makes fully understanding the special education program challenging for teachers and other educators. Barrio (2017) promoted the idea of creating a system for developing policies, in which step-by-step guidelines are presented for educators to follow. For educators to truly know and correctly use the special education program, they must understand the policies that make special education what it is. Specifically, IDEA is the major special education policy, and I would argue that it could most certainly use some work to make it clearer and more applicable for teachers and other staff who need to be able to know the rules in order to implement them. Specifically, IDEA needs to have clear and accessible guidelines that allow all educators a measure to which they may align their teaching.

**Assessment.** Assessment is another factor of special education that can cause controversy about misidentification (Artiles et al., 2002). Numerous types of assessment can be used in the special education referral process, but not all assessments are appropriate or accurate when used on ELLs. To solve the issue of assessing ELLs with inappropriate and inaccurate tools, assessments must be unbiased and culturally and linguistically sensitive (Artiles et al., 2002). In my experience with the referral process in the schools that I have worked at, teachers are given little guidance as to whether or not the assignments they give or are provided with are appropriate for the students they are

assessing. Teachers often have to fill in the gaps and create their own versions of what they consider unbiased and culturally and linguistically sensitive assessments. While a couple of the teachers that I have worked with have been well educated on the topic of misidentification, others have been unaware of the issue and disregarded the need for appropriate assessment altogether. Although it is required for ELLs to be assessed in their primary language or with nonverbal tests (Artiles et al., 2002), I have seen this stipulation not be upheld many times. Sometimes the school cannot receive access to an assessment in a student's primary language, especially if that language is not commonly spoken in the United States. If the primary language is a more commonly spoken language in the United States such as Spanish, then accessing the assessment in Spanish is less challenging than accessing an assessment in Swahili, a less commonly spoken language in the United States. Therefore, if teachers and other educators cannot access these assessments in their students' primary languages, this mandate cannot actually be implemented, which is very unfortunate for those ELLs.

The same issue can arise with nonverbal assessments. The concept of nonverbal assessments is, in its most basic form, still vague and unclear. Many teachers may ask themselves, "What is nonverbal assessment and how can it be used to thoroughly assess my ELL students for learning disabilities?" In my experience in schools, I have seen multiple teachers employ informal nonverbal assessment, such as assessing a student's facial expression, but I have yet to see a teacher use nonverbal assessment. Even more, this nonverbal assessment would likely have to be some type of formal assessment with tangible results so as to provide some data for the special education referral process.

Additionally, extensive data is required for the placement of students into special education (Artiles et al., 2002). In order for students to be placed into special education, it is required that an extensive amount of supporting data suggests a learning disability. However, it is important to keep in mind that this data may be illegitimate in the sense that it could have been acquired through the use of illegitimate and biased assessments that were not suitable to the particular student who was being assessed. For example, consider an ELL who has only taken biased tests and screenings that are culturally and linguistically insensitive. Although all of the assessment data may point toward a learning disability, it is likely that he/she/they did poorly on the assessments because they were inappropriate for an ELL. Therefore, the extensive data is only relevant and beneficial if the data is definitely accurate.

The proposed solutions help educators and scholars to realize that the intricate system of special education is not totally understood by all personnel who should have a firm grip on the subject. Special education is certainly complicated and has many components, and all of the intricacies of special education can often be confusing for educators. Special education plays a major role not only in the United States education system, but also in the issue of misidentification. Therefore, certain measures must be taken to help all educators understand the details of special education so as to properly serve the students.

In the section that follows, I examine how the second language acquisition informs on the solutions to misidentification presented in the literature chapter. In particular, I discuss the heart of the problem, teacher identification, and demographics.

