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## Assessment Considerations on English Learners and Their Disproportionate Placement in Special Education

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### Abstract

This paper is a review on the assessment considerations for English language learners (ELLs). It provides an in-depth examination of the disproportionate representation of ELLs in special education programs in the U.S. so that it can represent a model for the current Turkish special education programs that may have more immigrant and refugee students with an increasing Syrian student population at schools. Specifically, this paper focuses on the following key constructs in the representation of second language learners in special education programs: (a) considerations for assessment processes of ELL students and students with learning disabilities (i.e., shared characteristics) (b) assessment processes for identification of ELLs and students with learning disabilities (c) validity and fairness of standardized assessments for eligibility determination (d) referral practices for ELLs and (e) implications for future research. This paper also provides implications for assessment considerations at schools.

**Keywords:** English language learners; special education; disproportionate placement; assessment considerations.

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## Introduction

English Language Learners (ELLs) are one of the fastest growing populations in the United States (US) ([National Clearing House for English Language Acquisition](#) [NCLEA], 2019). There are approximately more than six million ELLs in the United States, and this number has been growing more and more along with immigration to the U.S. It is estimated that 70% of these students are in mainstream classrooms (Sandberg & Reschly, 2011). Therefore, it is necessary to define what ELL means. ELLs are the students who were born in a country other than the U.S. or the students who have difficulties with language skills because their native language is not English ([National Council of Teachers of English](#), 2008). According to Capps, Fix, Murray, Ost, Passel, and Herwantoro (2005) and Rosa-Lugo, Mihai, and Nutta (2012), ELLs are also classified as either newly arrived immigrants, US born in households where English is not the primary language, or individuals from other countries that are working or studying for a fixed period of time. In addition, refugees and asylum seekers are also considered ELLs. Refugees are defined as individuals who flee their country because of fear of persecution while asylum seekers can be defined as individuals seeking a safe haven after arriving in a new country (Flaitz, 2018). Therefore, these students constitute of a multitude of diverse backgrounds and multifarious experiences; posing challenges in the identification, eligibility and referral processes employed for determination of ELLs to special education.

According to [National Center for Education Statistics](#) (NCES, 2018), ELLs made up around 10% (9.5 percent, or 4.8 million students) of the U.S. public schools in 2015. Although a significant proportion of those identified as ELL are Spanish speaking students, more than 460 languages are spoken by ELLs in schools all over the country (Sandberg & Reschly, 2011). Projections suggest that language minority students will constitute of over 40% of school-age children by 2030 (Padolsky, 2005; Thomas & Collier, 2001). Given the aforementioned statistics, ELLs are “at risk of becoming academic underachievers” without careful planning and implementation of effective assessment and intervention strategies in the educational setting (Rosa-Lugo et al., 2012, p. 5). In order to understand how best to educate ELLs, one must look at the identified factors that affect service provision.

Caesar and Kohler (2007) identified factors affecting provision of service for ELLs. These focus on the age when a given language is introduced, target language/second language (L2) community or culture, and the child's attitude and strategies towards managing multiple

languages. Current applications in the U.S. require standardized assessments that have not been tested and proved to be appropriate with bilingual children, especially the ones with disabilities. Therefore, there may be some misrepresentation in these children's evaluation because difficulties may be misunderstood as disabilities or these children maybe mistakenly diagnosed as having disabilities instead of difficulties (Chabon, Brown, & Gildersleeve-Newman, 2010). Research suggests that misdiagnosis occurs in distinguishing ELL students' difficulty of acquiring an L2 from a learning disability, especially language learning disability (Klinger & Harry, 2006; McCardle, Mele-McCarthy, & Leos, 2005; Rinaldi & Samson, 2008). Thus, ELLs are often guided or directed for special education programs even before their needs are identified and programs such as individual education plan (IEPs) are created for their needs (Garcia & Ortiz, 2006).

