# DISPROPORTIONATE REPRESENTATION OF ENGLISH LANGUAGE LEARNERS IN SPECIAL EDUCATION

by

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# DISPROPORTIONATE REPRESENTATION OF ENGLISH LANGUAGE LEARNERS IN SPECIAL EDUCATION

## ABSTRACT

The disproportionate representation of English language learners (ELLs) in special education has been a persistent issue in the United States. This study examined Western New York teachers' views of disproportionate representation, factors that influence disproportionate representation, and practices to help reduce the overrepresentation of ELLs in special education. Eight teachers were interviewed in person at three different school districts. In addition, this study explored the extent of disproportionality in the identification and placement of ELLs in the learning disability, intellectual disability, and speech or language impairment categories in Chautauqua County, New York. The relative risk ratio was used to analyze the results. The results indicated that assessment practices, bilingual assessments, instructional factors, referral procedures, teachers' beliefs and attitudes, teacher training, and low socioeconomic status are all factors that influence disproportionate representation. The results also indicated that there are a variety of strategies and practices that can help reduce disproportionate representation. Some of these practices include more training, more differentiated instruction, better bilingual programs and education, more positive attitudes and expectations when working with English language learners, and the use of various formal and informal assessments. Further, the results indicated that there is an overrepresentation of English language learners in the intellectual disability category, an underrepresentation of English language learners in the speech or language impairment category, and a proportionate representation of English language learners in the learning disability

category. Implications are discussed with regards to teachers and their classroom practices when administering assessments and providing instruction to English language learners.

*Keywords:* ELLs, disabilities, disproportionate representation, relative risk ratio

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## Introduction

There is an increasing population of English language learners in the United States' classrooms (Fernandez & Inserra, 2013; New York State Education Department, 2014b). These students come to school with culturally and linguistically diverse backgrounds that are different from their mainstream peers. English language learners enter the classrooms expected to learn and understand the content while trying to acquire a new language. However, some English language learners may display struggles and difficulties with learning the classroom content. Teachers are then challenged to determine if the difficulties are due to a disability or due to acquiring a new language (Abedi, 2009; Chu & Flores, 2011; Fernandez & Inserra, 2013; Klingner & Harry, 2006; Rinaldi & Samson 2008). In many circumstances, there are various teacher and classroom factors that influence the referral of English language learners into special education too quickly. These factors have lead to a reoccurring issue over the years known as disproportionate representation of English language learners in special education (Abedi, 2009; Barerra, 2006; Chu & Flores, 2011; Echevarria, Powers, & Elliott, 2004; Fernandez & Inserra, 2013; Klingner & Harry, 2006; Lee, Butler, & Tippins, 2007; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Samson & Lesaux, 2009; Spinelli, 2008; Trent, Kea, & Oh, 2008; Walker, Shafer, & Iiams, 2004; Yzquierdo, Blalock, & Torres-Velasquez, 2004; Zetlin, Beltran, Salcido, Gonzalez, & Reyes, 2011).

### Problem

Throughout the years there have been a variety of court cases, changes in laws, and changes in policies that have helped gain rights for English language learners and students with disabilities (Ochoa, 2005). However, for the past four decades disproportionate representation of English language learners in special education has been and continues to be an issue in the

United States (Ochoa, 2005). English language learners are one of the minority groups that are overrepresented in special education. The overrepresentation occurs the most in high-incidence disabilities such as intellectual disability (mental retardation), learning disability, speech or language impairment, and emotional disturbances (Ochoa, 2005; Sullivan, 2011). In New York State, English language learners are more likely than native English speaking peers to be placed in special education. The overall classification rate of all students with disabilities in New York State is about 14%, and the classification rate for English language learners is about 19% (New York State Education Department, 2014d). Factors such as assessment practices, bilingual assessments, instructional factors, referral procedures, teachers' beliefs and attitudes, and teacher training have all been identified in research as problems teachers face when working with English language learners (Abedi, 2009; Barerra, 2006; Chu & Flores, 2011; Echevarria et al., 2004; Fernandez & Inserra, 2013; Klingner & Harry, 2006; Lee et al., 2007; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Samson & Lesaux, 2009; Spinelli, 2008; Trent et al., 2008; Walker et al., 2004; Yzquierdo et al., 2004; Zetlin et al., 2011). These factors influence the disproportionate representation of English language learners in special education.

**Purpose**

The purpose of this study is to collect data on the number of English language learners and non-English language learners in special education in Chautauqua County, New York. By collecting this data, it will help determine if disproportionate representation of English language learners in special education is a prevalent issue in Chautauqua County. In addition, the purpose of this study is to examine the teachers' views, in this county, about disproportionate representation, factors that influence disproportionate representation, and practices to help reduce

the disproportionate representation of English language learners in special education. One goal of this study is to determine which factors are the most prevalent amongst all the teachers when referring English language learners for special education.

**Significance of the Study**

Research acknowledges that there is a growing population of English language learners in the United States and that these students are overrepresented in disability categories such as intellectual disability, learning disability, and speech or language impairment (Ochoa, 2005; Sullivan, 2011). Research also shows that there are various school factors that influence the disproportionate representation of English language learners in these disability categories (Abedi, 2009; Chu & Flores, 2011; Echevarria et al., 2004; Fernandez & Inserra, 2013; Klingner & Harry, 2006; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Samson & Lesaux, 2009; Yzquierdo et al., 2004). This specific study is aimed to add to the current literature by examining data in Chautauqua County along with teachers' perceptions of the factors that influence disproportionality. With the information obtained, the study will intend to provide teachers with an awareness of the factors that influence overrepresentation of English language learners in special education and solutions to reduce the referrals of these students to special education. This in turn will hopefully benefit English language learners by providing best practices to general education, special education, English as a Second Language (ESL) teachers, and administrators.

## Review of Literature

Beginning in 1968, Lloyd Dunn was the first researcher to discuss the disproportion of English language learners in special education (Ochoa, 2005). At the time, English language learners were mostly identified as mentally retarded, or what is now known as intellectually disabled in today's current trends (Ochoa, 2005). The issue of disproportionate representation became a national talking point after the court cases of *Diana v. California* (1970) and *Larry P. v. Riles* (1986) (Ochoa, 2005). These cases brought up the alleged issue of inappropriate placement of culturally and/or linguistically diverse students in special education (Ochoa, 2005). These cases influenced the Public Law 94-142, the Education for All Handicapped Children Act of 1975, which required that English language learners be assessed in their native language (L1), when it was practical and done in a nondiscriminatory way (Ochoa, 2005). Revisions of the Education for All Handicapped Children Act, now known as Individuals with Disabilities Education Act (IDEA) continue to be made in order to protect the rights of students with disabilities and English language learners (Ochoa, 2005).

Although there have been many court cases that have helped gain rights for English language learners and students with disabilities, disproportionate representation of English language learners in special education continues to be an issue in the United States. This overrepresentation of English language learners occurs the most in high-incidence disabilities such as intellectual disability (mental retardation), learning disability, speech or language impairment, and emotional disturbance (Ochoa, 2005; Sullivan, 2011).

Although the disproportionate representation varies from district to district and state to state, it is imperative to investigate the factors that influence this occurrence. Research has mainly looked at assessments, their use, their appropriateness, and their role in placing English

language learners in special education (Abedi, 2009; Fernandez & Inserra, 2013; Klingner & Harry, 2006; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Samson & Lesaux, 2009; Yzquierdo et al., 2004). Other factors that influence the disproportionate representation of English language learners in special education pertain to referral procedures, teacher training, teachers' beliefs and attitudes, and instruction (Chu & Flores, 2011; Echevarria et al., 2004; Fernandez & Inserra 2013; Klingner & Harry, 2006; Ochoa, 2005; Ortiz et al., 2011). For the purpose of this study, literature has been reviewed to provide insight about English language learners and what leads this population to be referred to special education. An introduction of who students with disabilities are, who English language learners are, and how both are identified is reviewed. Further, an overview of what disproportionate representation is and how teachers view this occurrence were examined. Lastly, a synopsis of the factors that influence disproportionate representation of English language learners in special education, the consequences that occur when students are misidentified, and helpful practices to reduce this occurrence were analyzed.

**Students with Disabilities**

According to IDEA (2004), special education is specifically designed instruction, which meets the needs of the individual students who have exceptional needs. Further, the individuals' educational needs cannot be met with modifications made to the regular classroom instruction (IDEA, 2004). There are related services that may assist the individuals, and the students may benefit from specifically designed instruction. Special education and its related services are at no cost to the parents. According to IDEA (2004), a child with a disability means a child who has been evaluated and has demonstrated that he/she can be classified under one of the thirteen disability categories. The child will show signs of having mental retardation (intellectual disability), a hearing impairment (including deafness), a speech or language impairment, a visual

impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, and/or multiple disabilities (IDEA, 2004). If a child is classified in any of these disability categories, he/she will receive special education services (IDEA, 2004).

IDEA (2004) is a federal education law that was written in order to correlate with the No Child Left Behind Act (NCLB), which means that school districts are now held accountable for the success of students with disabilities. This law focuses on the educational benefits and covers individuals, ages three to twenty-one. IDEA (2004) discussed that there is a zero reject policy, which requires schools to educate all students; there is nondiscriminatory identification and evaluation, which requires schools to use nonbiased evaluation and assessment methods; there is a Free, Appropriate Public Education (FAPE) policy, which is ensured for all students and an Individualized Education Plan (IEP) is designed for each student with a disability; and there is a Least Restrictive Environment (LRE) policy, which means that students with disabilities must be educated to the maximum extent with students without disabilities. Also, according to IDEA (2004), there are due process safeguards that protect the rights of the families, and there is shared decision making which requires schools to meet and discuss the needs of the child with the families.

New York State has the NYS Education Law: Part 200 Regulations of the Commissioner of Education, which mimics the IDEA federal education law. All school districts in New York State must follow this law, and all school districts are held accountable for the success of students with disabilities (New York State Education Department, 2014c).

The different categories of disabilities include autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities,

orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment (IDEA, 2004). English language learners are typically overrepresented in the learning disability, intellectual disability, speech or language impairment, and emotional disturbance categories (Ochoa, 2005; Sullivan, 2011).

**Identification of students with disabilities.** According to IDEA (2004), the special education referral process begins with the general education teacher identifying a reoccurring problem or need that an individual student may have. After identifying what the problem may be, the general education teacher presents the problem to an instructional support team; this is considered the prereferral intervention. The team discusses interventions to try with the student, and if the interventions do not work, then the teacher has a formal referral for special education. Next, the Committee on Special Education (CSE) team determines if the student is eligible for special education services based on evaluations and eligibility criteria (IDEA, 2004). Lastly, if the student is eligible for special education services, then the CSE team plans an individual program for the student and develops the student's IEP (IDEA, 2004). Every year, there will be an annual review of the IEP to discuss the student's progress, goals, services, and so on. The student then may continue to receive special education services or may be declassified. The IEP also includes transition services for when the student exits school (IDEA, 2004).

Many school districts use the Response to Intervention (RTI) model to aid in the identification and referral process for special education services, mainly for learning disabilities (Rinaldi & Samson, 2008). According to Rinaldi & Samson (2008), RTI is usually organized into three tiers. Tier 1 is considered the universal screening phase, Tier 2 is considered the prereferral phase, and Tier 3 is considered the referral to special education phase. In Tier 1, high-quality instruction is provided to all students in the general education classroom. When a

student does not meet the performance indicators that students are expected to meet, he or she is provided with more intensive instruction. In Tier 2, more intensive instruction is provided to meet the needs of the students, typically in a small group setting. When a student does not meet the performance indicators or make the expected progress he or she is intended to make, the student is provided with further intensive instruction. In Tier 3, even more intensive instruction is provided to meet the needs of the students, which is typically one-on-one instruction (Rinaldi & Samson, 2008). If a student does not make the expected progress, then he or she is referred to special education (Ortiz et al., 2011; Rinaldi & Samson, 2008).

**English Language Learners**

In the past decade, the English language learner population in the United States has increased from 3.5 million to 5.3 million (Fernandez & Inserra, 2013). According to the New York State Education Department (2014b), within the past ten years, there has been an increase in enrollment of English language learners by 20% in New York State. In addition, within the United States, the overall enrollment of English language learners in the nation has increased by 18% (New York State Education Department, 2014b). "Currently in New York State, over 203,000 ELLs make up 8.9% of the total public student population" (New York State Education Department, 2014b, p. 2). There are over 140 languages spoken in New York State by students, and 61.5% of the English language learners speak Spanish as their home language. Further, 41.2% of English language learners were not born in the United States (New York State Education Department, 2014b).

According to the New York State Education Department (2014b), English language learners are considered to be students who have limited English proficiency due to being born in a foreign country, speak a language other than English, and either know and speak little to no

English or perform below a predetermined level of proficiency on the New York State Identification Test for English Language Learners (NYSITELL) or the New York State English as a Second Language Achievement Test (NYSESLAT).

In order to meet the needs of the English language learners, New York State has the Commissioner's Regulations: Part 154, which indicates what the legal requirements are for English language learners and their education. Subparts 154-1 and 154-2 are aimed to improve instruction and programming for English language learners, and Subpart 154-3 is intended to initiate standards to decipher whether an English language learner with a disability will take the language proficiency identification assessment and what the measures will be for students with disabilities to exit ELL status (New York State Education Department, 2014a).

