

STUDENT LEARNING BEHAVIORS AND INTERVENTION PRACTICES CITED
AMONG MIDWESTERN TEACHERS REFERRING BILINGUAL CLD STUDENTS
FOR SPECIAL EDUCATION EVALUATION

by

ROBIN MORALES CABRAL

B.A., Wichita State University, 1987
M.A., Wichita State University, 1988

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

DOCTOR OF PHILOSOPHY

Department of Curriculum & Instruction
College of Education

KANSAS STATE UNIVERSITY
Manhattan, Kansas

2008

Abstract

Throughout the last several decades, rises in CLD student populations and teacher accountability have factored in the increased numbers of CLD students being referred for, and placed in, special education. Because traditional evaluation processes do not reliably distinguish student learning problems that result from culturally/linguistic difference from those associated with innate disability, once referred, most CLD students go on to be placed in special education.

Since over-referral is a key factor in over-representation, the purpose of this qualitative study was to identify and examine the student and teacher factors associated with referral of bilingual CLD students for special education evaluation. The primary sources of data for this study were school records generated by classroom teachers, and semi-structured interviews with teachers who had referred bilingual CLD students for special education evaluation. Qualitative data garnered from these sources permitted identification and description of CLD student learning behaviors, and teacher interpretations thereof, which factored into referral of these students for special education.

Results, obtained through review and analysis of 27 referral records and six teacher interview transcripts indicated that lack of teacher preparation was a significant factor in the teacher's ability to appropriately perceive and respond to CLD student learning behaviors. Most notably, grade-level teachers tended to overrate the CLD student's English language proficiency based upon observations made within the school setting. Once determined to have *enough English*, the CLD student's language needs were essentially disregarded throughout the pre-referral (intervention) process. Student

failure with unaccommodative interventions appeared to reinforce teacher perceptions of prereferral as a confirmatory process rather than the means by which student learning problems could be resolved. These phenomena were compounded by the teacher's expressed deference for psychological test data and preference for special education placement.

Teachers form observation-based opinions about CLD student language proficiencies which can derail the instructional and intervention process for CLD students and lead to inappropriate referrals for special education. Further research is needed to determine the reliability of such teacher impressions and methods by which these teachers can better identify and respond to CLD student's language assets and needs.

STUDENT LEARNING BEHAVIORS AND INTERVENTION PRACTICES CITED
AMONG MIDWESTERN TEACHERS REFERRING BILINGUAL CLD STUDENTS
FOR SPECIAL EDUCATION EVALUATION

by

ROBIN MORALES CABRAL

B.A., Wichita State University, 1987
M.A., Wichita State University, 1988

A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

DOCTOR OF PHILOSOPHY

Department of Curriculum & Instruction
College of Education

KANSAS STATE UNIVERSITY
Manhattan, Kansas

2008

Approved by:

Major Professor
Socorro Herrera

Copyright

ROBIN MORALES CABRAL

2008

Table of Contents

List of Figures	ix
Chapter 1 - Introduction	1
Overview of the Issues.....	2
Statement of the Problem.....	6
Purpose of the Study	9
Significance of the Study	11
Limitations of the Study	12
Definition of Key Terms.....	13
Summary	17
Chapter 2 - Literature Review.....	19
Disproportional Placement of CLD Students in Special Education	20
The Relationship Between General Education Practices and Achievement Gaps for CLD Students	24
Misinterpretation of Gaps As Evidence of Innate Learning Deficits	29
The Impact of the Prereferral Process and Intervention Selection on CLD Referrals to Special Education.....	32
The Need to Identify Teacher Understandings That Can Be Proactively Targeted to Impact Referral Rates of CLD Students for Special Education	36
Chapter 3 - Methodology.....	39
Research Questions.....	39
Site and Participant Selection	40
Manner of Participant Self-Selection.....	42
Study Methods	44
Data Collection Tools	47
Referral Form Records.....	47
Semi-Structured Interviews.....	49
Data Analysis Procedures	50
Analysis of Referral Form Records	50

