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ENGLISH LANGUAGE LEARNERS AND SPECIAL EDUCATION

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Abstract: Language acquisition is not a cut and dried process, nor is the evaluation of English Language Learners. There are many factors that go into, and must be understood and considered by educators when it comes to working with English Language Learners and deciding if evaluation is appropriate, and if so, which evaluations and evaluation methods are appropriate to gather the most valid, representative data on the student. Being open-minded, understanding, and empathetic towards not just the process of language acquisition, but the individual student's journey is a laudable beginning.

Let your mind slow, and travel back across the years to when you were eight, or nine, can you see yourself? Now, imagine that you are sitting across the table from the school psychologist, or the speech language pathologist, and they are flipping through their test material. The book has symbols the like of which you have never seen; you assume they are letters, but how can you be sure? The evaluator pauses, looks at you, and you cannot help but feel a little tense. When they open their mouth, what comes out is, like the symbols, foreign to you. “Nuq 'oH wep?” The evaluator asks. You stare, rather confused at the evaluator and reply, “Mana?” The evaluator raises an eyebrow, and replies, “Helf?”

In the words of the Captain from *Cool Hand Luke*, “What we've got here is failure to communicate.” The evaluator is speaking Klingon, you, the student, are speaking Elvish. The evaluator is asking you, in Klingon, if you know “What is a coat?” a question off one of the cognitive evaluations. You, not knowing what “Nuq 'oH wep?” means, respond with “Mana,” meaning “What” in Elvish. The evaluator, knowing some Elvish, responds with “Helf,” thinking that this means “Coat,” or at least “Fur Coat,” however, it only means “Fur.” Thus, when you respond you will be defining “Fur” instead of “Coat.” Does this mean that you do not know the definition of “Coat,” or “Vacco,” or does it mean you do not understand Klingon, and the concepts are being lost in translation? Should you qualify for Special Education services based on such an evaluation? Do you truly have some form of disability, or are your challenges in school due to differences in language, or, perhaps, both? Well, if you have ever seen the movie *Cool Hand Luke*, the Captain's next line is “Some men you just can't reach.” However, it is possible to reach all of our students, we just need to learn how.

The 2011 National Center for Education Statistics reported that 21% of children between the ages of 5 and 17 spoke a language at home besides English. According to the Office of English Language Acquisition, during the 2013-2014 academic year, 8.8% of the total student population was English Learners, and 9.2% of the students with disabilities were English Learners. Eleven states reported rates higher than 9.2% of English Learner students with disabilities ranging from 9.4% to 30.3%. English Learners with disabilities graduated with a regular high school diploma at a rate of 19.2 percentage points below student with disabilities who were non-English Learners and dropped out at a rate of 6.6% above students with disabilities who were non-English Learners. The national average of students with disabilities who were ELs and graduated with a regular high school diploma was 48.2 percent. Thirty-six states had graduation rates higher than the national average for students with disabilities who were ELs. In nine states, graduation rates were 80 percent or higher for this population. There are more than 400 language spoken in the United States and there is a disproportionate number of English Language Learners in Special Education (Artiles & Ortiz, 2002). In 2009, Samson and Lesaux reported that there was an overrepresentation of bilingual students in Special Education starting in third grade, however, this same population was underrepresented in the primary grades. This could be due to the lack of appropriate assessments to identify ELL students with disabilities (Vanderwood & Nam, 2008).

Table 1. Percentage of Students with Disabilities, Ages 6 to 21 (2013-2014)

Percentage of Students with Disabilities, Ages 6 to 21 (2013-2014)		
	English Learners	Non English Learners
Specific Learning Disability	50.5	38.2
Autism	5.8	8.5
Speech Language Impairment	21.5	17.6
Intellectual Disability	6.9	7.1
Other Health Impairment	6.8	14.7
Emotional Disturbance	2	6.4
Other	6.5	7.5

The importance of language to learning is paramount, and the understanding of language development and cultural impacts upon language by school personnel are just as imperative. When working with, or evaluating, an English Language Learner, it should be kept in mind that the student may have varied abilities in both their native language and English. The student may be dominant in their native language, but not necessarily proficient in either their native language or English (Ortiz & Yates, 2002). Language proficiency is an absolute measure of linguistic abilities in a certain language and refers to their competency and fluency, whereas language dominance is the language in which the person is more proficient at a certain time (NCSPA, 2010). Dominance does not translate into proficiency, and if a student is bilingual, their dominance and proficiency in either language may change. Lack of English proficiency could lead to a misinterpretation of a disability such as an Intellectual Disability or Specific Learning Disability (Vanderwood & Nam, 2008). According to Lopez (2006), there are also culturally related experiences tied to language, including differences in writing systems, concepts of sound-symbols, modes of discourse, story patterns and non-verbal communication styles. Knowing this, how does one evaluate an English Language Learner for Special Education? As Lewis Carroll put it, “Begin at the beginning and go on till you come to the end; then stop.” Before an English Language Learner should be evaluated for Special Education, those doing the evaluation should have a self-awareness of their abilities to work with English Language Learners, and be culturally and linguistically aware of the students they will be evaluating.