In the past 10 years, the number of ELLs increased more than 61% overall while the number of ELLs who were identified as individuals needing special education doubled the overall number (Huang, Clarke, Milczarski, & Raby, 2011). With this increasing numbers of ELL students represented in special education, one must examine the contributing factors for disproportionality of ELLs in special education. Therefore, this paper provides an in-depth examination of the disproportionate representation of ELLs in special education in the U.S. so that it may represent a model for Turkish special education programs that have more immigrant and refugee students with an increasing Syrian student population at schools. Specifically, this paper focuses on the following key constructs in the representation of L2 learners: (a) considerations for assessment processes of ELL students and students with learning disabilities; shared characteristics (b) assessment processes for identification of ELLs and students with learning disabilities (c) validity and fairness of standardized assessments for eligibility determination (d) referral practices for ELLs and (e) implications for future research.

### **Shared Characteristics of ELLs and Students with Learning Disabilities**

According to Ortiz, Wilkinson, Robertson, and Kushner (2006), it is difficult to differentiate ELLs who have learning disabilities from the ELLs who do not have a disability that could be considered as learning disability. This is mainly because both groups have similar characteristics. Some of the shared characteristics include difficulty in comprehension, understanding and applying directions, having syntactical and grammatical errors, and having

difficulty in completing certain tasks (Christina, 1993). Additional shared characteristics may include poor or low motivation, self-esteem problems, and difficulties in oral language skills (Ortiz et al., 2006). Thus, it is vital that administrators and educators understand the ELLs' differences so that they can properly identify the ELLs with learning disabilities, not the ones with language difficulties (Chu & Flores, 2011).

Learning Disability refers to:

a disorder in one or more basic psychological processes involved in understanding or using language, spoke or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations ([Individuals with Disabilities Act](#) [IDEA], 2004).

As mentioned above, there are specific characteristics that may typically be common in both the regular ELLs and the students with learning disabilities. These common features cause *mistaken identity* causing several problems such as ELLs' wrong diagnosis and referral to special education programs unnecessarily. This situation also causes over-utilization of such services and the programs cannot be enough for the students who really need these services (Chu & Flores, 2011). Most teachers in elementary schools have students with learning disabilities in their classrooms (Hallahan, Lloyd, Kauffman, Weiss, & Martinez, 2005). Comparably, "almost 45% of teachers have at least one student designated as ELL in their classrooms" (Rosa-Lugo et al., 2012, p. 2). Given these statistics, one can understand the disproportionateness of ELLs with learning disabilities in public schools in the U.S. Although, there are specific legal mandates (IDEA, 2004) that "require that students be assessed in their native language when feasible and in a nondiscriminatory manner, a disproportionate representation of ELLs in special education continues to exist" (Chu & Flores, 2011, p. 245).

### **Contributing Factors**

There are several factors leading to an unbalanced number of ELLs who are inappropriately called as ELLs with learning disabilities. According to Rhodes, Ochoa, and Ortiz (2005) consistent bias such as wrong referrals and inappropriate evaluations result in ELLs' identified as individuals with learning disabilities. Donovan and Cross (2002) identified lower achievement levels of minority ELLs at schools in which Asian and white students are considered having higher achievement levels, as a contributing factor to ELLs' increasing

numbers in special education programs. A third identified factor includes general and special educators' lack of cross-cultural competence or lack of knowledge in linguistic variety. When teachers do not possess the necessary cross-cultural competence, ELLs have a big risk of overrepresentation or underrepresentation in having learning disabilities (Chu & Flores, 2011). Given the above stated factors, understanding the assessment frameworks utilized for eligibility determination of ELL and students with learning disability is of utmost importance.

## **Assessment Processes for Identification of ELLs and Students with Learning Disabilities**

### **Identification of Students with Learning Disabilities**

In order to identify students with learning disabilities, two assessment approaches are widely used: IQ-achievement discrepancy and Response to Intervention (RTI). However, none of these approaches may take ELLs' specific features into consideration (Chu & Flores, 2011). IQ-achievement discrepancy focuses on whether there is a significant discrepancy between an IQ test score and achievement test score. If there is a discrepancy, student usually meets the criteria for learning disability eligibility. According to Hallahan et al. (2005), achievement areas may consist of macro and micro reading skills and comprehending a text, orally expressing ideas, comprehending a conversation or a text in listening, expressing ideas in written language, calculations and reasoning in mathematics. However, current practices that are based on this approach in the identification of learning disabilities are considered to be erroneous due to validity and reliability issues of tests (Fletcher, Francis, & Morris, 2005). The validity of the identification of learning disabilities based on an IQ discrepancy is considered weak and flawed (Fletcher, Lyon, Barnes, Stuebing, Francis, & Olson, 2002; Liu, Ortiz, Wilkinson, Robertson, & Kushner, 2008). Therefore, the report that was prepared by the Office of Special Education and Rehabilitative Services emphasized abandoning the discrepancy approach (McCardle, Mele-McCarthy, & Leos, 2005). Just as assessment processes employed for learning disability identification are problematic, so too are the use of standardized assessments for identification of ELLs.