**Identification of ELLs.** According to the New York State Education Department (2014b), in alignment with Commissioner's Regulations: Part 154, an English language learner must go through an identification process to determine if the student is an English language learner. At the end of any step, if it is established that the student is not an English language learner, then the remaining steps of the identification process will not be completed. As part of the identification process, a qualified personnel is involved. This person can be a bilingual education or English to Speakers of Other Languages (ESOL) teacher, or a teacher who is "trained in cultural competency, language development and the needs of English language learners" (New York State Education Department, 2014b, p. 25-26). According to New York State Education Department (2014b), the qualified personnel must be proficient in the student's or parent/guardian's home language. If the qualified personnel is not proficient in the home language, then a qualified interpreter/translator of the home language must be used. In the first step, a qualified personnel administers a home language questionnaire to parents or guardians to

confirm if a language other than English is spoken at home. In the second step, a qualified personnel who speaks English and the student's home language conducts an interview with the student. The qualified personnel interviews the student in both languages and evaluates the student's skills in reading and writing in English and the home language as well as math (New York State Education Department, 2014b).

In the third step, for a student who has a disability, a process is to be followed in accordance with Subpart 154-3 in order to determine if the student will take the New York State English language proficiency identification assessment and determine whether the student should be classified as an English language learner (New York State Education Department, 2014a). During this process, a Language Proficiency Team (LPT) is involved, which is a committee composed of a school/district administrator, teacher or service provider with a bilingual extension and/or a teacher of ESOL, director of special education, and the student's parent/guardian (New York State Education Department, 2014a). According to the New York State Education Department (2014a), the LPT determines if the student may have second language acquisition difficulties or not. In making this decision, the LPT considers the results of steps one and two in the identification process, the student's use of language in school and at home, assessments in the student's home language, and information from the CSE in regards to whether the student's disability is the deciding factor impacting the student's ability to exhibit proficiency in English (New York State Education Department, 2014a).

If the LPT determines that the student does not have second language acquisition difficulties and is not an English language learner, then the student does not need to take the English language proficiency identification assessment (New York State Education Department, 2014a). Although the LPT makes this initial recommendation, the school principal and

superintendant need to review the LPT's decision. However, if the LPT establishes that the student with a disability has second language acquisition difficulties, then the student will take the English language proficiency identification assessment (step 4). The CSE will decide whether the student will take the identification assessment with or without accommodations, in compliance with the student's IEP (New York State Education Department, 2014a).

In the fourth step, the student is given the New York State English language proficiency identification assessment; however, as previously mentioned, if the LPT determines that the student does not have second language acquisition difficulties and is not an English language learner, then the student does not need to take the English language proficiency identification assessment (New York State Education Department, 2014a; New York State Education Department, 2014b). The assessment administered as part of the initial proficiency identification assessment is the NYSITELL. If the student scores below a predetermined proficiency level, then the student is identified as an English language learner. The student can score at a beginning, intermediate, or advanced level on the NYSITELL, which will help determine the type of setting the student should be placed in (New York State Education Department, 2014b).

Students may be placed in a freestanding ESL program or a bilingual education program (New York State Education Department, 2014b). If there are twenty or more English language learners who speak the same native language and are in the same grade level in a building, then the students are to be enrolled in a bilingual education program. However, if the school does not enroll more than twenty, then the students are to be enrolled in a freestanding ESL program (New York State Education Department, 2014b).

Further, within forty-five days of the student's identification as an English language learner, a school district will implement a review process conducted by a qualified personnel to

determine if the student may have been misidentified (New York State Education Department, 2014b). The school district will implement the review process only after receiving a parent/guardian's request, a teacher's request with consent from the parent/guardian, or the student (if the student is 18 years or older). Parental, student (if the student is 18 years or older), principal, and superintendent consent are all needed before there is a change in an English language learner's identification (New York State Education Department, 2014b).

After a student is identified as an English language learner, each year he/she is annually assessed to determine if he/she is to remain classified as an English language learner or not. In order to exit the status as an English language learner, there are a few different options as part of the exit criteria (New York State Education Department, 2014b). First, English language learners are annually assessed using the NYSESLAT. If a student scores at the proficient/commanding level, then he/she is able to exit English language learner status (New York State Education Department, 2014b). Second, English language learners are annually assessed using the English Language Arts (ELA) or English Regents Exam, depending on their grade level. If a student scores at the advanced/expanding level on the NYSESLAT and 3+ on a grade 3-8 ELA assessment or 65+ on the English Regents Exam, then he/se is able to exit English language learner status (New York State Education Department, 2014b). Third, for an English language learner with a disability, the school district will decide if the student will proceed as being classified as an English language learner or not (New York State Education Department, 2014a). The CSE will annually decide if the student will be assessed using the NYSESLAT or an alternate assessment. If the CSE determines that the student will take the NYSESLAT, then the CSE will decide if the student will take the assessment with or without testing accommodations (New York State Education Department, 2014a).

**Disproportionality of ELLs in Special Education**

Disproportionate representation is defined as the "representation of a particular group of students at a rate different than that found in the general population" (Gravois & Rosenfield, 2006, p. 42). Disproportionality can occur when a particular group is overrepresented or underrepresented in a specific disability category (Artiles, Rueda, Salazar, & Higareda, 2005).

Many school districts in the United States are faced with the challenge of determining whether an English language learner is having difficulty with acquiring a new language or if it is a learning disability (Abedi, 2009; Chu & Flores, 2011; Fernandez & Inserra, 2013; Klingner & Harry, 2006; Rinaldi & Samson 2008). Typically, English language learners and students with a learning disability share similar needs and academic difficulties such as "poor comprehension, difficulty following directions, syntactical and grammatical errors, and difficulty completing tasks" (Chu & Flores, 2011, p. 244). These similar difficulties may lead to English language learners being classified as learning disabled and referred to unnecessary special education services (Chu & Flores, 2011).

Also, it is the lack of understanding of the second language acquisition process that might cause general education teachers to refer English language learners for special education. Some teachers believe that by identifying English language learners as students with disabilities, then the special education services will benefit the English language learners and will provide the support they need (Fernandez & Inserra, 2013). When English language learners are overrepresented and misclassified in special education, the assessment results are considered invalid and unfair. This can lead to improper and inappropriate instruction for these students.

According to Artiles and Ortiz (2002), English language learners who receive a minimal amount of language support in the classroom are most likely to be referred to special education,

and English language learners who receive instruction only in English were about three times as likely to be in special education compared to those who receive some native language support. Additionally, students who have lower levels of proficiency in their native language and second language are reported to have the highest rate of classification in special education (Abedi, 2009; Artiles & Ortiz, 2002; MacSwan & Rolstad, 2006).

Sullivan (2011) conducted an eight-year study that investigated the placement of English language learners in special education at the state and district levels in Arizona. Sullivan (2011) used relative risk ratio to determine English language learners' probability of identification and placement in special education compared to White students. The study indicated that at the state level, English language learners in special education increased from .77 in 1999 to 1.19 in 2006. This study found that at the state level English language learners were overrepresented in special education in the high-incidence disability categories of specific learning disability, speech or language impairment, and intellectual disability. In the speech or language impairment category, English language learners went from being 30% less likely to be identified in 1999 to 30% more likely in 2006. In the specific learning disability and intellectual disability categories, English language learners went from being 24% and 30% more likely to be identified in 1999 to 82% and 63% more likely in 2006, respectively (Sullivan, 2011).

Artiles et al. (2005) looked at the placement of English language learners in urban school districts in California. English language learners were between 1.42 and 2.43 times more likely to be identified as intellectually disabled, learning disabled, or speech and language impaired and placed in special education compared to non-English language learners (Artiles et al., 2005). The study also indicated that language proficiency was connected to the probability of being identified as learning disabled or intellectually disabled. At the secondary level, English

language learners who had limited proficiency in their home language and in English were more likely to be identified as learning disabled, intellectually disabled, or speech and language impaired than non-English language learners (Artiles et al., 2005). In addition, at the elementary level, English language learners who had limited proficiency in English were 75% more likely to be classified as learning disabled compared to their native English-speaking peers, and at the secondary level, English language learners who had limited proficiency in English were 46% more likely to be classified as intellectually disabled compared to their native English-speaking peers (Artiles et al., 2005). These results indicated that English language learners were disproportionately represented in special education.

In a national study in the United States, Samson & Lesaux (2009) found that in kindergarten, 4.03% of English language learners were identified for special education; however, 5.50% of native English speaking children were identified. In first grade, 8.48% of English language learners were identified for special education, and 8.99% of native English speaking children were identified. However, in third grade, 16.31% of English language learners were identified for special education whereas 12.76% of native English speaking children were identified. The increase for native English speaking children from kindergarten to third grade was 132%, while the increase for English language learners from kindergarten to third grade was 305% (Samson & Lesaux, 2009). The results indicated that English language learners in the United States were underrepresented in the learning disabled category in the early elementary grades but were overrepresented in the learning disabled category in grade five through high school (Samson & Lesaux, 2009).

In New York State, English language learners are more likely than their native English-speaking peers to be classified in special education. These students are typically classified as

learning disabled or speech and language impaired (Fernandez & Inserra, 2013). In terms of ethnicity, Latino students are one of the largest minority groups in public schools and are typically the most targeted group to be inadequately classified for special education (Orfield & Lee, 2007).

**Teachers' Perceptions of Disproportionate Representation**

There is a large amount of literature in regards to disproportionate representation, factors that influence it, consequences, and helpful practices; however, there is a limited amount of research in regards to teachers' perceptions of disproportionate representation of English language learners in special education (Aguirre, 2007; Alvarez, 2010). In both studies, directors of special education and ESL teachers were interviewed about their views of the representation of English language learners in special education. According to Aguirre (2007) and Alvarez (2010), participants discussed that there needed to be sufficient training for teachers who work with English language learners. Furthermore, the lack of training and knowledge about how to effectively work with English language learners may lead to English language learners being referred to special education (Aguirre, 2007; Alvarez, 2010).

Aguirre (2007) and Alvarez (2010) also reported that the ESL teachers and special education directors were worried that most educators do not understand the similarities and differences between second language acquisition and learning disabilities. The study suggested that teachers need to understand how to effectively differentiate instruction for different proficiency levels of English language learners. In addition, teachers need to understand how to implement effective research-based practices and interventions for special education purposes (Aguirre, 2007; Alvarez, 2010).

Lastly, Alvarez (2010) interviewed directors of special education about whether they considered there to be an overrepresentation of Latino students in special education or not. The results indicated that 70% of the participants did not consider this to be an issue in their school district (Alvarez, 2010). Park (2010) found similar results: ten of the eleven middle school special education teachers who were interviewed recognized that there is an issue of minority students being disproportionately represented in special education compared to their White peers; however, several of the teachers did not feel that this was an issue at their school. Despite the teacher's beliefs, Park (2010) used the relative risk ratio and determined that Hispanic and Asian students at one of the three middle schools were four times as likely to be placed in special education, compared to the White students. The teachers mentioned that the issue of disproportionate representation is due to teacher training and low socioeconomic status (Park, 2010).

**Factors that Influence Disproportionate Representation**

Research throughout the decades has looked at a variety of factors that are believed to influence the disproportionate representation of English language learners in special education. These factors include assessments, use of bilingual assessments, instructional practices, referral procedures, teachers' beliefs and attitudes towards English language learners, and teacher training (Abedi, 2009; Barerra, 2006; Chu & Flores, 2011; Echevarria et al., 2004; Fernandez & Inserra, 2013; Klingner & Harry, 2006; Lee et al., 2007; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Samson & Lesaux, 2009; Spinelli, 2008; Trent et al., 2008; Walker et al., 2004; Yzquierdo et al., 2004; Zetlin et al., 2011).

**Assessment practices.** According to Yzquierdo et al. (2004), many issues arise when assessing English language learners. The first issue is that assessments are designed without

knowledge of the English language learners' native languages or cultures. Second, information is collected in English even though another language is spoken at home. Third, assessments occur in only English. Fourth, only formal assessments are used. Fifth, assessment norms are based on the White culture. Sixth, standardized testing is solely used to make decisions. Lastly, teachers solely look at the structural aspects of the language instead of semantics and use (Yzquierdo et al., 2004).

Assessments should be accessible and free of cultural and linguistic biases. Further, assessments, especially standardized assessments, that are designed and field tested by mainstream White students are not necessarily accessible to English language learners (Abedi, 2009; Rinaldi & Samson 2008). The use of standardized tests may not adequately demonstrate an English language learner's cognitive abilities, and the sole use of these tests to make placement and educational decisions is ineffective and inappropriate (Abedi, 2009; Yzquierdo et al., 2004). As Klingner and Harry (2006) and Rinaldi and Samson (2008) mentioned, schools should not be overconfident to only use standardized test scores because that means that teachers did not consider other alternative assessments to obtain the overall picture of the English language learner's abilities.

Some alternative assessment methods to standardized testing are curriculum-based assessment, dynamic assessment, and performance-based assessment. These types of assessment methods are more authentic and allow the students to better demonstrate what they can do and what they know (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008). With curriculum-based assessment, educators can assess specific curriculum skills in order to determine the student's instructional needs (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008). Dynamic assessment refers to the test, teach, and retest method that looks at the student's aptitude to learn

the content instead of an emphasis on previous knowledge. The initial test helps determine the student's area of need for the intervention/teach to the student. After the intervention, the student is then retested to see if scores increased from the initial test. If there is no improvement, then there may be a disability present (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008). Performance-based assessments allow a student to construct a response, create a product, or perform in order to demonstrate what he/she learned. For example, a portfolio is used to collect work samples over the course of the school year in order to show a student's growth, abilities, and areas of instructional needs. This type of performance-based assessment can and should be used to portray an English language learner's abilities in the classroom (Barrera, 2006; MacSwan & Rolstad, 2006; Rinaldi & Samson, 2008; Spinelli, 2008). All of these assessments methods can replace standard proficiency tests and can be used to help determine an English language learner's eligibility for special education services (MacSwan & Rolstad, 2006; Rinaldi & Samson, 2008).