Analysis of Semi-Structured Interviews	54
Trustworthiness of the Study	55
Credibility	55
Transferability	56
Dependability	57
Confirmability	58
Protection of Human Subjects	58
Summary	59
Chapter 4 - Data Analysis and Findings	60
Findings from Analysis of Referral Form Records	61
Findings: Rationale for Referral	66
Findings: Interventions Cited.....	68
Findings: Self-Reported ESOL Training	73
Findings: Self-Reported Preservice/Inservice Preparation	74
Findings: Expressed Predetermination of Special Education Need.....	75
Findings from Analysis of Semi-Structured Interviews	78
Theme One: Language Proficiency – Teacher Determined.....	79
Findings: Language Proficiency – Teacher Determined	79
Discussion: Language Proficiency – Teacher Determined	90
Theme Two: Language Proficiency – Disregarded	97
Findings: Language Proficiency – Disregarded	98
Discussion: Language Proficiency – Disregarded	110
Theme Three: Focus on Diagnosis	118
Findings: Focus on Diagnosis	122
Discussion: Focus on Diagnosis	130
Summary of Findings	138
Chapter 5 - Discussion, Conclusions, Implications, and Recommendations	140
Summary of the Study	140
Review of Principal Findings	144
Conclusions from the Study.....	146
Implications/Significance of the Study.....	148

Theoretical Significance	149
Practical Significance	156
Recommendations for Further Research.....	162
Final Thoughts	164
References	166
Appendix A - Thomas & Collier (1997) Graph.....	182
Appendix B - Bilingual Evaluation Referral Form.....	183
Appendix C - Semi-Structured Interview Questions.....	185
Appendix D - Informed Consent	188
Appendix E - IRB Exemption Letter	190

List of Figures

Figure 4.1	Data/Evidence Cited to Support Referral	68
Figure 4.2	Interventions Cited on Referral Forms	71
Figure 4.3	CLD Appropriate Interventions by Teacher Self-Reported Coursework	74
Figure 4.4	Teacher Self-Reported Beliefs Regarding Appropriateness of SPED for Non-disabled CLD Students.....	76
Figure 5.1	Solution Focused Intervention Cycle	152
Figure 5.2	Confirmatory Intervention Cycle	156

Chapter 1

Introduction

During the last few decades, we have seen a significant increase in interest and research (August & Hakuta, 1997; Thomas & Collier, 1997, 2002) related to the teaching and learning of culturally and/or linguistically diverse (CLD) students in our schools. The momentum behind this movement appears to be fueled by two interrelated educational phenomena:

1. A growing population of diverse students that is no longer confined to particular urban settings
2. Policy-driven mandates requiring full accountability of CLD student learning

Although some teachers have begun to acquire and apply skills that are based on these new research-related understandings, many still express uncertainty in their ability to recognize and meet the educational needs of CLD students, especially those students who may also be disabled. This represents a significant educational gap in teacher preparedness because lack of skills and understandings in this area can lead to over-referral of CLD students for special education. Once referred, there is a high likelihood that such a student will then go on to be identified as emotionally, educationally, or cognitively disabled (Artiles, Rueda, Salazar, & Higadera, 2005; Collier, 2006).

This study seeks to identify the factors most commonly associated with teacher referral of CLD students in a Midwestern school district and answer the following questions:

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?

2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?
3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL training or coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

Discussion in this chapter is organized in the following sections: (1) overview of the issues, (2) statement of the problem, (3) purpose of the study, (4) significance of the study, (5) limitations of the study, (6) definition of terms, and (7) conclusions.

OVERVIEW OF THE ISSUES

Over the last several decades, an increase in research and evidence about effective programming for CLD students (August & Hakuta, 1997; Lindholm & Molina, 2000; Ramirez, Yuen, Ramey & Pasta, 1991; Thomas & Collier, 1997, 2002) has led to greater consideration and development of programs and practices that better meet these students' regular education needs. Resulting programs range from those that pull students out of class for specialized instruction to others which foster language acquisition in the context of the regular academic environment. At every point along this continuum of services are additional variances in terms of whether, and the degree to which, the native language is also used as a medium of instruction.