### **Identification of English Language Learners**

The [No Child Left Behind Act](#) of 2001 (NCLB) criteria for defining a limited English proficient student are as follow:

- (1) an individual who is aged 3-21;
- (2) who is enrolled or preparing to enroll in an

elementary or secondary school, (3) who was not born in the United States, whose native language is a language other than English, (4) whose difficulties in speaking, reading, writing or understanding the English language may be sufficient to deny the individual the ability to meet the state's proficiency level to successfully achieve in classrooms where the language of instruction is English (NCLB, 2001).

Whether students meet these criteria or not is established by their language background according to home language surveys and English proficiency level.

In their research study, Chu & Flores (2011) established methods for determining students' language proficiency including: parents' completion of a comprehensive home-language survey and administration of English language proficiency tests including evaluating competency in comprehension, speaking, reading and composition of English. When making a decision on eligibility for special education programs or related services, certain characteristics should be taken into consideration. For instance, ELLs cannot be eligible for having special need services just because of a lack of instruction in the subject areas such as geography, math, history etc. or because of their low English proficiency (Chu & Flores, 2011). These eligibility criteria should be evaluated based on each student's background, their skills in their native language, and what they can do instead of what they cannot do.

Problems in using standardized assessments for ELLs have been identified and may consist of bias such as content and linguistic bias because these tests did not consider ELLs in their normative samples, which may contribute to their misplacement in special education services (Artiles, Rueda, Salazar, & Higareda, 2005). Since ELLs continue to be represented in their inappropriate referrals to special education programs because of their so-called learning disabilities (Chu & Flores, 2011; Garcia & Ortiz, 2006; Rhodes, Ochoa, & Ortiz 2005), the validity and fairness of assessment tools utilized for eligibility and determination of ELLs warrant further review.

## **Validity and Fairness of Standardized Assessments**

### **ELLs and Eligibility Determination**

Challenges in assessing ELLs are also obvious in the educational decision-making processes, specifically in identifying students who are in need of special education services

(Sandberg & Reschly, 2011). Effects of previously mentioned factors that are completely related to being an ELL (e.g., little exposure to English as an L2, interruption in schooling) might stimulate a language disability or disorder. This may increase the possibility of misclassification, especially when inappropriate evaluation tools are used (Abedi, 2006). As previously mentioned, it is often hard to differentiate between ELLs with lower proficiency in English and students with learning disabilities, (i.e., shared characteristics include, poor oral language skills, syntactically related difficulties). Abedi (2006) states that the gap between ELL and non-ELL students regarding the performance on standardized assessments of achievement is similar to the gap between students with a learning disability and students without a learning disability. Thus, utilizing standardized assessment scores or language proficiency scores alone do not address the issues in this area and it doesn't help in understanding the low achievement of ELLs. According to Sandberg and Reschly (2011), the likelihood of invalid representation of ELLs' ability or of their inappropriate classification in special education is high especially when it is based solely on a psychometric paradigm. Thus, an additional consideration in the evaluative process is the standardized test itself.