According to Rinaldi & Samson (2008), educators must use various assessment/data collection tools that assess different areas of development such as academic, interpersonal, and language. By using a variety of tools, the teacher will have a better understanding and overall picture of the English language learner's abilities and needs. Furthermore, there should be formal and informal assessments conducted in both languages in order to look at the whole child. This will help determine whether the weaknesses that were observed and tested were due to inadequate instruction, limited English proficiency, learning disability, or a combination of these (Rinaldi & Samson, 2008).

Zetlin et al. (2011) also stated that teachers need to use culturally and linguistically sensitive assessments in order to effectively assess English language learners, especially when

making special education referrals for these students. In addition to an English language learner's performance on assessments, teachers need to take into account his/her education history, immigration pattern, socioeconomic status, and cultural background before referring a student for special education (Zetlin et al., 2011).

**Bilingual assessments.** Fernandez and Inserra (2013) reported that the use of bilingual evaluations is a helpful tool that should be used to make informed, educational decisions about English language learners. When a true disability is suspected, bilingual evaluations will help reveal the English language learner's disability (Fernandez & Inserra, 2013; MacSwan & Rolstad, 2006; Ortiz et al., 2011). According to Fernandez and Inserra (2013), when a person administers a bilingual evaluation, that person may not have the background knowledge about how to interpret the results of the assessment. It is imperative to have that background knowledge and carefully analyze and interpret the results of the bilingual assessments because some English language learners who are not proficient or literate in their home language may perform poorly on the bilingual evaluation. When students perform poorly on the evaluation it may show that the child has a learning disability, when in actuality the student is still learning a new language (Fernandez & Inserra, 2013).

In a study of native Spanish-speaking students, in Arizona, who took the Language Assessment Scales—Oral Español (LAS—O Español) and the Idea Proficiency Test 1—Oral (IPT Spanish), MacSwan and Rolstad (2006) reported that these standardized language proficiency tests identified the students as fluent, limited, and nonspeakers of Spanish, even though their home language was Spanish. The LAS—O Español identified about three quarters of the children as limited or nonspeakers of their L1 (Spanish), and the IPT Spanish identified about 90% of the children as limited or nonspeakers of their L1 (Spanish) as well (MacSwan &

Rolstad, 2006). However, natural language samples were also obtained, which showed a better indication and overall picture of the children's true language abilities rather than the LAS—O Español and IPT Spanish (MacSwan & Rolstad, 2006).

According to MacSwan and Rolstad (2006), educators should not solely rely on language proficiency tests to make informed, educational decisions such as placement into special education because some proficiency tests do not portray an English language learner's true native language abilities. When educators see that students have a low ability in both languages, they may quickly refer English language learners for special education, which can lead to overrepresentation of English language learners in special education. Assessing an English language learner's oral native language abilities should be done away with, unless a learning disability is suspected, and instead educators should use a variety of assessments in the language that the student feels most comfortable using (MacSwan & Rolstad, 2006).

As previously mentioned, in order to obtain the whole picture of a student's strengths and needs, teachers should use a variety of tools aside from the standardized tests. Again, some of the alternative assessment tools are curriculum-based assessment, dynamic assessment, and performance-based assessment. These assessment methods are more authentic and allow the students to better demonstrate what they know and their abilities (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008).

**Instructional factors.** Fernandez and Inserra (2013) reported that ten out of twelve teachers did not know dimensions such as sequential ordering, spatial ordering, higher-order cognition, and social cognition and how they help English language learners acquire language. This study suggested that when teachers are aware of how English language learners learn and understand best practices in relation to attention, memory, language, neuro-motor function,

spatial-temporal ordering, sequential ordering, social cognition, and higher-order thinking, then teachers will be able to meet the needs of their ELL students and their learning difficulties. Again, if teachers had a better understanding of these dimensions and how ELLs learn, they would be more cautious about referring English language learners for special education (Fernandez & Inserra, 2013).

Echevarria et al. (2004) discussed that English language learners were disproportionately represented in special education due to the lack of effective instruction in reading and math and the teachers' ineffective classroom management. Teachers in urban setting school districts did not have the proper materials or teaching methods to serve culturally and linguistically diverse students, which contributed to the underachievement of these students. Most of the academic tasks and the lessons were aligned with middle class values and experiences, so the culturally and linguistically diverse students were at a disadvantage and did not have the background knowledge for the academic tasks (Echevarria et al., 2004).

As mentioned, the lack of quality and effective instruction is one of the reasons why English language learners do not have academic success in the classroom and are quickly referred to special education services. Different types of bilingual programs can also play a significant role in the success of English language learners (Ochoa, 2005). Four of the main bilingual programs are English as a second language (ESL), transitional/early-exit, maintenance/late-exit, and two-way/dual. ESL programs do not provide instruction in the student's native language and instead focus on providing content in English and strategies to learn English. Transitional/early-exit programs provide instruction in the student's native language for about two to three years, and maintenance/late-exit programs provide instruction in the student's native language for about five to six years. Students also receive instruction in

English in both of these programs as well. Two-way/dual programs include an equal amount of English language learners and native English speaking students. In this type of program, instruction is equally provided in both English and the other language (Ochoa, 2005).

Ochoa (2005) stated that maintenance programs and dual bilingual programs are the most effective; however, these are the programs that are the least used and/or offered to English language learners. Ochoa (2005) reported that districts that have the highest disproportionate representation often have the smallest percentage of students in effective bilingual programs. Further, few English language learners receive instruction and sometimes assessment in their native language before they are referred to special education services. Thus, it is important to remember that special education should not be considered unless there is proof of high-quality and effective instruction (Ochoa, 2005). Moreover, when a teacher determines if English language learners are eligible for special education services, English language learners should not be deemed eligible if the only determining factor is based on a lack of effective instruction or due to limited English proficiency (Chu & Flores 2011; Ochoa, 2005; Ortiz et al., 2011). Disproportionate representation can occur and become problematic when English language learners receive low-quality instruction (Ochoa, 2005).

**Referral procedures.** According to Ortiz et al. (2011), in order to make special education referral decisions, educators must first collect baseline data that demonstrates English language learners' language and literacy skills and tracks their progress in each language over time. Teachers should periodically assess an English language learner's native and second language development, and they should track progress on interventions. Teachers must also systematically assess and track English language learners' reading skills and development in areas such as phonemic awareness, phonics, fluency, vocabulary, and comprehension. While

monitoring progress in these areas, teachers will determine if English language learners have not made the intended progress in response to high quality and culturally and linguistically responsive interventions, which may then lead to a consideration for special education (Ortiz et al., 2011).

In order to prevent inappropriate special education referrals, Ortiz et al. (2011) and Chu and Flores (2011) suggest the use of RTI. According to Ortiz et al. (2011), in the prevention and early intervention stage of RTI, "instruction must be linguistically and culturally appropriate, research-based, implemented effectively, continued for a sufficient amount of time, and evaluated accurately" (p. 327). When students do not make the intended progress, teachers should differentiate instruction. This type of early intervention may help when a special education referral is considered. According to Klingner and Harry (2006), in a study of twenty-one English language learners, six of them were immediately referred to special education without providing any prereferral strategies or interventions. This type of immediate referral causes English language learners to be overrepresented in special education (Klingner & Harry, 2006).

According to Ortiz et al. (2011), students are provided with Tier 2 interventions, in a small group setting, when they continue to experience reading difficulties. Assessments should be used more frequently to determine different strategies or approaches for those who are not progressing. Students who do not make progress then receive Tier 3 instruction, which is more intensive and is more one-on-one instruction. Typically, the interventions in Tier 3 are provided by special education teachers (Ortiz et al., 2011). RTI is highly recommended in the identification process of English language learners in special education, and more specifically the learning disabled category, because RTI helps educators "select the best interventions

possible for English language learners, reduce the number of these students referred for special education, and avoid over representing English language learners in special education" (Chu & Flores, 2011, p. 246).

**Teachers' beliefs and attitudes.** The way educators view English language learners can also influence disproportionate representation of English language learners in special education. Many teachers may not realize that they have pre-existing ideologies and biases when it comes to working with certain ethnic and cultural groups. Teachers' views of cultural and ethnic diversity play a significant part in how they view and treat English language learners and what their expectations of performance are (Ochoa, 2005). Ochoa (2005) reported that many times school psychologists have the pre-existing notion that English language learners who are not exposed to English have an increased risk for difficulties in reading, which may result in bias because the psychologist is trying to find reading problems. Further, the population of schoolteachers is becoming more White, female, and middle class (Trent et al., 2008). This suggests that as student diversity increases and the teacher population becomes more homogenous, cultural bias in special education referrals and assessments may increase.

Studies have also indicated that teachers have negative attitudes towards the English language learners in their classrooms (Walker et al., 2004). Walker et al. (2004) found that in the Great Plains state, 70% of teachers did not want to have English language learners in their classrooms. The teachers noted that their frustrations were in regard to not having the time, energy, or proper training to work with this population of students (Walker et al., 2004). Lee et al. (2007) found similar results that indicated that teachers were frustrated and had negative attitudes when working with English language learners due to lack of knowledge about the

students' culture, lack of training about diversity in the classroom, and lack of time to gain this type of knowledge.

This suggests that teachers must be aware of their personal biases and ideologies towards culturally and linguistically diverse students, and they must make a conscious effort to acknowledge these biases and work to diminish any stereotypes or discriminatory acts in the classroom in order to promote equality (Ochoa, 2005). In addition, teachers need to be properly trained and supported by administrators and other teachers in order to effectively help English language learners achieve success in the classroom (Lee et al., 2007).

**Teacher training.** Fernandez and Inserra (2013) reported that mainstream teachers did not have the proper training or background about how English language learners acquire a new language, how long it takes, and the difference between social and academic language development. Further, the teachers reported that they did not know how to tell the difference between English language learners who were struggling academically due to acculturation and those that had a learning disability. Fernandez and Inserra (2013) found that eleven of the twelve teachers never received professional training or information about second language acquisition or effective practices when working with English language learners. English language learners in the study were identified for special education sooner than seven years, even though literature has suggested that it takes five to seven years to acquire academic language (Fernandez & Inserra, 2013).

These findings suggest that teachers need to be trained about acculturation, second language acquisition, and effective practices when working with English language learners. Otherwise, teachers could possibly prematurely refer English language learners for special education (Fernandez & Inserra, 2013). Teachers should also receive professional development

in prevention, intervention, and special education referrals, also known as the RTI model. Professional development in these areas will better assist teachers with how to properly gather and interpret data about an English language learner's behavior and academic performance (Ortiz et al., 2011; Klingner & Harry, 2006).

As a new adopted regulation of subparts 154-1 and 154-2, school districts call for new professional development requirements for teachers (New York State Education Department, 2014b). Teachers are to receive professional development in co-teaching strategies, integration of language and content instruction, and needs of English language learners. All teachers are required to receive 15% of their total professional development hours learning about English language learners (New York State Education Department, 2014b). Further, for all bilingual education and ESL teachers, a minimum of 50% of their total professional development hours is required to learn about English language learners (New York State Education Department, 2014b). This new regulation will ensure that all teachers will receive the proper training on how to effectively instruct and work with this population of students.

**Consequences for ELLs**

When English language learners are disproportionately represented in special education there are various academic and social consequences for them. According to Paradis, Genesee, and Crago (2011), English language learners who are overrepresented in special education receive services that are unnecessary or not needed due to inadequate assessment practices. These types of services may hinder an English language learner's true academic abilities. According to Ahram, Fergus, and Noguera (2011), students who are disproportionately represented are less likely to receive rigorous instruction or full curriculum. Also, when students are segregated and pulled out of the mainstream classroom, they lose out on the core academic

curriculum (Echevarria et al., 2004). This affects students later on when they apply to postsecondary colleges and universities because they will be less likely to be eligible for them (Ahram et al., 2011). Further, students receive less employment and postsecondary opportunities throughout their lifetime compared to students who are not affected by disproportionate representation (Ahram, et al., 2011; Echevarria et al., 2004). Echevarria et al. (2004) reported on postsecondary statistics for unemployment and underemployment of minorities with disabilities. These statistics remain high and demonstrate that minorities with disabilities are at a disadvantage (Echevarria et al., 2004).

Ahram et al. (2011) and Echevarria et al. (2004) determined that English language learners overrepresented in special education are also impacted socially. First, English language learners who receive special education services in a separate setting lose time in the general education classroom. This causes English language learners to have limited interactions with their peers and lose the opportunity to develop socially (Ahram et al., 2011; Echevarria et al., 2004). In addition to the limited interactions, English language learners face social stigmatization that is connected to being labeled as intellectually, physically, or emotionally disabled (Ahram et al., 2011). Further, marginalization from their mainstream peers creates negative impacts on the English language learners' self-esteem, which may later affect the students' success to assimilate with society as adults (Ahram et al., 2011; Paradis et al., 2011). Ahram et al. (2011) also reported that English language learners who are in special education feel lonely and display fears of not being liked due to being academically and socially isolated from their mainstream peers.

Once English language learners are classified into special education, it is difficult for them to catch up to their mainstream peers (Ahram et al, 2011; Echevarria et al., 2004).