Language development and acquisition is affected by many cultural and social factors, which include, but are not limited to socioeconomic status, family constellation, parental education, country/culture of origin, and language exposure. There is also a difference between language proficiency and language dominance. A higher level of proficiency and literacy in the native language leads to less problematic acquisition of the second language. Understanding the second language comes before speaking the second language. When it comes to acquisition of a second language, there is sequential and simultaneous acquisition where one masters the second language after learning the first, or where both are learned at the same time. There can be a silent period during acquisition of a second language, and/or a loss in the first language when learning a second language. BICS and CALPS should also be understood when it comes to language acquisition. BICS are Basic Interpersonal Communication Skills or

Conversational Skills generally acquired within two years of exposure to the second language and CALPS are the Cognitive Academic Language Proficiency or the More Complex Language used in academic situations that can take between seven to ten years to acquire.

The evaluator must also know that cultural differences will impact how a student behaves at school and how education is viewed by the student and his or her family. For example, (NCSPE, 2010), some cultures show respect by not speaking out or by not giving direct eye contact. Some parents may not speak English and thus have trouble helping their child with work and daily living skills may be more important than academic skills. The student may have attended various schools over the years and/or had many absences that may have had an impact on education. Baca (1998) stated, “Just because a bilingual exceptional child qualifies for services under special education does not mean that he/she is automatically disqualified for services under bilingual education or vice versa” (p. 98).

The school intervention team should gather data about the following: student’s home language, acculturation level, sociolinguistic development, and response to school and classroom environment. The team should also investigate the previous schools attended by the student, any interruptions in this schooling, the number of years in the United States, languages used in former schools, school curricula, ESL instruction, and methods of instruction in the classroom (NCSPE, 2010). The referral should occur if: “(1) it appears that socio-cultural factors may not be the primary contributors to the student’s learning and/or behavioral problems and (2) the student, after reasonable monitoring, has demonstrated insufficient progress in response to scientifically-based/evidence based interventions including ESL instruction among other interventions.” (p. 4)

Educators and evaluators should be self-aware, and culturally competent. The National Association of School Psychologists has a Cultural Competence Self-Awareness Checklist on their website to help educators gauge their sensitivity and awareness to and of cultural diversity and competence. The checklist is located at <http://www.nasponline.org/resources-and-publications/resources/diversity/cultural-competence/self-assessment-checklist>. One’s own culture will affect how one views the world and its inhabitants, and thus the evaluator should not just be sensitive to the cultures with whom they interact, but competent. To be competent is not to know a set of skills but to understand how cultural issues operate in the course of one’s job (Ortiz, Flanagan, & Dynda, 2008). Being able to speak the same language as the family and student may provide the evaluator with the opportunity to have increased interpersonal interactions, however, this is not a panacea. If the evaluator cannot speak the language, perhaps learning a few phrases, such as “hello” and “good bye” will go a long way with the family. It is important that the evaluator (1) Builds rapport and trust; (2) Identifies the presenting problem; (3) Learns the family system; (4) Evaluates one’s own cultural biases, and; (5) Determines the influence of previous cultural information.

Let us pause for a minute and return to our evaluation from the beginning betwixt the Klingon evaluator and the Elvish student, shall we? What if our school had a bilingual translator who could speak both Klingon and Elvish? Would this improve the evaluation? Well, from our conversation at the beginning the evaluator used the incorrect word, however, there was a word in Elvish which meant coat. Now, there are some languages which will not have a translation for English words, or vice versa, and likewise many concepts cannot be translated (Lopez, 2008). However, the translator must be highly proficient in both languages (Ortiz & Yates, 2002). The evaluator is not dependent on the translator to get across the topic and its meaning, and do so in a clear and understandable manner. There may be some concern on the part of the evaluator that things will become lost in the translation, and/or back translation. It may also feel difficult to build that trust and rapport when you are not the one “directly” speaking with the student. Lopez (2008), describes a method for evaluating the process of using an interpreter which includes quality of the translation, relational and social aspects, cultural responsiveness, language difference, professional context, situational context, and practice context. Thus, the evaluator and the translator must work in harmony to best serve the needs of the English Language Learner student.