### **Standardized Assessments**

Although, standardized assessments provide invaluable source of information for a lot of students and they also facilitate comparison among students, using these types of tests with ELLs may cause a biased and inappropriate evaluation (Sandberg & Reschly, 2011). Standardized assessments are developed with certain assumptions in mind and then they are normed with certain criteria, and when ELLs do not fit into these criteria, the scores and evaluations may be compromised regarding interpretability and validity. As per Lam (1993), one of the primary issues of using standardized assessments with ELLs is the applicability of the norm group. ELLs may not have been considered in the test developers' norms, and this causes inappropriate norm group for calculating and interpreting scores (Lam, 1993). According to Sandberg and Reschley (2011), standardized tests may have been used to measure the same abilities for all students; however, this may constitute a barrier for ELLs because the language of the test is not in their native language while English speaking students take the same test in their native language (i.e., English). Test developers assume that administrative procedures and test content would not be the sources of error in evaluating student scores (Lam, 1993). However, an important issue is ignored. It is the fact that ELLs may not have had enough experience with standardized tests or

may not have had enough knowledge in the U.S. curriculum. This situation makes ELLs less familiar with these standardized tests and thus puts them at a disadvantage (Sandberg & Reschley, 2011). Given the aforementioned issues in employing a culturally and linguistically sound assessment process to accurately determine ELL eligibility for special education services, assessment modifications merit further investigation.

### **Assessment Procedure Modifications for ELLs**

Modifications to assessment procedures including the use of test interpreters and non-verbal assessment tools have been used by schools for many years (Chu & Flores, 2011; Lau & Blatchley, 2009). However, these approaches are questionable and often result in numerous problems (Salvia & Ysseldyke, 2004). Although, the use of non-verbal tests may decrease the bias on test scores regarding language and culture, they do not completely remove these biases. Additionally, non-verbal tests provide a very narrow portrait of learners' potential and ability (Lau & Blatchley, 2009). Furthermore, direct test translations ignore the psychometric properties or the quality and validity of the original test, and also these translations do not help with anything unless they are validated. Additionally, the translated version of a test may not measure what the original test is supposed to measure due to the level of difficulty or the meaning differences in test content (Sandberg & Reschley, 2011). Given the limitations and potential biases of current eligibility assessment procedures, examination of the referral processes, an intricate component of determination of ELLs warrants consideration.

### **Referral Practices for ELLs**

General and special educators are the key stakeholders in appropriately referring the ELLs for special education services. As previously stated, a third identified factor in the disproportionate numbers of ELLs in special education include general and special educators' not having enough knowledge in cross-cultural competence or linguistic diversity. When educators do not possess the necessary cross-cultural competences, ELLs are at high risk for overrepresentation or underrepresentation for learning disabilities (Chu & Flores, 2011). Inappropriate representation of ELLs in special education is a nationwide issue in the U.S. In order to determine the causes of inappropriate representation of ELLs, an examination of referral procedures employed at the public school level should be examined.

Special education prevalence data were examined by school administrators in 2011, and it was indicated that researchers paid extra attention to the differences among the number of ELLs who were identified with speech disabilities in each district (Rosa-Lugo et al., 2011). In addition, in a study conducted by Klinger and Harry (2006), researchers examined the special education referral criteria and processes for decision-making in regard to ELLs in an urban school district in a southern state. The researchers found that “professionals were confused about when to refer an ELL and were not always able to differentiate between English language acquisition and a disability” (Rosa-Lugo et al., 2011, p. 280). Additional identified factors regarding this issue consist of greater dependence on test scores, misinterpretation of the child’s lack of language proficiency as having a disability, and the variability across schools regarding how district policies were carried out by schools. According to Rosa-Lugo et al. (2011), there is a widespread evidence suggesting that ELLs may either be overlooked for consideration as a child with a disability because professionals solely attribute achievement difficulties to his or her language difficulty or “overrepresented in special education due to inappropriate placement based on inaccurate measures and misguided procedures” (p. 281).

Similarly to the research study conducted by Klinger & Harry (2006), Ortiz, Robertson, Wilkinson, McGhee, and Kushner (2011) explored the referral process of ELLs to special education. In this study, the researchers examined three interrelated studies of ELLs. These ELLs were identified with learning disabilities that are related to reading skills. However, the study results indicated that the majority of these ELLs were misclassified. Furthermore, results across these studies were similar and indicated very important problems related to the implementation of special education referrals, evaluation processes, criteria for determining for eligibility and the criteria for placing ELLs in those programs in districts (Ortiz et al., 2011).