Minority students with disabilities are less likely to return to the general education setting than White students with disabilities because minority students with disabilities typically receive special education services in a more restrictive environment (Ahram et al., 2011; Echevarria et al., 2004).

**Helpful Practices**

Many solutions about reducing the disproportionate representation of English language learners in special education have been previously discussed. Echevarria et al. (2004) discussed three additional key practices for educators to consider. The first practice is improved teacher preparation (Echevarria et al., 2004). Teacher preparation must begin at the preservice level, and teacher preparation programs should address items such as diversity, second language acquisition, culturally relevant instructional methods, and empirically supported interventions. All of these topics will help teachers create meaningful, appropriate, and effective instruction for culturally and linguistically diverse students (Echevarria et al., 2004). Further, teachers must take into account students' needs when it comes to them developing their English language skills (Echevarria et al., 2004). In addition, educators should reflect on their teaching practices and consider the interaction between the learner, instructional setting, materials, and teaching methods (Echevarria et al., 2004). With keeping these in mind, teachers should make adjustments in order to improve instruction. Lastly, teachers should be trained to understand and avoid the deficit model, which looks at academic and behavior problems as a problem within the child (Echevarria et al., 2004).

The second practice is earlier intervention (Echevarria et al., 2004). When students initially experience difficulties in the classroom, they require interventions and supports immediately (Echevarria et al., 2004). According to Echevarria et al. (2004), early and intense

interventions can drastically improve students' reading skills, such as Dynamic Indicators of Basic Early Literacy Skills (DIBELS). DIBELS is a screening tool that identifies students' needs when it comes to reading. This tool helps identify needs and supports in order to lessen the number of referrals for special education (Echevarria et al., 2004). Overall, when there is early identification and interventions, then there are less referrals for special education (Echevarria et al., 2004).

The third practice is to look for interventions rather than disabilities (Echevarria et al., 2004). Schools should have intervention teams that work together to come up with suggestions and strategies to use in the general education classroom that meet the needs of the student and take into account the student's cultural and linguistic background (Echevarria et al., 2004). It is essential to determine interventions to use rather than focus on if the student has a disability or not. Interventions may be small group instruction, teaching of different strategies, and so on. The key to the interventions is progress monitoring to determine if the interventions are effective or not (Echevarria et al., 2004). A special education referral can be considered only when the student does not progress and does not respond to the interventions (Echevarria et al., 2004).

Similar to these practices, the Wisconsin Department of Public Instruction developed a Checklist to Address Disproportionality in Special Education (CADSE) (Fiedler et al., 2008). The CADSE contains elements such as critical questions for school professionals to guide conversations and practices when teaching and assessing English language learners, respondents for the questions, quality indicators including best practices to demonstrate appropriate responses for each critical question, and a rubric to evaluate the school for each critical question (Fielder et al., 2008). The first section of the checklist is titled "Culturally Responsive Beliefs and Practices of Schools and General Education Classrooms" (Fiedler et al., 2008, p. 55). Some quality

indicators/best practices in this section suggest that the school environment and classrooms contain work from individuals with diverse cultural backgrounds, translated materials, procedures that focus on positive behaviors, trained staff in the implementation of the positive behavioral support system, and classroom incentive plans (Fiedler et al., 2008).

The second section of the checklist is titled "Culturally Responsive Coordinated Early Intervening Services and Referral to Special Education" (Fiedler et al., 2008, p. 56). Some quality indicators/best practices in this section suggest that the building team meets within three weeks after an English language learner is referred to special education, clear guidelines for Response to Intervention and movement across the tiers, and English language learners are to receive a variety of services such as individualized assistance with assignments (Fiedler et al., 2008).

The third section of the checklist is titled "Culturally Responsive IEP Team Decision Making—Evaluation and Determination of Eligibility" (Fiedler et al., 2008, p. 58). Some quality indicators/best practices in this section suggest that evaluations include standardized tests that are culturally and linguistically sensitive, evaluations include a variety of assessment tools including informal assessments appropriate to the student, and observations of the student include measurable and observable data (Fiedler et al., 2008).

Fiedler et al. (2008) stated that the checklist raised staff awareness about the issue of disproportionality and created conversations amongst the general education, special education, and ESL teachers to look for solutions. It was also proved to be effective in increasing the documentation of the educators' decisions at all stages of the special education process. Fiedler et al. (2008) further mentioned that the checklist be used along with ongoing professional development programs for all teachers.

This concern of disproportionate representation of English language learners in special education has been researched for more than forty years. The number of English language learners who come from linguistically and culturally diverse backgrounds continues to increase over the years, which means that the identification of English language learners in special education has become and continues to remain an important topic in order to assure that English language learners receive an appropriate education (Chu & Flores, 2011). With these issues of disproportionality, overrepresentation, and misclassification of English language learners in special education the following questions were considered:

1. Are English language learners in Chautauqua County, New York disproportionately represented in special education, more specifically in the learning disability, intellectual disability, and speech or language impairment categories?
2. What efforts are teachers making to end disproportionate representation of English language learners in special education?

## Methodology

This study employed a mixed-method research design that included both qualitative and quantitative data. The first part of the study examined public data from Public School Enrollment Database and the Special Education Data Collection, Analysis & Reporting (SEDCAR) database on the New York State Education Department (NYSED) website (New York State Education Department, 2013a; New York State Education Department, 2013b). The data from these websites included the total number of English language learners and non-English language learners in each school district as well as the number of English language learners and non-English language learners within the intellectual disability, learning disability, and speech or language impairment categories for school districts in Chautauqua County, New York. The second part of the study involved conducting semi-structured interviews with general education, special education, and English as a Second Language (ESL) teachers about their education background, teaching experience, their views of the factors that influence disproportionate representation, and best practices to reduce disproportionate representation.

### Setting

For the first part of this study, five school districts were included in Western New York, more specifically Chautauqua County, New York. Although there are eighteen school districts in Chautauqua County, only five school districts enrolled English language learners for the 2012-2013 school year.

For the second part of the study, three separate school districts with the highest number of English language learners in Chautauqua County, New York were incorporated. To protect their confidentiality, the districts are referred to as District A, District B, and District C.

District A is a large, high need, and urban-suburban school district. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled students from kindergarten through grade twelve with a total of 4,985 students. The demographic factors indicated that 3,305 (66%) were economically disadvantaged students, 613 (12%) were students with disabilities, and 203 (4%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 28 (1%) American Indian or Alaska Native, 226 (5%) Black or African American, 879 (18%) Hispanic or Latino, 19 (0%) Asian or Native Hawaiian/Other Pacific Islander, 3,386 (68%) White, and 447 (8%) Multiracial (New York State Education Department, 2013a). In this district, there are five elementary schools, three middle schools, and one high school (New York State Education Department, 2013a).

District B is a large, high need, and urban-suburban school district. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled students from kindergarten through grade twelve with a total of 1,981 students. The demographic factors indicated that 1,367 (69%) were economically disadvantaged students, 175 (9%) were students with disabilities, and 253 (13%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 9 (0%) American Indian or Alaska Native, 158 (8%) Black or African American, 902 (46%) Hispanic or Latino, 7 (0%) Asian or Native Hawaiian/Other Pacific Islander, 857 (43%) White, and 48 (2%) Multiracial (New York State Education Department, 2013a). In this district, there are four elementary schools, one middle school, and one high school (New York State Education Department, 2013a).

District C is a smaller, average needs, and suburban school district. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled

students from kindergarten through grade twelve with a total of 1,502 students. The demographic factors indicated that 466 (31%) were economically disadvantaged students, 159 (11%) were students with disabilities, and 42 (3%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 5 (0%) American Indian or Alaska Native, 17 (1%) Black or African American, 132 (9%) Hispanic or Latino, 33 (2%) Asian or Native Hawaiian/Other Pacific Islander, 1,286 (86%) White, and 29 (2%) Multiracial (New York State Education Department, 2013a). In this district, there is one elementary, one middle school, and one high school (New York State Education Department, 2013a).

**Participants**

For the first part of the study, data was composed of a sample of English language learners and non-English language learners, ages three to twenty-one. The individuals were classified as intellectually disabled, learning disabled, or speech or language impaired. Out of the thirteen disability categories, these three categories were chosen for this study because research shows that these are the three categories that English language learners are overrepresented in the most (Ochoa, 2005; Sullivan, 2011). Further, these individuals were students at school districts in Chautauqua County.

Public data was obtained from the SEDCAR database, which is found on the New York State Education Department website (New York State Education Department, 2013b). The data from the SEDCAR database included the number of English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in school districts in Chautauqua County as well the number of non-English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in these districts. Data was also obtained from the Public School Enrollment Database, which is part of the New York State

Education Department website (New York State Education Department, 2013a). This data provided the total number of English language learners and non-English language learners in each district. The data from both databases helped calculate the risk index and relative risk ratio. All of the data used for this study was based on the 2012-2013 school year because the data for the 2013-2014 school year was not finalized yet.

In the second part of the study, the individuals who participated were all employees of District A, District B, and District C in Chautauqua County, New York State. There were two to three participants from each school district represented in this study. From each school district it was intended that there be one ESL teacher, one general education teacher, and one special education teacher; however, out of the nine participants, only eight participated in the study. There were two teachers from the elementary level, three teachers from the middle school level, and three teachers from the high school level. These grade levels were chosen for this study because this gave the researcher teachers' perspectives from all different grade levels.

A general education teacher was chosen for this study because he/she is responsible for making the initial referral of the English language learner for special education, and this teacher is part of the multidisciplinary team that helps make decisions about determining if the English language learner is eligible for special education services or not. An ESL teacher was chosen for this study because he/she provides services for the English language learner and is also part of the multidisciplinary team. Lastly, a special education teacher was chosen for this study because he/she would be providing services once the English language learner was classified, and this teacher is also part of the multidisciplinary team.

The teachers from District A were from the high school. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled students from

grade nine through grade twelve with a total of 1,283 students. The demographic factors indicated that 856 (62%) were economically disadvantaged students, 195 (14%) were students with disabilities, and 44 (3%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 10 (1%) American Indian or Alaska Native, 83 (6%) Black or African American, 229 (17%) Hispanic or Latino, 6 (0%) Asian or Native Hawaiian/Other Pacific Islander, 960 (69%) White, and 95 (7%) Multiracial (New York State Education Department, 2013a).

The teachers from District B were from the middle school. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled students from grade six through grade eight with a total of 481 students. The demographic factors indicated that 339 (70%) were economically disadvantaged students, 43 (9%) were students with disabilities, and 62 (13%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 5 (1%) American Indian or Alaska Native, 46 (10%) Black or African American, 240 (50%) Hispanic or Latino, 2 (0%) Asian or Native Hawaiian/Other Pacific Islander, 184 (38%) White, and 4 (1%) Multiracial (New York State Education Department, 2013a).

The teachers from District C were from the elementary school. According to New York State Education Department (2013a), for the 2012-2013 school year, the school enrolled students from grade kindergarten through grade five with a total of 533 students. The demographic factors indicated that 193 (36%) were economically disadvantaged students, 72 (14%) were students with disabilities, and 14 (3%) were classified as Limited English Proficient. The racial/ethnic origin of the district consisted of 1 (0%) American Indian or Alaska Native, 5 (1%) Black or African American, 45 (8%) Hispanic or Latino, 8 (2%) Asian or Native Hawaiian/Other

Pacific Islander, 455 (85%) White, and 19 (4%) Multiracial (New York State Education Department, 2013a).

**Data Collection and Procedure**

**Database.** For the first part of the study, public data was obtained from the SEDCAR database, which is found on the New York State Education Department website (New York State Education Department, 2013b). This data included the number of English language learners classified as learning disabled, intellectually disabled, and speech or language impaired as well the number of non-English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in school districts in Chautauqua County. Data was also obtained from the Public School Enrollment Database, which is part of the New York State Education Department website (New York State Education Department, 2013a). This data provided the total number of English language learners and non-English language learners in each district to help calculate the risk index and relative risk ratio.

The Internet and SEDCAR database were used as the instruments to collect data on the number of English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in school districts in Chautauqua County. These instruments were used to collect data on the non-English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in the school districts as well. To organize the data, Microsoft Excel was used. The data was organized by categories such as English language learner, county name, and district name. Underneath that set of data was non-English language learner, county name, and district name. In addition, there were three separate tabs for each disability category (intellectual disability, learning disability, and speech or language impairment).

The Internet and Public School Enrollment database were also used as the instruments to collect data on the total number of English language learners and non-English language learners in school districts in Chautauqua County. The SEDCAR database provided the number of individuals who are identified in a specific disability category, and the Public School Enrollment database provided the total number of English language learners and non-English language learners in these districts. Both of these databases were required in order to calculate the risk index and relative risk ratio.

**Interview.** For the second part of the study, the three school districts in Chautauqua County were contacted. The researcher contacted school principals within the school districts via email (see Appendix A) to gain permission to interview a general education, ESL, and special education teacher. Once the researcher gained approval from the principals, a cover letter was sent via email (see Appendix B) to three ESL teachers, three general education teachers, and three special education teachers within the three separate school districts. The email included the purpose of the study, how the data would remain confidential, and that the participation in the interview is completely voluntary. Once the researcher gained approval from the teachers, the researcher scheduled times to interview each teacher. A statement of consent (see Appendix D) was given to the potential participants before the interview began to assure that all of the participants were at least eighteen years old. The interviews were conducted individually and face-to-face for approximately 20-30 minutes. The interviews took place in each of the teachers' classrooms at a time that was convenient for them. The interviews were digitally recorded to ensure accuracy of the data, and permission was obtained from the interviewees to record the interviews. The following table (Table 1) indicates the number of teachers interviewed, the date the interview took place, and the length of the interview.