Studies in the area of second language acquisition (Ramirez, Yuen, Ramey, Pasta, & Billings, 1991; Thomas & Collier 1997, 2002) repeatedly reveal correlations between the types of programs in which CLD students are enrolled and their long-range academic outcomes. For example, on average, students receiving *pullout ESL* achieve at only the 12th percentile academically, in English, by the time they finish high school and are the most likely to drop out from school prior to that point. By contrast, students who have been enrolled in a *transitional bilingual* program demonstrate achievement at the 45th percentile, in English, by fifth grade. *Dual language*, or two-way immersion, programs garner the highest achievement results with students exceeding the average academic performance of native English speakers (Collier & Thomas, 2004; Thomas & Collier, 1997) by the time they enter middle school.

These studies suggest that the status of being a second language learner is not the determining characteristic leading to school failure or success. There is, instead, ample evidence of a much stronger correlation between the type of instruction a CLD student receives and his or her consequent academic outcomes. In addition to *student/family factors* known to impact CLD student success (e.g., ethnic identity, resilience, parent involvement), the most successful programs are characterized by *teaching factors*, which include staff knowledge and training in the language and instructional needs of CLD students.

At this writing, the most commonly adopted and implemented model for teaching CLD students in most parts of the country is ESL pullout, often cited (Thomas & Collier 1997, 2002) among the least effective models in providing students with equitable access to the educational curriculum. Where this model prevails, knowledge about the language

and cultural aspects of learning may be the specialized domain of only ESL teachers, who may or may not be sufficiently allocated to serve each student's school. The degree to which ESL teachers impact the professional growth at the level of the classroom teacher is not yet quantified, but the compartment- or department-alization of these skills contrasts sharply with more successful programs which foster CLD knowledge and innovation among all instructional personnel (Miramontes, Nadeau, & Commins, 1997). Currently, a combination of trends which recognize the importance of inclusion settings yet require CLD teaching competencies only of ESL teachers leaves the typical CLD student spending the majority of his or her academic day in the general education classroom with teachers who are predominantly untrained to meet the needs of and/or have little prior experience with CLD students.

This lack of teacher preparedness is significant because research (Artiles et al., 2005; Brown, 2005; Salend, 2005; De Valenzuela, Copeland, Qi, & Park, 2006) regarding the referral of CLD students for special education reveals that culture-specific behaviors, language differences, and teacher expectations contribute to higher rates of CLD student referral for the most stigmatizing categories of *mentally retarded*, *emotionally disabled*, *learning disabled*, and *speech-language impaired*. Although the literature describing the intervention process that follows referral recommends an integrated collaborative problem solving approach to help align the teacher's instruction and the student's learning levels/styles (Flugum & Reschly, 1994; Kovaleski, 2002), this is rarely the way most preassessment intervention teams (PITs) function (Truscott, Cohen, Sams, Sanborn, & Frank, 2005). Detailed analyses of data from nationwide PITs reveal that the majority of these teams operate in a problem (dis)confirming rather than

problem solving mode.

Because achievement gaps are characteristic outcomes of the predominate models for serving CLD students (Thomas & Collier, 1997, 2002), data that only serve to affirm the existence of achievement discrepancies without providing information on the instructional modifications that *are* effective only solidify the perception that the student needs to be evaluated for special education. The self-reinforcing nature of this cycle is evidenced by the fact that instructional approaches that are not responsive to the sociocultural, linguistic, cognitive, and academic needs of CLD students impede student access to the curriculum. This, in turn, results in achievement gaps, one of the primary reasons teachers refer CLD students for special education (Hosp & Reschly, 2004).