Of interest, the reasons for referrals were problems related to academic achievement and/or difficulty with language and literacy. The logic behind the speech-language referrals included problems such as listening comprehension, expressive language and speech intelligibility. In addition, 77% of students did not qualify for learning disabilities when some aspects other than IQ achievement discrepancies were considered (Ortiz et al., 2011). The aforementioned reasons for referrals are consistent with identification difficulties educators experience in their ability to discriminate between ELLs and students with learning disabilities (i.e., shared characteristics including poor oral language skills and comprehension) (Abedi, 2006;

Chu & Flores, 2011). Research studies also show that schools do not have a comprehensive approach to assess ELLs and proper professional development series for their personnel (Figueroa & Newsome, 2006; Klingner & Harry, 2006).

The aforementioned studies focused on the referral process of ELLs to special education. Both studies are indicative of shortcomings, use of flawed assessment processes, and educators' lack of cultural knowledge needed to make accurate and informed decisions about the placement of ELLs in special education. These findings cultivate the need for additional research to be conducted in this area.

### **Implications and Suggestions for Future Research**

The disproportionate representation of ELLs in special education programs is a nationwide issue in U.S. public school system. There are several contributing factors for this widespread concern including systemic bias in the procedures to refer students to those programs as well as the practices in assessing students before referrals (Rhodes, Ochoa, & Ortiz, 2005). Also, another factor would be shared learning characteristics of ELLs and students with learning disabilities including comprehension difficulties, difficulty in understanding and applying directions, having syntactical and grammatical errors, and having difficulty in completing certain tasks (Ortiz & Maldonado-Colon, 1986). In addition, practicing educators' inadequate preparedness to teach and evaluate ELLs (National Center for Educational Statistics, 2018; Reeves, 2006) would be another factor. These causal factors have serious implications for ELLs when misidentification occurs in the educational setting.

These factors are also exist regarding the refugee populations in Turkey. Refugee students attend schools in Turkey; however, educators do not know much about these learners' characteristics, difficulties, and disabilities. For instance, Bulut, Soysal and Gülçiçek (2018) found in their study that teachers did not know how to solve language problems of refugee students because they did not have any experience with it or they were not provided with any in-service or pre-service training for those problems. Since educators and administrators are either not informed about these learner features or they are not knowledgeable about these learner characteristics, it is hard to make decisions on how to do referrals on these students to help them. Therefore, educators, speech language pathologists, and administrators might be trained for identifying difficulties and disabilities of refugee and immigrant students in terms of their language abilities, difficulties and disabilities to be able to make right decisions in their referrals

and placements. Another implication would be offering workshops and professional development series for educators, speech language pathologists, and school administrators to help refugee and immigrant students and to make right decisions on these language learners' referrals and placements in Turkey.

Furthermore, research studies indicated that the progress of those students who were not properly placed in special education unfortunately decreased (Garcia & Ortiz, 2006). According to Ortiz et al. (2006), ELLs start having a low academic achievement when inappropriately classified as students with learning disabilities. In the previously described study conducted by Ortiz et al. (2011), the researchers found that across three interrelated studies, the majority of students were misclassified for having learning disabilities. McCardle, McCarthy, and Leos (2005) emphasize the need for future research to be conducted in order to accurately diagnose the needs of ELLs who may need special education services. They also raise awareness in decreasing over-referral and under-referral of ELLs for these services or programs. Such studies could be conducted at schools or institutions in Turkey in which there are more refugee and immigrant students.

Based upon the findings of these studies, future research needs to be conducted in the areas of both high quality professional development and the identification and implementation of culturally and linguistically appropriate assessment procedures for ELLs and/or all refugee or immigrant students in Turkey or in the world. Educators have an intricate role in the referral, assessment and determination process of ELLs. Developing and implementing high quality professional learning to distinguish those students who have difficulty of acquiring an L2 from a learning disability that is related to language may significantly reduce the misclassification of ELLs in special education (Rinaldi & Samson, 2008). This is correct for refugees' or immigrant students' situation in Turkey. Researchers have found assessment procedures including the use of standardized assessment measures to identify both ELL and learning disability problematic (Abedi, 2006; Lam, 1993; Sandberg & Reschly, 2011). Research aimed at the development of culturally and linguistically appropriate referral and assessment procedures in conjunction with high quality professional learning may be the key to appropriate and valid service delivery for ELLs.

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