Table 1

*Interviews with Teachers*

| Teacher | Date | Length of Interview in Minutes |
|---|---|---|
| Teacher 1 | March 10, 2015 | 19:12 |
| Teacher 2 | March 13, 2015 | 20:38 |
| Teacher 3 | March 13, 2015 | 8:47 |
| Teacher 4 | March 24, 2015 | 20:20 |
| Teacher 5 | March 26, 2015 | 17:34 |
| Teacher 6 | March 27, 2015 | 9:26 |
| Teacher 7 | March 27, 2015 | 14:22 |
| Teacher 8 | March 30, 2015 | 15:57 |

A semi-structured interview (see Appendix E) was used with the educators in the three school districts. The initial questions were designed to build a rapport with the teachers and gain background information about them and their teaching experiences. The remaining questions in the interview consisted of topics aligned with the literature review examining factors that influence disproportionate representation of English language learners in special education and practices that can help reduce this issue (see Table 2 on the following page).

Table 2

*Semi-structured Interview Questions Grouped by Theme*

| Category Theme | Source Citation | Question Number |
|---|---|---|
| Demographic Information | N/A | 1, 2, 3 |
| Assessment Practices | Abedi 2009; Barrera, 2006; Klingner & Harry; 2006; Rinaldi & Samson, 2008; Spinelli, 2008;Yzquierdo et al., 2004; Zetlin et al., 2011 | 4a |
| Bilingual Assessments | Barerra, 2006; Fernandez & Inserra, 2013; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Spinelli, 2008 | 4b |
| Instructional Factors | Chu & Flores, 2011; Echevarria et al., 2004; Fernandez & Inserra, 2013; Ochoa, 2005; Ortiz et al., 2011 | 4c |
| Referral Procedures | Chu & Flores, 2011; Klingner & Harry, 2006; Ortiz et al., 2011 | 4d |
| Beliefs and Attitudes | Ochoa, 2005; Lee et al., 2007; Trent et al., 2008; Walker et al., 2004 | 4e |
| Teacher Training | Fernandez & Inserra, 2013; Klingner & Harry, 2006; Ortiz et al., 2011 | 4f |
| Best Practices | Echevarria et al., 2004; Fiedler et al., 2008 | 5 |

**Data Analysis**

For the first part of the study, the researcher used the risk index and relative risk ratio (Sullivan, 2011) when analyzing the data of the English language learners as well as the non-

English language learners classified as learning disabled, intellectually disabled, and speech or language impaired in school districts in Chautauqua County. The risk index is a percentage, and the risk ratio is a single number that compares the two indices (Sullivan, 2011). The researcher used the relative risk ratio to compare the risk of English language learners being classified within these three disability categories with the non-English language learners. The SEDCAR database provided the number of English language learners and non-English language learners in each disability category, and the Public School Enrollment database provided the total number of English language learners and non-English language learners in each district to help calculate the risk index and relative risk ratio.

To calculate the risk index, the number of individuals from a specific ethnic or language background who are identified in a specific disability category is divided by the total number of individuals who exist in a given population (Ochoa, 2005). The given population can be as specific as a school district or state or as broad as the nation. An example of how to calculate the risk index is to consider that there are 500 Hispanic students in a district, and of these 500 Hispanic students, 11 of them are classified as intellectually disabled. So, divide 11 by 500 to receive a risk index of 2.2, which means that 2.2% of all Hispanics in the district are classified as intellectually disabled (Ochoa, 2005).

In terms of the present study, the risk index was first used to calculate the risk for English language learners in the three disability categories. Then, the risk index was used to calculate the risk for non-English language learners in the three disability categories. The relative risk ratio was then used to look at the ratio of the English language learners in special education with the non-English language learners in special education. This was calculated by dividing the risk index for English language learners by the risk index for non-English language

learners. This was calculated for each of the three disability categories. The relative risk ratio was used to determine the English language learners' likelihood of being identified as learning disabled, intellectually disabled, and speech or language impaired compared to the non-English language learners. In other words, the relative risk ratio was used to determine the English language learners' likelihood of being placed in special education compared to non-English language learners.

For the second part of the study, the researcher first transcribed the interviews verbatim. Then, the researcher organized the data by question number in order to analyze the data one question at a time. The researcher completed a content thematic analysis of the transcribed interviews (Fernandez & Inserra, 2013). The researcher used coding to discover potential themes and patterns presented by the participants that related to the literature review. The researcher highlighted responses that corresponded and contradicted with the literature review and noted any patterns that emerged during the semi-structured interview.

**Validity Considerations**

The semi-structured interview questions were created by the researcher based on factors that influence the disproportionate representation of English language learners in special education. These factors were found by various researchers within the field, and in turn created content-related evidence for this study. In addition, prior to conducting the study, the interview questions were administered to three in-service teachers who have worked with English language learners in their classroom. The teachers responded to the semi-structured interview questions and provided feedback to the researcher. This pilot study was conducted to test the interview protocol, and the pilot study indicated that no changes in the interview questions were necessary.

## Results

The purpose of this study was to collect data on the number of English language learners and non-English language learners in special education in Chautauqua County, New York. By collecting this data, it helped determine if disproportionate representation of English language learners in special education was a prevalent issue in Chautauqua County. In addition, the purpose of this study was to examine the teachers' views about disproportionate representation, factors that influence disproportionate representation, and practices to help reduce the disproportionate representation of English language learners in special education. This study was guided by the following questions: Are English language learners in Chautauqua County, New York disproportionately represented in special education, more specifically in the learning disability, intellectual disability, and speech or language impairment categories? What efforts are teachers making to end disproportionate representation of English language learners in special education?

### Relative Risk Ratio

To calculate the risk index and relative risk ratio, data was gathered from the SEDCAR database and the Public School Enrollment database. The SEDCAR database provided the total number of students classified as intellectually disabled, learning disabled, and speech or language impaired as well as the number of English language learners classified as intellectually disabled, learning disabled, and speech or language impaired. By subtracting the number of English language learners from the total number of students, the researcher was able to determine the number of non-English language learners classified in each of the three disability categories. These totals are represented in Table 3. Based on the SEDCAR database, only five school districts in Chautauqua County enrolled English language learners in the 2012-2013

school year. The researcher then used the Public School Enrollment database to determine the number of English language learners enrolled in those five school districts. The database provided the number of English language learners in each school district, which was totaled and subtracted from the total number of students (K-12) in each school district to determine the number of non-English language learners. These totals are represented in Table 4. Lastly, the risk index and relative risk ratio formulas were used to compare the risk of English language learners being placed in special education compared to non-English language learners being placed in special education. The risk index is a percentage, and the risk ratio is a single number that compares the two indices (Sullivan, 2011). The results are found in Table 5 on the next page.

Table 3

*ELLs and Non-ELLs in Special Education in Chautauqua County in 2012-2013*

| Disability Category | Number of ELLs | Number of Non-ELLs | Total Number of Students |
|---|---|---|---|
| Intellectual Disability | 13 | 103 | 117 |
| Learning Disability | 50 | 949 | 999 |
| Speech or Language Impairment | 10 | 360 | 370 |

Table 4

*Total Number of ELLs and Non-ELLs in Chautauqua County in 2012-2013*

| Number of ELLs in Chautauqua County | Number of Non-ELLs in Chautauqua County |
|---|---|
| 520 | 10,433 |

*Note:* This information is based on five school districts. These were the only districts that enrolled English language learners in Chautauqua County in the 2012-2013 school year.

Table 5

*Risk Index and Relative Risk Ratio*

| Disability Category | Risk Index for ELLs | Risk Index for Non-ELLs | Relative Risk Ratio |
|---|---|---|---|
| Intellectual Disability | 2.5% | 1.0% | 2.5 |
| Learning Disability | 9.6% | 9.1% | 1.1 |
| Speech or Language Impairment | 1.9% | 3.5% | 0.5 |

Based on the data for the 2012-2013 school year, of the 520 English language learners in Chautauqua County, 13 were classified as intellectually disabled, 50 were classified as learning disabled, and 10 were classified as speech or language impaired. This means that 2.5% of all the English language learners in Chautauqua County were intellectually disabled, 9.6% were learning disabled, and 1.9% were speech or language impaired. According to the data, of the 10,433 non-English language learners in the five districts in Chautauqua County, 103 were classified as intellectually disabled, 949 were classified as learning disabled, and 360 were classified as speech or language impaired. This means that 1.0% of all the non-English language learners in the five districts in Chautauqua County were intellectually disabled, 9.1% were learning disabled, and 3.5% were speech or language impaired.

Furthermore, English language learners were 2.5 times more likely to be classified as intellectually disabled compared to their non-English language learner peers. Next, English language learners were 1.1 times more likely to be classified as learning disabled compared to their non-English language learner peers. Lastly, English language learners were .5 times more likely to be classified as speech or language impaired compared to their non-English language learner peers. According to Sullivan (2011), acceptable risk ratios are between .80 and 1.20. Based on this criteria, it can be determined that English language learners in Chautauqua County

were overrepresented in the intellectual disability category, were proportionate in the learning disability category, and were underrepresented in the speech or language impairment category. In other words, English language learners in Chautauqua County were disproportionately represented in the intellectual disability and speech or language impaired categories.

**Interviews**

In total, three general education, three special education, and three English as a Second Language (ESL) teachers were sent the email to participate in the research study. Of the nine emails that were sent, eight teachers participated in the study. The ESL teacher at the elementary level was unable to participate in the study. Table 6 on the following page indicates the participant's demographics from this study.

First, the participants were asked about their experiences when working with English language learners. All of the teachers had varying experiences with English language learners in their classrooms, but overall every teacher has had at least one year working with English language learners. For teacher 4, this was her first year teaching ESL, so this was her first full year working with English language learners.

Next, the participants were asked about disproportionate representation and what it meant to them or how they would define it. Seven of the eight teachers were able to define the term, and one teacher needed assistance defining the term in order to later discuss the factors that could influence disproportionate representation. The following statements given by teachers 6 and 8 are representative of the seven participants' ideas about disproportionate representation. Teacher 6 stated, "To me that means that there is a lot more students classified than should be in one specific area" (interview, March 27, 2015). Similarly, teacher 8 said, "I would define it as that there is too large, if you look at the amount of kids who are classified in a school district, there is

too large a number of ELL students who are put into special education" (interview, March 30, 2015). In addition, the teacher that needed assistance mentioned that she had never heard the term before, but once she was given the definition she was able to provide insight about the factors that influence disproportionate representation and helpful practices to reduce this issue.

Table 6

*Participant's Demographic Information*

| Teacher | School District | Gender | Ethnicity | Certification Area | Grade Level | Bachelor's and Master's Degrees | Number of Years Teaching |
|---|---|---|---|---|---|---|---|
| 1 | A | Female | White | General Education: Biology | High School | SUNY Fredonia | 17 |
| 2 | A | Female | White | Special Education | High School | Buffalo State College, St. Bonaventure University, and SUNY Fredonia | 16 |
| 3 | A | Female | White | ESL | High School | SUNY Fredonia | 8 |
| 4 | B | Female | White | ESL | Middle School | SUNY Fredonia and SUNY Buffalo | 3 |
| 5 | B | Female | White | General Education: Social Studies and Reading | Middle School | Ithaca College and SUNY Fredonia | 25 |
| 6 | B | Female | White | Special Education | Middle School | SUNY Fredonia and Buffalo State College | 15 |
| 7 | C | Female | White | General Education: Kindergarten | Elementary School | SUNY Fredonia | 27 |
| 8 | C | Female | White | Special Education | Elementary School | SUNY Fredonia and University of Arizona | 38 |

**Assessment practices.** As previously mentioned, assessment practices refer to the way English language learners are assessed and methods to use when assessing these students. According to Yzquierdo et al. (2004), there are many issues when it comes to assessing English language learners, such as assessments occurring only in English, formal assessments are only used, standardized testing is only used to make educational decisions, and so on. Further, educators should use a variety of assessments that are conducted in both languages in order to have a better understanding of the students' abilities and needs (Rinaldi & Samson, 2008).

The participants were asked about assessment practices and how they influence disproportionate representation. Two participants mentioned that teachers do not effectively assess their English language learners and suggest a Committee on Special Education (CSE) meeting in order to get their English language learners classified as learning disabled. The teachers do this in order to get the students more accommodations, and the teachers will have the 55% safety net on the New York State Regents Exam. Teacher 1 stated,

> I don't believe that we should go on suggesting students are disabled so that we can get credit for them passing at a lower percentage. But some teachers feel adamant that that levels the playing field and therefore they go ahead and they try and get special education accommodations for their ELLs. (interview, March 10, 2015)

Teacher 3 made a similar comment: "I've seen that done before because a student may struggle and so the teacher will go out of their way to request testing to see if the student qualifies for any of the safety nets for special education students" (interview, March 13, 2015). Another participant also mentioned that teachers do not effectively assess their English language learners but for a different reason. Teacher 5 stated that teachers do not assess their English language learners effectively because they use the same assessments that are used with the

general education students. When English language learners are required to take the same assessments as their English-speaking peers, then there tends to be cultural bias on the tests.