## **Solutions and Second Language Acquisition.**

**The heart of the problem.** Again, the heart of the problem is the difficulty of distinguishing between the manifestations of second language acquisition and the characteristics of a learning disability. Many textbooks and theories on second language acquisition do not necessarily discuss the explicit differences between second language acquisition and learning disabilities, but they often discuss the nature and characteristics of second language acquisition. For instance, Canale and Swain (1980) explained the differences between the four major language discourses. Additionally, Cummins (1979) highlighted the differentiating features of BICS and CALPS. While language theorists have offered some description of students undergoing second language acquisition, there is little in that theory that is directly related to what signs to watch out for to avoid the misidentification of ELLs as students with learning disabilities.

**Teacher education.** Similar to the case for special education, when teachers and educators receive their licenses, they often take only introductory courses about ELLs, if they are required to take any courses on ELLs at all. Although I have taken a couple courses related to ELLs and second language acquisition, I have known quite a few other teachers and pre-service teachers who have had little to no education on ELLs and/or second language acquisition. Most scholars and educators who offered the solution of providing teachers and other educators some type of education/training specifically recommended providing education/training particularly regarding ELLs and techniques for helping ELLs to succeed in school (Zimmerman, 2008; Layton & Lock, 2002; Barrio, 2017). Like special education, second language acquisition is a complex process, so for

an educator or scholar to truly understand second language acquisition he/she/they likely must receive a considerable amount of education on the topic.

As a pre-service teacher who has worked with numerous ELLs, I strongly believe in the importance of requiring pre-service teachers and other education pre-service professionals to work with and experience ELLs before starting their career. If I did not have the various opportunities to work with ELLs that I have been lucky enough to experience over the past four years, I would not be able to educate them nearly as well as I can now after all of that experience. Teachers and other staff must be able to relate to, understand, and care about ELLs, and the best way to go about doing so is by spending time with ELLs in educational environments.

Although working with ELLs before entering the workforce is crucial to educators' abilities to effectively educate ELLs, educators also must have some knowledge of ELLs as well. While attending college, I have been able to take multiple courses on ELLs which have both informed me on second language acquisition and sensitized me to the unique strengths and challenges that many ELLs often undergo. Pre-service teachers and educators must have adequate background knowledge on ELLs in order to properly educate them, so educating these personnel on the topic of ELLs before allowing them to join the workforce is of paramount importance.

**Demographics.** Demographics of schools, such as funding and location, certainly impact student achievement. Lower funding and less qualified school personnel can negatively affect student achievement (Artiles et al., 2002; Barrio, 2017). These two factors are not easy to solve, and can be quite problematic since second language

acquisition is so complicated. Because second language acquisition is by no means a simple and easy topic to learn about and fully understand, education staff must receive proper and adequate training on ELLs and second language acquisition. Although making sure that personnel in low funded and rural schools would likely be a costly and time-consuming process, I would argue that providing that training is absolutely necessary. Despite the financial or locational features of any school, ELLs must receive proper education and issues like funding and location cannot stand in the way.

As I have worked in multiple low-funded schools, I truly believe that schools with challenging demographics should receive more funding than those without challenging demographics. For instance, low-funded schools in poor neighborhoods have a great deal of difficulties working against their students' success. Not only does the school itself struggle to provide resources to its students because of its low-funding, but the school could also struggle to provide its teachers with adequate salaries and the students' parents may have lower socioeconomic levels as well. In this case, the students suffer not only because the school cannot pay to provide many supports for the students, but the teachers may be less qualified because the pay incentives are so low and the parents may not be able to help the school financially at all either. Obstacles continue to stack up, one on top of the other, in low-funded schools, while well-funded schools face very few of these challenges. Ultimately, this situation is wrong, and a change must be made to ensure equity in funding of all schools, so that schools in low socioeconomic neighborhoods can have a chance at helping their students succeed.

Another solution that I recommend is the implementation of more dual-language schools. Dual-language schools are also promoted by various scholars and educators (Liasidou, 2013). Dual-language schools would provide ELLs with an environment in which they can learn English while still learning content in their primary language. The dual language capacity would allow teachers and other educators to more easily notice a learning disability because if an ELL was struggling to learn the content in both his/her/their primary language and the secondary language that he/she/they are learning, then this would more explicitly indicate a learning disability than solely struggling in the second language. In light of the research determining how long second language acquisition takes, dual-language schools could be very beneficial for ELLs while they are undergoing the lengthy process.