Studies of referral and placement patterns (Artiles et al., 2005; De Valenzuela et al., 2006) reveal that once CLD students are referred for evaluation, the majority will go on to be identified as disabled and placed in a more restrictive program than would be typical of their non-CLD counterparts with similar academic or behavior concerns. These findings are significant in terms of the potentially deleterious consequences not only for those students who are erroneously placed in “special education” but also for those with true disabilities. This is because CLD students with learning disabilities can actually lose academic ground when served in typical special education programs as compared with those who remain in the regular education classroom (Maldonado, 1994; Wilkerson & Ortiz, 1986). The irony is that despite evidence such as this, which indicates traditional special education programs may actually be detrimental to CLD students *with* disabilities, special education is still frequently suggested as the setting “Jose” or “Hien” will be best served, even if he is not innately disabled. Such well-meaning, yet revealing,

recommendations often reflect a teacher's recognition that he or she simply lacks the skills and knowledge to connect with and effectively teach the CLD student.

In summary, teachers' experiences with diverse learners and the teachers' knowledge about second language acquisition as well as how to assess, interpret, and respond to CLD student learning may directly impact the likelihood that CLD students will be (a) successful in school and (b) referred for and placed in special education.

STATEMENT OF THE PROBLEM

Despite years of attention to the educational needs of CLD students, the 24th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (IDEA) (U.S. Department of Education, 2002) provides data which reveals that CLD students continue to be overrepresented in educational programs for the disabled and underrepresented in those designed for the most capable students. A review of the research indicates that a number of factors may be contributing to the overrepresentation of CLD students in special education. Chief among these are:

1. Cultural/linguistic mismatch between the majority of teachers and their CLD students (Latham, 1999)
2. Predominance of instructional models which do not provide the language support necessary for CLD students to fully participate in the curriculum and which are, therefore, associated with lower student achievement (Thomas & Collier, 1997, 2002)

3. Lack of teacher training to recognize and serve the educational (e.g., cognitive, sociocultural, linguistic) needs of CLD students (Walton, Baca, & Escamilla, 2005)
4. Teacher tendency to over-refer CLD students for intervention (Artiles et al., 2005)
5. Inadequacy of preassessment teams' ability or practice to provide appropriate instructional support to teachers (Truscott et al., 2005)
6. Reliance of diagnostic teams on biased instruments and methods for the determination of disability in CLD students (Baca & Cervantes, 2004).

Although recognition of issues related to the use of standardized assessment has, in some cases, resulted in reduced reliance upon tests used for these purposes, cultural attitudes about the validity of such “objective” measures may be a factor in their continued use in identifying special education students. For example, despite significant data reflecting caveats regarding the use of standardized assessments with CLD students, monolingual English-speaking educators and evaluators continue to regard these as more valid than alternative means of gathering data for these purposes (Piper, 2003; Shapiro & Eckert, 1993). Therefore, teachers who are by training or (in)experience unable to effectively respond to CLD student learning concerns often find themselves consulting specialists whose training includes a heavy emphasis on the use of standardized assessments to determine disability. Cultural ideals that presume the supremacy of this type of clinical data over more authentically elicited or observed information may contribute to the disinclination of intervention teams to resolve educational concerns short of providing a “full and individual evaluation.”

According to data gathered by Collier (2006), regardless of prereferral regime, 80% of students referred for a complete evaluation will qualify for special education. However, the numbers an intervention team eventually refers for evaluation are far less in schools that use problem solving instructional intervention rather than the intervention methods employed by the majority of intervention teams during the prereferral process (Collier, 2006; Truscott et al., 2005). Where attitudes exist that a student's needs cannot adequately be assessed without the sort of "hard" data garnered via formal evaluation, there may be the consequent tendency on the part of teachers to:

1. Devalue other sources of data, including alternate evidence of skills and student/parent perspectives
2. Suspend interpretation of findings pending "expert" testing

Each of these reactions can serve to undermine the application of dynamic teaching—learning and assessment cycles needed to determine when, how, and under what conditions the student *does* learn. This type of teaching is at the very heart of an intervention process that leads to fewer students being referred for evaluation. When teachers lack the perspective, training, or experience to appropriately interpret and respond to CLD students' learning behaviors, they are more likely to misinterpret those behaviors as innate to the student, or confirming of lowered expectations, rather than as a consequence of instructional mismatch. This presumption directs educators away from the critical reflection necessary to modify instruction and facilitate student success as well as that needed to engender their own professional growth.