The school cannot delay testing an English Language Learner suspected of having a disability based upon the student not being proficient in English (OCJ & DOJ, 2015). The evaluation, according to IDEIA 2007 should be conducted in the student’s dominant language, unless it is not feasible. Students who are bilingual can be, as Figueroa (1989) put it, vulnerable to testing abnormalities. Thus, if an English Language Learner is administered a test in English, in which he or she is not proficient, the test will not measure the domain, but rather English proficiency, or lack thereof (Ascher, 1990). The English Language Learner population has been both underrepresented and overrepresented in Special Education (OCR & DOJ, 2015; Samson & Lesaux, 2009). As touched on previously, this can be due to lack of knowledge of language acquisition, poor instruction and interventions, and/or inappropriate assessments (Sanchez, Parker, Akbayin, & McTigue, 2010; NSCPA, 2010). The United States Department of Education Office of Civil Rights has an English Learner Toolkit for State and Local Education Agencies that can be retrieved at <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>. Chapter six of this Toolkit discusses resources for addressing English Learners with disabilities.

When evaluating bilingual students, keep in mind that processing speed may be affected by slower processing in the less proficient language. The language tests may not measure how a student will use English in the classroom, or their active use of English, and may show lower scores if the student is bilingual (Ascher, 1990; NCSPA, 2010). Options used when testing English Language Learners include nonverbal tests, translated tests, interpreters, tests normed in the native language, and assessments by bilingual psychologists. Non-verbal tests can be less reliable predictors of intelligence and still reliant on and sensitive to language.

Translating tests is discouraged (Ascher, 1990; NCSPA, 2010). A test in fifth grade in English will not be a test in fifth grade in Spanish if translated. Ascher (1990) and the NCSPA (2010) give warnings against the use of translators. Translators may use substitute words, dialects, or subtle non-verbal behaviors that may be misinterpreted or lost in translation, thus the use of a translator is risky. Section 9.11 of the Joint Standards (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999) states, "When an interpreter is used in testing, the interpreter should be fluent in both the language of the test and the examinee's native language, should have expertise in translating, and should have a basic understanding of the assessment process." The evaluator should consider the English Language Learners proficiency in both the native language and English to determine if there is a disability. Consider differences in day-to-day cultural functioning and how this may impact behavior and view of academics. The use of a language assessment will help in the use of cognitive and academic assessments. The academic assessment should be given in the language in which the student receives academic instruction (NCSPA, 2010). Bilingual students should be given the academic test in both languages (Ortiz & Yates, 2002). Dynamic assessments should be conducted which include not only the testing but observations, interviews, and rating scales (Artiles & Ortiz, 2002; Figueroa, 2002). Students who qualify may not be taught by teachers appropriately trained to address both the language and the disability needs (Ortiz, 2002). Reevaluations of Hispanic students showed a decrease in IQ scores after three years of being in special education (Ortiz, 2002). Early intervention is key. Is the overrepresentation due to learner disability or testing procedures that cannot distinguish between the disability and learning problems associated with being bilingual? (Figueroa, 2002). Some tests will have an English and a Spanish version, with norms in both language, however, this may not be appropriate for a bilingual student. Figueroa (2002) states: "They need to know that it is more important to understand how instructional context can't facilitate academic achievement than it is to speculate about IQ, the possibility of a disability, or the always hypothetical linkages between a disability and a special education treatment. Indeed, the school psychologist may have to conclude that knowing how an English language learner processes lessons, instruction, and information may well be impossible in the traditional paradigm because of the multiple linguistic, developmental, and contextual interactions that can take place at any one time." (p. 60).

The lack of instruments available in languages other than English, with solid psychometrics and personnel trained to administer said instruments, can make assessing challenging (Ortiz & Yates, 2002). The personnel should access their knowledge, skills and values (Heur, 1997). This self-evaluation will determine if they can appropriately administer evaluations. Bilingual personnel should not only be familiar with the evaluation process but with language development for both L1 and L2.

Language acquisition is not a cut and dried process, nor is the evaluation of English Language Learners. There are many factors that go into, and must be understood and considered by educators when it comes to working with English Language Learners and deciding if evaluation is appropriate, and if so, which evaluations and evaluation methods are appropriate to gather the most most valid, representative data on the student. Being open-minded, understanding, and empathetic towards not just the process of language acquisition, but the individual student's journey is a laudable beginning.

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