As solutions to the issue of misidentification are presented, it becomes increasingly apparent that educators and scholars must be mindful of the unique challenges that ELLs often face. Educators must know about the obstacles ELLs often face and must be equipped with techniques and strategies to overcome those challenges. More generally, the issue of misidentification cannot be solved if educators and scholars do not recognize or care about the complex needs of ELLs. In the following section, I discuss how the solutions to misidentification inform on the problem statement and how the problem statement informs on the solutions.

### **Solutions and the Problem Statement**

**The heart of the problem and teacher education.** Again, as the heart of the problem is considered to be the unquestionable difficulty of distinguishing between

second language acquisition and a learning disability, the only real solution to this problem is to provide educators with the education that they need to distinguish between the two possibilities. Educators simply cannot guess if a student is still going through second language acquisition or if the student has a learning disability; the educator must be fully aware of the differentiating qualities of both a learning disability and second language acquisition. However, providing education for educators is not a simple and straightforward task. The difficulty in providing this education is the various options that are available and deciphering which options are the best. For example, one of the biggest questions about providing education on ELLs and special education is the question of exactly what information educators need to be informed. I would argue that educators need to thoroughly understand second language acquisition, special education, and the issue of misidentification as a whole. Educators must understand second language acquisition so that they can know and easily identify its manifestations while working with ELLs and in return be able to work effectively with ELLs. Educators must also have a firm foundation of knowledge about special education so that they do not accidentally mishandle students while referring them to special education. Lastly, educators must understand the harsh consequences of the misidentification of ELLs as students with learning disabilities and must be able to avoid mistakenly identify ELLs as students with learning disabilities.

Another option for training education professionals is determining which kinds of educators receive this training. I believe that all educational staff should receive at least some training on ELLs and special education. Obviously, general education teachers tend



to work the most with students, so they should receive a great deal of training on the topic. ESL teachers and special education teachers also should be very well versed on the issue. Even more, specialists such as psychologists, and administrators, likely work with ELLs in some capacity, and should be able to understand the topic of ELLs and special education as well. In order for there to be consistency in the way that ELLs are handled in a school, all personnel must understand and be able to properly work with any issues that may arise regarding ELLs and special education.

Additionally, if education is to be provided to educators, a time for that training must be decided. I would argue that there are three main options for the timing of the implementation of this education. Since this issue is a growing concern in America's education system, education on the subject should be provided to both working teachers and pre-service teachers immediately. When pre-service teachers are attending school to become teachers, the topic of ELLs and special education must be taught to those students because a great deal of teachers work with ELLs at some point in their careers, if not daily. Teachers must be prepared to work with ELLs and avoid misidentification from the moment they step into their very first classroom. Also, teachers who have been in the work field for years should also receive training on ELLs and special education. This is not to say that hands-on work and years of experience does not count towards being more educated on the subject, but I believe in the power of explicit instruction on the subject of ELLs and special education. It is also important to note that receiving training on the topic once is not enough; trainings should be provided consistently throughout an educator's career. Over time, the information on the subject is likely to advance and

grow, and consistently reminding the educators about the various complexities of the issue is essential. Providing educators with some type of education and/or training on the topic of ELLs and special education is extremely important to the eradication of this issue, and although providing education can be carried out in a variety of ways, education simply must be provided one way or another.

**Factors of misidentification.** The issue of misidentification is by no means a new problem in the US education system (DeMatthews, Edwards, & Nelson, 2014). Although misidentification has been occurring for quite some time now, not much has been done yet to eliminate the problem (DeMatthews, Edwards, & Nelson, 2014). In fact, policy makers and other professionals in education have been slow to make the necessary changes for the eradication of the misidentification of ELLs as students with learning disabilities (DeMatthews, Edwards, & Nelson, 2014). As time has progressed, more literature and research has been produced on the topic of misidentification. The earliest literature on the subject essentially stated that misidentification was a problem in the education system. As this notion has been more accepted and acknowledged over time, more literature has been produced on the possible solutions for ending misidentification. However, most theories are hypothetical and many have not been implemented yet.