Next, three teachers mentioned that assessments are relied upon too much to make educational decisions about the placement of English language learners in special education. Teacher 4 mentioned that a lot of the students are being placed in special education because they do no know how to respond to certain situations or questions on the assessments. The students were new and struggled with understanding the language, but sometimes teachers assumed that since the students were not doing well on the assessments, then they needed special education services. Teacher 6 stated that assessments should just be a snapshot of what an English language learner can do. To get a truer picture of what the student can do, the teacher should look at what the student is doing each and every day in the classroom. In addition, teacher 6 mentioned that it is difficult to tease out whether it is a language difficulty or a learning disability, so it is imperative to look at a variety of variables in order to get an overall picture of what the student can and cannot do. Teacher 7 replied that the standardized tests are not a good indicator about what the students can do. These tests should not solely be relied upon and instead there should a variety of assessments and other materials used in the classroom to make decisions about their learning and their program.

Lastly, two teachers mentioned that when it becomes difficult to determine whether it is a learning disability issue or a language difficulty issue, then bilingual evaluators need to be requested. Teachers 2 and 8 believed that in order to tease out the differences between the two issues, students need to be given assessments in their native language and in English.

Based on these results it can be determined that there are three main issues in regards to assessment practices and how they influence disproportionate representation. First, teachers do

not know how to effectively assess English language learners. Second, assessments such as standardized assessments are relied upon too much to make educational decisions for English language learners. Third, teachers are not using a variety of assessments in both the native language and in English.

**Bilingual assessments.** According to Fernandez and Inserra (2013), bilingual assessments are a helpful tool in revealing if an English language learner has a disability or not. However, the person that administers the bilingual evaluation must have the background knowledge about English language learners, second language acquisition, and how to interpret and analyze the results. This background knowledge is imperative because when a student performs poorly on the bilingual evaluation it may show that the child has a learning disability, when in reality the student is still learning a new language (Fernandez & Inserra, 2008). Again, standardized bilingual evaluations should not solely be relied on in order to make educational decisions. Instead, teachers should use a variety of assessments in both languages to determine the student's strengths and needs (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008).

The participants were asked the teachers about bilingual assessments and how they influence disproportionate representation. All eight of the teachers felt that bilingual assessments would be beneficial because it would allow school personnel to determine if the student is struggling due to acquiring a new language or a learning disability. The following statements given by teachers 3 and 8 are representative of the eight participants' ideas about bilingual assessments. Teacher 8 stated,

> If they are given the assessment in both languages it should be a fairly clear representation of what they understand and what they don't understand. To me, that

> would be the whole point. You rule out is it language or is it a learning disability? (interview, March 30, 2015)

Teacher 3 provided a similar statement:

> I think that they would be helpful. I mean they are helpful, they are absolutely helpful. I think disproportionate representation would diminish if more assessments were given in their native language because then you wouldn't have students who are classified because of the lack of language skills. (interview, March 13, 2015)

Although all the teachers find them beneficial, one teacher expressed caution when using them because some of her students were not able to read in their native language at their grade level. For example, her student was in sixth grade, but he was only able to read at a first or second grade level in his native language. In this case the bilingual assessments would not be extremely beneficial.

These results indicate that bilingual assessments are beneficial when it comes to determining if a child has a disability or not; however, they should not be relied on alone. Various assessments, including formal and informal, should be used when making decisions about the student.

**Instructional factors.** Instructional factors can refer to the way teachers instruct their English language learner students as well as the type of bilingual program these students are enrolled in. Teachers must be aware of how English language learners acquire knowledge and a new language, and teachers must provide effective instruction that meets the needs of culturally and linguistically diverse students (Echevarria et al., 2004; Fernandez & Inserra, 2013). In addition, dual bilingual programs and maintenance programs are the most effective because they provide instruction in the student's native language and English (Ochoa, 2005).

The participants were asked about instructional factors and how they influence disproportionate representation. Three of the teachers mentioned that in order to properly instruct English language learners, teachers need to be aware of how to teach this population of students and have background knowledge or professional development. Teacher 5 mentioned,

> Obviously if you are in a classroom where the teacher does not have an ESL background or doesn't have professional development in ESL then that would make a huge difference to be able to tell whether it's an ESL issue or a special education issue. (interview, March 26, 2015)

In addition, teacher 6 stated, "I would imagine that if a teacher was not aware of how to manage or teach a population of students with English language learning issues, then that could influence disproportionate representation" (interview, March 27, 2015).

All eight teachers provided different strategies that were found to be beneficial when working with English language learners that teachers should use in the classroom in order to help these students succeed. Teacher 1 mentioned that a variety of instructional strategies should be used when teaching concepts; teachers should not solely rely on lectures to teach content. Teachers 2, 4, and 5 replied that educators should try and use the student's native language in the classroom as much as possible. Teacher 3 stated, "I think if there is more differentiation and various ways of assessing instead of using the same model for each student it might diminish the number of referrals" (interview, March 13, 2015). Teachers 4, 6, and 8 stated that the instruction must be basic and broken down, and teachers must approach things differently in order to engage the students. Further, the three teachers mentioned that it is beneficial to use visuals, use simplified language, speak slower, consistently check for understanding, and use repetition. As teacher 4 stated,

> For instruction, it has to be very basic and broken down. I know that I find myself using my hands a lot and speaking slower and then repeating myself. A lot of the instruction has to be that way in order for them to get it. Also, sometimes saying things here and there in Spanish helps them get it even more. (interview, March 24, 2015)

Teacher 7 mentioned that in a general education setting, teachers must create a language rich environment that allows for English language learners to interact and communicate with their non-English language learner peers.

Based on these results it can be determined that teachers need to differentiate instruction and use a variety of teaching methods and strategies aimed to help English language learners succeed in the classroom. In addition, the student's native language should be used in the classroom as much as possible in order to help the student comprehend the material. Further, teachers need to be properly trained on how to instruct this population of students.

**Referral procedures.** According to Ortiz et al. (2011), educators must collect baseline data about an English language learner's language and literacy skills, track the student's progress over time, assess the student in both languages, and track the progress of interventions used with the student. In order to prevent inappropriate special education referrals, Ortiz et al. (2011) and Chu and Flores (2011) suggest the use of Response to Intervention (RTI).

The participants were about referral procedures and how they influence disproportionate representation. In terms of referring English language learners to special education, teacher 1 stated,

> Students who are struggling are referred to the committee on special education because their teachers have the students' success as their primary interest, and if they can get them accommodations that will allow them to be successful whether there is an actual learning

> disability or not they see that as valuable to getting that student one step closer to graduation. (interview, March 10, 2015)

Teachers 1, 3, and 4 were not very familiar with the criteria for a referral to special education and knew a minimal amount of information about the process; however, they were able to provide insight about referring English language learners to special education. Teacher 1 mentioned that any teacher at any time can refer a student who is struggling, but she was unsure of the exact criteria for a referral for special education. Teacher 3 stated that too many referrals occur because the ESL teacher is not included during the initial stages of the referral process. She further suggested that there be a language assessment team that included a group of teachers, including the ESL teacher, that could provide insight about second language acquisition and learning deficiencies. "If we were brought in at the ground level as far as the referral process goes and they would come to us first before making the referral and talk about it then we could make some changes" (interview, March, 13, 2015). Teacher 4 replied that referring English language learners for special education should not be done too quickly as it may end up being an inappropriate setting for the students and it may have negative consequences for the students.

Teachers 2 and 5 were knowledgeable of the criteria and the process for a referral to special education. Teacher 2 mentioned that teachers can be stereotypical when they refer English language learners to special education. According to teacher 2, if teachers had English language learners in the past who were loud or disruptive then they tended to assume that their current English language learners would act the same way. These assumptions lead teachers to refer their students to special education much sooner. Teacher 5 stated that when assessing English language learners during the referral process an evaluator should have an ESL background or should be bilingual, otherwise the assessments are going to be skewed. Further,

teacher 5 mentioned that teachers must be able discuss the student's strengths, difficulties, scores, and also discuss what types of interventions have been done in order to try and help the student before the student is classified into special education.

Teachers 5, 6, 7, and 8 all mentioned the use of Response to Intervention (RTI). All the teachers stated that there is a protocol used that requires the teachers to try different strategies and interventions with the students. If the student shows no growth and is not responding to the interventions, then the teacher tries new strategies and interventions. After two or three times of trying different strategies and interventions and the student still is not making progress, then the child is referred to special education. The teachers mentioned that this can be a slow process, but RTI appears to be effective because it is implemented in order to lessen the number of students classified in special education.

It appears that at the elementary level these teachers were the most knowledgeable about RTI, the referral process, and the criteria for a referral to special education. As all the teachers mentioned, most of the classification into special education occurs at the elementary level, which may be why these teachers were the most knowledgeable. At the middle school level, two of the three teachers were very knowledgeable about RTI and the referral procedures. The one teacher that was unfamiliar with RTI was new to the school district this year, which may be why she was unaware of the protocols. Lastly, the high school level teachers did not mention RTI and were not very familiar with the referral procedures, and as previously mentioned, may correlate with the fact that most students are classified into special education during their elementary years.

Although the teachers mentioned that most of the classification of English language learners into special education occurs at the elementary level, it is still imperative for all teachers of all grade levels to be familiar with the criteria for a referral to special education as well as the

protocols and procedures in their school. Even if school districts do not have a mandated protocol, such as RTI, teachers can and should still understand how to collect baseline data, track student progress over time, effectively assess, and track progress on the interventions they put in place for the student.

**Teachers' beliefs and attitudes.** Disproportionate representation of English language learners in special education can occur when educators have negative views and pre-existing ideologies and biases towards certain cultural and ethnic groups. Further, teachers' views of cultural and ethnic diversity play a significant role in how they view and treat English language learners and what their expectations of performance are (Ochoa, 2005).

The participants were asked about teachers' beliefs and attitudes towards English language learners and how they influence disproportionate representation. Teacher 1 believed that if educators had a negative view of English language learners then they would not refer them to special education. Instead, she believed that teachers would refer the students for discipline issues rather than special education issues. Teachers 2, 4, 5, 6, and 8 believed the opposite. They stated that if teachers have stereotypes or negative attitudes towards English language learners then that would influence the teachers to refer those students to special education. Teacher 4 and 8 further explained that teachers may feel overwhelmed and incapable of working with this population of students, which may also lead the teachers to refer English language learners to special education. Teacher 5 also mentioned that in a district with a higher ESL population there tends to be more bias and willingness to help and understand these students. As teacher 6 stated, "I think it is very easy for a teacher to say, it would be wrong but it would be very easy for them to say, they are not learning in my class so they must need a small special class in order to learn" (interview, March 27, 2015).

Teacher 3 and 7 mentioned that if teachers do not have high expectations or do not think that their ESL students are capable of succeeding and learning then they may quickly refer their students to special education. As teacher 3 stated, "I think they may think the students are less capable than they are of performing at grade level maybe because it's a perception they might have of language acquisition" (interview, March 13, 2015).

Based on these results it can be determined that in most cases if teachers have stereotypes or negative attitudes towards English language learners then that would influence the teachers to refer those students to special education. In addition, teachers who are not prepared and feel overwhelmed when working with this population of students may quickly refer them to special education. Lastly, if educators do not have high expectations of performance for their English language learners, then teachers may quickly refer these students to special education.

**Teacher preparation.** According to Fernandez and Inserra (2013), mainstream teachers felt that they did not have the proper training or background about how students acquire a new language, how long it takes to learn a new language, and the differences between social and academic language development. Further, teachers were not aware about how to tell the difference between students who struggle due a disability and students who struggle due to acquiring a new language (Fernandez & Inserra, 2013).

The participants were asked about teacher training and teacher preparation and how they influence disproportionate representation. All eight teachers believed that if educators do not have the proper training or knowledge about English language learners then they may have a higher tendency to refer these students to special education. Teachers 3, 4, 5, and 8 stated that there needs to be even more training than what has been given for teachers to better understand how English language learners acquire a new language, how long it takes to acquire a new

language, strategies to use when working with this population, how to communicate with parents, and so on. Teacher 5 mentioned that as a general education teacher, she feels these teachers need the most training about how to work with English language learners in the general education setting.

Teacher 2 mentioned that prior to teacher trainings, ELLs and special education students were seen as almost the same: both populations of students were seen as incapable of learning. However, after the trainings, teachers' attitudes were changing towards these students and the teachers were gaining knowledge about how to change their teaching in order to help their students succeed. Teachers 2 and 6 both mentioned that they attended a Sheltered Instruction Observation Protocol (SIOP) training, which they found to be extremely beneficial. They mentioned that if more teachers could attend SIOP trainings then they would be more knowledgeable when working with English language learners, which they believe would help lessen the number of referrals to special education.

The results indicate that there is a lack of teacher training when it comes to working with English language learners as well as second language acquisition. Further, mainstream teachers felt that they needed the most training about how to meet the needs of English language learners in order to help them succeed in the classroom.

**Low socioeconomic status.** The participants were asked about any additional factors that they believe could influence disproportionate representation. Two of the eight teachers provided additional factors. Teacher 3 mentioned,

> Something I am aware of in this community is . . . and I've heard it from parents, from guidance counselors, and from students is that if a student is in special education (so 15:1, 12:1:1 something along those lines), often times their parents, if they are in the

> welfare program, are eligible for benefits for their child until the age of 21 if they are living at home. A lot of families try to get their child classified so they can get their welfare benefits. (interview, March 13, 2015)

In other words, if parents receive public assistance then they will try to get their child classified into special education in order to receive more benefits. Teacher 5 also felt that low socioeconomic status is an additional factor that could influence disproportionate representation. According to teacher 5, "I think we also have to look at poverty too. It's a huge influential factor in general but we also have ESL poverty and that makes a huge difference in motivation" (interview, March 26, 2015).