Unless the issues most likely to impact initial teacher referral can be identified and addressed, CLD students will continue to be disproportionately referred, assessed,

and placed in programs for children with disabilities and/or exceptional needs. According to Collier (2006) and others (e.g., Brown, 2004) the best way to decrease the numbers of CLD students inappropriately placed in special education is to move away from a reliance on specialists as gatekeepers and focus more attention on the knowledge bases and skills (or lack thereof) evident in the referral and intervention practices of classroom teachers in our schools.

PURPOSE OF THE STUDY

Currently, discontinuity of teacher/student demographics and prevalent instructional practices perpetuate reinforcing cycles of lowered teacher expectation and student failure. What results is a climate of either nonreferral owing to a lowered overall “bar” of expectation or overreferral to diagnose the perceived student-held problems that interfere with learning. Given wide-ranging research findings that the formal evaluation process alone does not appear sensitive to distinguish disabled versus normal CLD learners, the purpose of this study is to determine whether overreferral of CLD students to special education can be better addressed by identifying and addressing the factors most associated with teacher referral of CLD students for special education preassessment.

Literature in the field (e.g., Abedi, 2004; Baca & Cervantes, 2004; Brown, 2004; Collier, 2004; Ortiz, 2004; Salend, 2005) cites the most common bases of CLD student referral to be:

- 1 Student achievement as measured by (a) performance on standardized tests of achievement and (b) off-grade-level performance

- 2 Teacher perception that student needs cannot be met in the regular classroom setting
- 3 Teacher frustration regarding own lack of preparation/skills to meet the needs of the student
- 4 Teacher misperceptions regarding language skills of the student and/or language demands of the curriculum
- 5 Student response to interventions that (a) do not involve the parents; (b) do not address linguistic or cultural barriers to learning; (c) fail to align instruction with student learning abilities; and/or (d) do not evidence a process of collaboration, instructional modification, results evaluation, and revision over time.

This study was designed to ascertain whether these characteristics of teacher overreferral, which are noted in the literature as evident among West Coast and Southwestern districts with a greater diversity of program options (e.g., pullout, bilingual, transitional), are also evident in a Midwestern district, in which ESL pullout remains the predominate model for serving a rapidly growing population of CLD students. It was anticipated that the type of data gathered in this study could provide insights that foster answers to the following questions:

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?

3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL training or coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

Qualitative methods were used to explore the phenomena associated with referral of bilingual CLD students in the targeted district. Information provided by 27 teachers referring CLD students for special education intervention and evaluation was collected and examined as the primary source of data for this study. Findings from these data were also used to inform the development of the semi-structured interview format. Teacher responses and opinions which emerged from analysis of the referral form data were further probed via semi-structured interviews with six teachers who reported referral of a bilingual CLD student for special education during the time period in which the referral form records were collected.

SIGNIFICANCE OF THE STUDY

Disproportional representation of CLD students is highly significant in that it not only represents a flawed system of diagnosis with potentially deleterious consequences for students but also serves as a barometer of the educational system as a whole. In more healthy, non-biased systems, we would expect CLD students to be proportionally

represented in all programs, in accordance with their proportion in the local population. This is, however, rarely the case. Ongoing issues of disproportion indicate the need for effective means to address the instructional practices and teacher/systemic bias that contribute to over- and underreferral of CLD students to special education.

As we are not yet seeing consistent trends toward improvement in this area, it was important to identify the situations, presumptions, and practices that motivated teachers to refer CLD students for intervention and special education evaluation. Examination of these factors illuminated more specific information about the type of teacher training and intervention practices necessary to impact durable change and foster ongoing growth within our school systems and personnel.