As previously discussed, all factors of misidentification have multiple solutions that have been offered by educators and scholars. While all solutions are valid and worth implementing, I think the most important element for solving the issue of misidentification is awareness. Awareness would aid in eradicating each of the factors of misidentification. For example, if educators were more aware of the issue of

misidentification, they would be less likely to have as much bias in who they refer to special education. Again, if educators were aware of the challenges that many ELL families face, they would likely be more willing to communicate and make accommodations for their ELL students to succeed. Once more, if educators were more aware of the issue, they may reevaluate their decisions to discipline students of color or students who are different from the educators in some way. When people are aware of this issue, they have a general understanding that not only there is a problem regarding misidentification, but also that this problem is important and worth caring about. Of course teachers, principals, and other educators need to be aware of misidentification, but the general public, policy makers, and anybody else with any type of authority or role in society should be aware of misidentification too.

Obviously, educators want people who can make a difference in the issue of misidentification to be aware of the situation. If policymakers truly understood the depth of this problem and were fully aware of it, they would likely be willing and invested in fixing the issue. If they were aware of the ramifications of misidentification, they would be more likely to incorporate some type of changes, such as drafting more clear and precise policies on the issue and allocating adequate funding to provide for solutions such as teacher trainings. While this would be a great step towards ending misidentification, these policymakers and author positions of authority may very well need some pressure from people with less power in the education system. This is where the general public and educators must step up and push for the rightful ending of the issue of misidentification. In order for the general public and educators to push for the ending of

misidentification, they must be fully aware of the issue and must understand the harsh implications of misidentification.

### **Education and Awareness**

Education, such as teacher trainings, and awareness (the general bringing about of knowledge on the subject), are undoubtedly the two best options for solving the problem of misidentification. Education professionals must have a firm grip on the issue so that they are able to truly understand the issue and understand the steps that must be taken to overcome the problem. Educators are essentially the frontline for combatting misidentification, and they must be thoroughly educated on the issue in order to eradicate it.

Even more, people need to be aware of the issue of misidentification. Although educators obviously must be aware of the issue, countless other types of people need to be aware of the issue as well. Community members, members of school boards, people with political authority, and even parents need to be aware of the issue. Not only should everyone be aware of misidentification, but they need to care about the issue as well. US citizens must understand the capacity of this issue and the implications that it could have on our country.

The ELL population is a large, and certainly growing, portion of the US education system's students. As more ELLs are placed into the education system, and unfortunately misidentified as having learning disabilities, the implications could be detrimental. As these students are misidentified, they receive improper educational interventions and are often robbed of the appropriate supports that they need to fully undergo second language

acquisition. More than that, they are robbed of their proper education when they are wrongly wrenched into special education. As time passes, those ELLs who were denied appropriate education often graduate (that is, if they do not drop out from the harsh implications of the stigma that is often attached to being in special education) and enter into the work force and become major parts of society. Can the United States afford to have thousands of members of society who were incorrectly and improperly educated?

One of the major obstacles of ending this issue is the lack of financial support. Educating professionals in education and raising awareness to the general public requires a great deal of money. Education is not known to be a field with a surplus of money, so finding the money to fund the solutions for misidentification is a major challenge. However, I believe that the ending of misidentification is worth every penny. All people, not just educators, should be invested in the issue because the implications affect everyone, not just teachers and school staff. Ending misidentification is “beyond the workscope of our schools. However, it is the responsibility of educators to continually draw attention to this problem and urge our national and community leaders to bring about necessary changes” (Artiles et al., 2002). As a teacher, I will do my absolute best to make sure that misidentification is brought to the attention of as many people as I can reach. This is not simply another matter of education policy, it is a matter of equity, and it must be given the attention that it deserves.

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