**Helpful practices.** Many solutions were discussed by the teachers in regards to assessment practices, bilingual assessments, instructional factors, referral procedures, teachers' beliefs and attitudes, teacher training, and low socioeconomic status. In addition to these solutions, there are additional key practices that educators should consider when working with English language learners. According to Echevarria et al. (2004), some of these practices include improved teacher preparation, earlier intervention, and looking for interventions rather than disabilities. In addition, Fiedler et al. (2008) mentioned that there should be culturally responsive beliefs and practices in the school and classrooms, culturally responsive intervention services and referrals to special education, and culturally responsive IEP teams for decision-making.

The participants were asked about best practices that can be used when working with English language learners in the classroom in order to help reduce disproportionate representation. According to teachers 1, 2, and 5, there should be more bilingual adults, bilingual assessments, and better bilingual programs. Teachers 1 and 5 mentioned that there

should be more staffing and bilingual adults who can be used as translators, counselors, and mentors, and these bilingual adults can help the teachers connect to the students' lives. Teacher 2 mentioned that there needs to be more bilingual assessments used to help show the same skills in the students' native language and English to see if there is a connection or disconnection between the skills. Teacher 5 also stated that dual bilingual classrooms or a newcomers program would be beneficial. Students are put into classrooms where they have to quickly learn a new language as well as content, which can get frustrating for these English language learners and can cause them to shut down.

Teacher 2 discussed teachers' beliefs and attitudes when working with English language learners. She stated that teachers need to change their attitudes towards English language learners and special education students; teachers are quick to judge these students because of the way they sound or their accent. Further, she mentioned that teachers need to take time to focus on their students who are struggling, such as English language learners. Teachers feel that in a class of twenty they do not have the time to work with those few struggling students, so they quickly refer them to special education instead of changing their teaching strategies to meet the needs of the students.

Teachers 3, 5, and 8 stated that teachers need more training and more information about the referral process, special education, and working with English language learners. Teachers need to know what look for, what to expect, and what not to expect with this population of students. Further, teacher 3 believes that as a prerequisite to the referral process, ESL teachers need to be brought into the meeting in order to provide their opinion about the particular student.

Teacher 4 discussed the use of assessments in the classroom as another best practice when working with English language learners. She replied that teachers need to get an overall

picture of the student and observe the student in different settings. Teachers rely heavily on certain assessments to make educational decisions, so instead teachers should use a variety of informal and formal assessments and observe the student in a non-academic setting to see how he/she communicates with his/her peers.

Lastly, teachers 6, 7, and 8 discussed classroom strategies. According to teachers 6 and 8, some best practices are to break down the information as much as possible and use visuals and repetition to help the students learn. Further, teachers should scaffold and connect new information to prior knowledge in order to help students learn new and bigger topics. Teacher 7 mentioned that the environment should be rich with language in order to help the students learn English. In addition, teachers should differentiate instruction and include small group instruction in order to meet the needs of the individual students. Lastly, teacher 8 mentioned that teachers need to set protocols in the classroom when students are not succeeding. In other words, if students are not responding to certain strategies or interventions, teachers need to be able and willing to try different strategies or interventions until the child achieves success.

Based on these results, it can be determined that there are variety of best practices when working with English language learners in the classroom. First, there needs to be more bilingual adults, bilingual assessments (formal and informal), and better bilingual programs. Second, there needs to be more positive attitudes and expectations when working with English language learners. Third, there needs to be more teacher training when it comes to the referral process, special education, and working with English language learners. Fourth, there needs to be a variety of assessments used in both the academic and non-academic setting to determine the student's strengths and needs. Lastly, teachers need to differentiate instruction and use a variety of teaching strategies and methods in order to meet the needs of English language learners.

## Discussion

This study was designed to determine if English language learners are disproportionately represented in the learning disability, intellectual disability, and speech or language impairment categories. The representation of English language learners in special education has been influenced by a variety of factors including assessment practice, bilingual assessments, instructional factors, referral procedures, teachers' beliefs and attitudes, and teacher training. In addition, this study was also designed to determine if in-service teachers witness these factors, in addition to other factors, that contribute to the referral of English language learners to special education. Lastly, this study was designed to determine what are some best practices to use in the classroom to help in reducing disproportionate representation.

The results of this study have indicated that there is in an overrepresentation of English language learners in the intellectually disabled category, underrepresentation of English language learners in the speech or language impairment category, and a proportionate representation of English language learners in the learning disabled category. This partially aligns with previous literature. According to Ochoa (2005) and Sullivan (2011), English language learners are typically overrepresented in the learning disability, intellectual disability, speech or language impairment, and emotional disturbance categories. This study only examined the first three categories and found that English language learners in Chautauqua County are only overrepresented in the intellectual disability category. This study goes against the research due to the notion that English language learners in Chautauqua County are proportionately represented in the learning disability category and are underrepresented in the speech or language impairment category.

One reason this study found different results may be due to the fact that there is a smaller population of English language learners represented in this study compared to previous studies that were either done at the state level or in large, urban school districts in the United States. With a bigger population of English language learners, especially in urban communities, there is a higher probability that there will be disproportionate representation of English language learners in special education.

The results also indicated that there is some consensus regarding the factors and the helpful practices amongst the teachers in the field. Many of the factors and practices that the teachers mentioned were consistent with the existing literature on this topic; however, the teachers also provided additional factors and practices that were not found in literature. For example, all of the teachers discussed how assessment practices, bilingual assessments, instructional factors, referral procedures, teachers' beliefs and attitudes, and teacher training can all influence disproportionate representation. However, teachers provided an additional factor, low socioeconomic status, which was not a factor highly discussed in previous research.

In regards to the first factor, assessment practices, the teachers touched upon some issues that arise when assessing English language learners that were found in previous literature. The teachers mentioned that there is cultural bias with some of the testing, assessment norms are based on the White culture, and standardized testing is used to make educational decisions. These assessment practices align with previous literature that indicated assessments are designed without the knowledge of the English language learners' native languages or cultures, and standardized assessments are designed and field tested by mainstream White students and are not accessible to English language learners (Abedi, 2009; Rinaldi & Samson; Yzquierdo et al., 2004). Further, research concluded that standardized testing is solely used to make educational

decisions such as placement of English language learners in special education (Yzquierdo et al., 2004).

Although the teachers discussed assessment practices in general, the teachers did not touch upon the various assessment methods they use in the classroom. The participants did not mention how often they use informal and formal assessments and how often then use curriculum-based assessments, dynamic assessments, and performance-based assessments (Abedi, 2009; Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008; Yzquierdo et al., 2004). Performance-based assessments are extremely beneficial as an alternative assessment method. These assessments allow for students to construct a response, create a product, or perform in order to demonstrate what they learned. An example of a performance-based assessment is a portfolio, which allows the teacher to collect work samples throughout the year in order to show a student's growth, abilities, and instructional needs (Barrera, 2006; MacSwan & Rolstad, 2006; Rinaldi & Samson, 2008; Spinelli, 2008). In addition, by using a variety of assessment tools, both formal and informal, teachers will have a better understanding of the students' abilities and needs and their academic, interpersonal, and language development (Rinaldi & Samson. 2008).

For the second factor, bilingual assessments, all the teachers reported that the use of bilingual assessments is a helpful tool when making educational decisions about English language learners. This aligns with previous research; however, in order to obtain the whole picture of a student's strengths and needs, teachers need to use a variety of tools aside from the standardized tests. The teachers did not mention a variety of assessment tools that they use, and the teachers did not mention using assessments in the language that the student feels most comfortable using when a disability is suspected (Barrera, 2006; Fernandez & Inserra, 2013; MacSwan & Rolstad, 2006; Ortiz et al., 2011; Rinaldi & Samson, 2008; Spinelli, 2008).

The use of bilingual assessments are beneficial when determining if an English language learner does have a disability; however, it is imperative to have background knowledge about how to interpret and analyze the results. If a student performs poorly on an evaluation it may show that the child has a learning disability, when in actuality the student is still learning a new language (Fernandez & Inserra, 2013). Further, educators should not solely rely on language proficiency tests to make informed, educational decisions such as placement into special education because some proficiency tests do not portray an English language learner's true native language abilities (MacSwan & Rolstad, 2006). As previously mentioned teachers should use a variety of assessment tools, both formal and informal. This will help give teachers a better indication of the students' abilities and needs and their academic, interpersonal, and language development (Rinaldi & Samson, 2008). In addition, teachers can use alternative assessment tools such as curriculum-based assessment, dynamic assessment, and performance-based assessment. These assessment methods are more authentic and allow students to better demonstrate what they know and their abilities (Barrera, 2006; Rinaldi & Samson, 2008; Spinelli, 2008).

For the third factor, instructional factors, teachers mentioned strategies such as differentiating instruction, visuals, slower speech, repetition, and simplified language. Although these were deemed to be appropriate and beneficial strategies by the teachers, these were not mentioned in previous literature. These may not have been mentioned in previous literature because there were limited studies that interviewed or observed teachers in regards to the strategies or instructional methods they used to teach English language learners. In addition, some teachers mentioned that dual bilingual programs would be more beneficial for English

language learners, which is a type of program that is proved to be the most effective for English language learners (Ochoa, 2005).

In regards to the fourth factor, referral procedures, four of the eight teachers mentioned the use of Response to Intervention (RTI). The other four teachers did not mention RTI because they were not trained on the RTI process yet. One teacher was new to her school district and was unfamiliar with the protocols and procedures of RTI. The other school district that employed the other three teachers just began to implement RTI, so they were unfamiliar with the protocols and procedures of RTI as well. In addition, these three teachers were not familiar with the referral procedures to special education because they did not see many referrals at their level, and they believed that most of the classification into special education would occur at the elementary level. However, the teachers who were knowledgeable about RTI were able to identify the criteria and process for a special education referral in detail. The use of RTI aligns with previous research, which says that in order to prevent inappropriate special education referrals, teachers should use RTI (Chu & Flores, 2011; Ortiz et al., 2011).

For the fifth factor, teachers' beliefs and attitudes, the teachers mentioned bias, negative attitudes, and frustrations that teachers have when working with English language learners. The teachers mentioned that these beliefs and attitudes towards English language learners occurs due to lack of training about second language acquisition, the needs of English language learners, and how to effectively instruct these students. These beliefs and attitudes align with the previous literature, which indicates that teachers may feel overwhelmed and frustrated and may have pre-existing ideologies and biases towards English language learners due to lack of knowledge about the students' culture, lack of training about diversity in the classroom, and lack of time to gain this type of knowledge (Lee et al., 2007; Ochoa, 2005; Walker et al., 2004).

For the sixth factor, teacher training, all of the teachers mentioned that teacher training and professional development is a key factor. All eight teachers stated that it can be difficult to determine if a student is struggling due to a difficulty learning a new language or due to a learning disability. Further, if educators do not have the proper training or knowledge about English language learners then they may have a higher tendency to refer these students to special education. Five of the eight participants felt that there was a lack of training and professional development about second language acquisition, the needs of English language learners, and how to effectively instruct these students. This again aligns with the previous research that indicated that teachers did not have the proper training or background about how English language learners acquire a new language, how long it takes, the difference between social and academic language development, and effective practices when working with English language learners (Fernandez & Inserra, 2013).

In order to educate teachers in the future in regards to English language learners, the new adopted regulation of subparts 154-1 and 154-2 calls for new professional development requirements for teachers (New York State Education Department, 2014b). Teachers are to receive professional development in co-teaching strategies, integration of language and content instruction, and needs of English language learners. All teachers are required to receive 15% of their total professional development hours learning about English language learners (New York State Education Department, 2014b). Further, for all bilingual education and ESL teachers, a minimum of 50% of their total professional development hours is required to learn about English language learners (New York State Education Department, 2014b). This new regulation will ensure that all teachers will receive the proper training on how to effectively instruct and work with this population of students.

For the seventh factor, low socioeconomic status, only two of the eight teachers mentioned this an additional factor that could influence disproportionate representation of English language learners in special education. There was limited research about socioeconomic status and its influence on disproportionate representation; however, Zetlin et al. (2011) mentioned that in addition to an English language learner's performance on assessments, teachers need to take into account the student's education history, immigration pattern, socioeconomic status, and cultural background before referring the student to special education. Based on this, the two teachers' statements align with this research.

Lastly, for the helpful practices, the teachers mentioned a variety of best practices when working with English language learners in the classroom. First, there needs to be more bilingual adults, bilingual assessments (formal and informal), and better bilingual programs. Second, there needs to be more positive attitudes and expectations when working with English language learners. Third, there needs to be more teacher training when it comes to the referral process, special education, and working with English language learners. Fourth, there needs to be a variety of assessments used in both the academic and non-academic setting to determine the student's strengths and needs. Lastly, teachers need to differentiate instruction and use a variety of teaching strategies and methods in order to meet the needs of English language learners. Some of these strategies included more visuals, scaffolding, repetition, small group or individual instruction, and protocols when students are not succeeding.

All of these practices align with previous research. Teachers mentioned teacher preparation as well as various strategies and methods to use when working with English language learners, such as small group instruction, visuals, scaffolding, and repetition. These practices align with the research conducted by Echevarria et al. (2004). Previous literature has

indicated that improved teacher preparation, earlier interventions, and looking for interventions rather than disabilities are three key practices, which were all mentioned by the teachers (Echevarria et al., 2004). Next, in terms of bilingual assessments and bilingual programs, research has determined that bilingual assessments are beneficial (when used with alternative assessment tools), and dual bilingual programs and maintenance programs are the most effective (Barerra, 2006; Fernandez & Inserra, 2013; MacSwan & Rolstad, 2006; Ochoa, 2005; Rinaldi & Samson, 2008; Spinelli, 2008). In addition, in regards to teachers' expectations and attitudes, these align with the previous literature. Previous literature has indicated that if teachers are properly trained and are aware of the pre-existing ideologies and biases that exist towards English language learners then they would have confidence to effectively instruct these students. This in turn would create more positive attitudes of the teachers and higher expectations of their students (Lee et al., 2007; Ochoa, 2005; Walker et al., 2004). Next, in regards to using a variety of assessments, this aligns with the previous literature. Previous literature has indicated that by using a variety of assessment tools, (both formal and informal) teachers will have a better understanding of the students' abilities and needs and their academic, interpersonal, and language development (Rinaldi & Samson; 2008).

**Limitations**

One limitation to this study was that the interviews were carried out in only three schools within Chautauqua County. This study examined one elementary school, one middle school, and one high school amongst many in Chautauqua County that contain English language learners. To make this a stronger study, it would have been more beneficial to gather data from every school that enrolls English language learners.

Another limitation to this study was that the study was carried out in only one county in New York. This study only examined one of the sixty-two counties in New York State, so it would have made the study stronger if more schools in more counties were represented in the study.

A third limitation to this study was that the data used to calculate the risk index and relative risk ratio was based on the 2012-2013 school year. It would have been more beneficial to have the data for the current school year while interviewing the teachers. Teachers would have been able to add insight as to whether they believe disproportionate representation is a current issue in their school districts. The results of the interview would have helped determine if any of the factors directly linked to the disproportionate representation of English language learners in special education.

Another limitation to this study was that the researcher only interviewed teachers. Administrators, school psychologists, and other personnel involved in the special education referral process may have added similar or contradicting views. If more school personnel were interviewed, it would have made this study stronger.

One last limitation to this study was that only three of the thirteen disability categories were examined as part of the risk index and relative risk ratio. The three disability categories that were analyzed during this study were the ones shown to have an overrepresentation of English language learners; however, it would have been more beneficial to look at all of the disability categories to determine if English language learners were overrepresented in any other categories.

**Implications**

Results show that teachers are beginning to become prepared to work with the growing population of English language learners, but teachers, administrators, and other school personnel still need more preparation due to the notion that English language learners are overrepresented in the intellectually disabled category and underrepresented in the speech or language impaired category. First, educators need to carefully plan and implement various assessments to use in the classroom that are culturally sensitive and are in a language that the student is comfortable using. Next, educators should carefully analyze and interpret the results of the assessments to ensure that the assessment scores are used in appropriate and meaningful ways. In other words, if teachers only focus on the test scores and do not analyze the results, then English language learners may easily become overrepresented in special education. Further, teachers should ensure that they are using research-based strategies in the classroom and are providing effective instruction for all students. Lastly, teachers need to be aware of referral protocols for their school district and understand the policies, procedures, and criteria for referring an English language learner for special education.

Administrators also need to be more prepared for the growing population of English language learners. First, administrators need to provide professional development frequently throughout the year on acculturation, language acquisition, and strategies to use when instructing English language learners. Second, administrators need to create, implement, and review policies and procedures for referrals, such as RTI. Administrators need to make sure each and every teacher is trained on the protocol and how to effectively assess, monitor, and provide effective strategies and interventions.

**Recommendations for Future Research**

The results of this study only reflected a small population. Future research should examine the viewpoints of teachers across the state in rural, suburban, and urban settings at all three levels of schooling. Future research might also include viewpoints from more staff such as administrators as well as school psychologists who are the ones that administer the major assessments and bilingual assessments that help classify English language learners into special education. Another recommendation would be that future research should examine the teachers' perceptions of the struggles English language learners encounter compared to their English-speaking peers. One last recommendation would be that future research should examine the various types of assessments that teachers use with English language learners in the classroom.

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## *Appendix A*

### Initial Email Consent for School Principal's Approval

Dear Mr./Mrs. XXX:

My name is Sarah Peterson, and I am currently a graduate student at SUNY Fredonia in the Teaching English to Speakers of Other Languages (TESOL) program. Prior to my graduate studies, I obtained my Bachelor's Degree in Childhood Inclusive Education from SUNY Fredonia.

I am emailing you in hopes that I will be able to contact teachers in your building who have all worked with English language learners, including a General Education, English as a Second Language (ESL), and Special Education teacher, in order to continue working on my Master's Thesis Research Project. The purpose of this study is to examine factors that may influence the disproportionate representation of English language learners in special education as well as possible solutions to reduce this occurrence.

If allowed to move forward, the General Education, ESL, and Special Education teachers will receive an email from me that includes the purpose of the study, how the data would remain confidential, and that the participation in the interview is completely voluntary. The teachers would be asked 18 questions related to their background in teaching, views of various factors that may influence disproportionate representation of ELLs in special education, and practices to limit the disproportionate representation.

I am respectfully requesting permission from you to interview a General Education, ESL, and Special Education teacher about their practice with regard to English language learners in your school. I would not do anything until granted full approval by SUNY Fredonia's Human Subject Review committee. For now, I am asking for conditional approval, pending the formal approval from SUNY Fredonia to conduct my research study with your school personnel. As this is my first research study, I am working closely with and being supervised by Dr. Sovicheth Boun, my research faculty sponsor and professor at SUNY Fredonia.

If you choose to allow me to proceed, please respond to me by contacting me via email at pete7259@fredonia.edu.

Thank you for your time and consideration. If you have any further questions or concerns, please do not hesitate to contact me at the information provided below.

Sincerely,

*Sarah Peterson*

Sarah Peterson, TESOL graduate student, SUNY Fredonia

Phone: XXX-XXX-XXXX; email: pete7259@fredonia.edu

## *Appendix B*

### Email for Participants

Dear Educator:

My name is Sarah Peterson, and I am a graduate student at SUNY Fredonia working on my Masters in Education in the Teaching English to Speakers of Other Languages (TESOL) program. You are invited to participate in a research study for my Master's Thesis, which will involve General Education, English as a Second Language (ESL), and Special Education teachers. The purpose of this study is to examine factors that may influence the disproportionate representation of English language learners in special education as well as possible solutions to reduce this occurrence.

Prior to contacting you, I emailed your principal to invite you to participate in this research. With your approval, I would like to interview you to get to know more about you as an educator, your views about factors that may influence disproportionate representation of English language learners in special education, and practices that may help lessen this occurrence. The interview would last about 20-30 minutes and would be at a time and place that is convenient for you. The interview would be recorded, with your consent, to ensure accuracy of the data.

There are no risks to participants involved in this study. The information gathered during this study will not be disclosed to anyone aside from my faculty advisor, Dr. Sovicheth Boun, and myself. All information in this study will remain confidential, and any of your identifiable information such as names and locations will be coded with pseudonyms. Any personal or work-related information will be stored securely and will be destroyed after the completion of the study.

If you choose to allow me to proceed, please respond to me by contacting me via email at pete7259@fredonia.edu.

Thank you for your time and consideration. If you have any further questions or concerns, please do not hesitate to contact me at the information provided below.

Sincerely,

*Sarah Peterson*

Sarah Peterson, TESOL graduate student, SUNY Fredonia

Phone: XXX-XXX-XXXX; email: pete7259@fredonia.edu

## *Appendix C*

## Consent from School Principals

to me

Sarah,

This would be fine with me. Let me know when you get the final approval and I'll set you up with the teachers.

to me

Hi Sarah-
Yes, this was approved. Thanks for checking!

to me

Sarah,

You are okay to proceed, please work with [redacted] as needed, for assistance.

Thanks and sorry for the delay.

## *Appendix D*

### Consent Form for Participants

Dear Educator:

My name is Sarah Peterson, and I am a graduate student at SUNY Fredonia working on my Masters in Education in the Teaching English to Speakers of Other Languages (TESOL) program. I am beginning the research for my Master's Thesis, and the purpose of my study is to examine factors that may influence the overrepresentation of English language learners in special education as well as possible solutions to reduce this occurrence.

You are invited to participate in an interview with me, which will last about 20-30 minutes. The interview questions will be about you as an educator, your views about factors that may influence disproportionate representation of English language learners in special education, and practices that may help lessen this occurrence. The interview will take place at a time and place that is convenient for you.

All information will be kept confidential. I will be audio taping the interviews, but I will be transcribing the interview on paper afterwards and giving you a pseudonym to maintain your anonymity. The audiotapes will be destroyed after the interviews are transcribed. Participation in this interview is completely voluntary and you may withdraw at any time and with no penalty from the study. At any time during the interview, you have the right to end it simply by saying so.

If you choose to take part in this interview please sign below. By signing, you are confirming that you are at least eighteen years old, are aware of the voluntary aspect of this survey, and are willing to participate. If you prefer not to participate then you do not have to sign this.

I, _____, do hereby consent to participate in this research study and will allow the interviews to be digitally recorded. I acknowledge that I am 18 year of age or older. I understand that participation is voluntary; therefore, I have the right to withdraw at any time and with no penalty. I understand that all information gathered through the interviews will be coded, securely kept, and remain confidential.

_____ _____

Signature of participant Date

Sarah Peterson, TESOL graduate student, SUNY Fredonia

Phone: XXX-XXX-XXXX; email: pete7259@fredonia.edu

Dr. Sovicheth Boun, Assistant Professor, SUNY Fredonia

Phone: XXX-XXX-XXXX; email: sovicheth.boun@fredonia.edu

## *Appendix E*

### Semi-Structured Interview Questions

1. Can you please tell me a little bit about your teaching background? Where did you obtain your Bachelor's and Master's Degrees? How many years have you been teaching? Have you taught in different content areas, grade levels, or school districts?
2. Can you tell me a little bit about your experience when working with English language learners?
3. What does disproportionate representation mean to you? How do you define it?
4. Research shows that English language learners are overrepresented in special education, specifically in the learning disabled, intellectually disabled, and speech or language impaired categories. In the context of your school:
    a. How do you think assessment practices influence disproportionate representation?
    b. How do you think bilingual assessments influence disproportionate representation?
    c. How do you think instructional factors influence disproportionate representation?
    d. How do you think referral procedures influence disproportionate representation? What are the criteria for a referral to special education? Can you describe the process?
    e. How do you think teachers' beliefs and attitudes towards English language learners influence disproportionate representation?
    f. How do you think teacher training influences disproportionate representation?
    g. Are there are other factors that I did not mention that might influence disproportionate representation?
5. In your opinion, what are some best practices that may help in reducing disproportionate representation?
6. Is there anything you would like to add that was not covered in these questions?

# *Appendix F*

## CITI Completion Report

**COLLABORATIVE INSTITUTIONAL TRAINING INITIATIVE (CITI)**

**HUMAN RESEARCH CURRICULUM COMPLETION REPORT**

**Printed on 12/15/2013**

| | |
|---|---|
| **LEARNER** | Sarah Peterson (ID: 3704904) |
| **DEPARTMENT** | Language, Learning, and Leadership |
| **PHONE** | (716) 450-4889 |
| **EMAIL** | pete7259@fredonia.edu |
| **INSTITUTION** | SUNY - College at Fredonia |
| **EXPIRATION DATE** | 12/15/2015 |

**GROUP 1.**

| | |
|---|---|
| **COURSE/STAGE**: | Basic Course/1 |
| **PASSED ON**: | 12/15/2013 |
| **REFERENCE ID**: | 11148428 |

| REQUIRED MODULES | DATE COMPLETED |
|---|---|
| Introduction | 12/15/13 |
| History and Ethical Principles - SBE | 12/15/13 |
| Defining Research with Human Subjects - SBE | 12/15/13 |
| The Regulations - SBE | 12/15/13 |
| Assessing Risk - SBE | 12/15/13 |
| Informed Consent - SBE | 12/15/13 |
| Privacy and Confidentiality - SBE | 12/15/13 |
| Research with Prisoners - SBE | 12/15/13 |
| Research with Children - SBE | 12/15/13 |
| Research in Public Elementary and Secondary Schools - SBE | 12/15/13 |
| International Research - SBE | 12/15/13 |
| Internet Research - SBE | 12/15/13 |
| Avoiding Group Harms - U.S. Research Perspectives | 12/15/13 |
| Vulnerable Subjects - Research Involving Workers/Employees | 12/15/13 |
| Conflicts of Interest in Research Involving Human Subjects | 12/15/13 |
| SUNY Fredonia State College | 12/15/13 |

## *Appendix G*

## HSR Approval Letter


23 February 2015

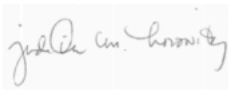
Sarah Peterson
c/o Sovicheth Boun, Ph.D..
Language, Learning and Leadership
College of Education
The State University of New York at Fredonia

Re: Sarah Peterson—Disproportionate Representation of English Language Learners in Special Education

Your research project using human subjects has been determined Category 1, Exempt, under the United States Department of Health and Human Services Code of Federal Regulations Title 45 Public Welfare, Part 46 Protection of Human Subjects, 46.101, Subpart A (b) (1) and/or (2). This document is your approval and your study titled "Disproportionate Representation of English Language Learners in Special Education" may proceed as described. **Your approval is valid from February 23, 2015 through March 31, 2015.**

Thank you for keeping the high standards relating to research and the protection of human subjects under the auspices of the State University of New York at Fredonia.

Sincerely,



Judith M. Horowitz, Ph.D.
Associate Provost, Graduate Studies, Sponsored Programs
and Faculty Development
Human Subjects Administrator