LIMITATIONS OF THE STUDY

Although this study was designed to gather authentic data revealing teacher attitudes and practices that accompany actual referrals, there were three major limitations of the study. The first and most obvious limitation is the extent to which the findings in one Midwestern district can be generalized to reflect the teacher referral behaviors in other Midwestern districts. Second, because referral data was gathered only during the second semester of one calendar year, this study did not provide insight to whether referral patterns noted differed between those made during first and second semesters or the preceding/following years. Third, teacher responses to questions regarding ESOL training and professional experience levels on the referral form or within the interview format are *self-reported* and may not accurately reflect data available through other means such as academic transcripts and personnel files.

While referrals for bilingual evaluation of language are typically standard for students demonstrating academic or language concerns, they are not as often requested of students who demonstrate characteristics of giftedness or physical impairments in the absence of academic concerns. Therefore those referrals were not included among this data set.

As a final note, this section cannot be complete without recognition that political and cultural forces that impact educational policy and practice undoubtedly underlie many of the factors artificially isolated for the purpose of this study. While beyond the scope of this endeavor, consideration of these forces is regarded essential by this author.

DEFINITION OF TERMS

CLD – Use of the term CLD herein refers to students who are culturally and/or linguistically diverse. This acronym (CLD) connotes students whose culture and/or language is different than that which is dominant in the larger society and, therefore, includes all students whose primary language is other than English (Herrera & Murry, 2005).

child study team (CST) – A multidisciplinary team comprised of an administrator, school psychologist, social worker and/or counselor, speech-language pathologist, and school nurse. Team responsibilities include consultation, evaluation, disability determination and provision of program recommendations for students in need of special education support.

culture-specific – Behaviors and/or perceptual frames that are specific to a given culture and may not be commonly shared by other cultures.

dual language – An instructional model characterized by an integration of language and instruction in which speakers of two languages are alternatively taught via one or the other language such that both language groups enjoy the benefits of second language immersion education while continuing to develop and utilize their primary language within the educational context.

ELL – English language learner.

emotionally disabled – Student disability characterized persistently over time by: (a) an inability to learn that cannot be explained by intellectual, sensory, or health factors; (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) inappropriate types of behavior or feelings under normal circumstances; and/or (d) a general pervasive mood of unhappiness or depression (federal law at 34 CFR §300.7).

ESOL – English for speakers of other languages. Although this term may be used to describe specific students, it also commonly refers to the type of programming provided CLD students to facilitate access to the English-only curriculum.

ethnic identity – The degree to which one identifies with one or more particular ethnic groups. Ethnic identity refers to one’s sense of belonging and acknowledges that one’s thinking, perceptions, feelings, and behavior may be influenced by, or specific to, ethnic group membership.

intervention – One or more strategies implemented and revised as necessary to determine the strategies that best improve a student’s behaviors or abilities to interact with and benefit from the curriculum.

learning disabled – Student disability characterized by a specific learning disability, which is defined as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (federal law at 34 CFR §300.7).

majority population – Segment of the population that represents the majority social construct and/or power base (e.g., fiscal, political) but may not always represent the numerical majority in all areas of its influence.

mentally retarded – Student disability characterized by significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance (federal law at 34 CFR §300.7).

minority population – Segment of the population that represents the minority social construct and/or power base (e.g., fiscal, political) but may not always represent the numerical minority in a given area.

Preassessment/Prereferral – a problem solving process initiated upon identification of student concerns. The goal of preassessment is the identification and ongoing modification of teaching/learning behaviors which result in interventions and adaptations that increase student success in the general education classroom and increase the appropriateness of referrals that are pursued as comprehensive evaluations for special education.

pullout – A model of language support that serves ESOL students in an alternative, self-contained setting for varying amounts of time during the school day.

resilience – One's ability to traverse challenges and recover from setbacks.

second language learner – An individual in the process of acquiring a second or subsequent (sometimes third or fourth) language.

sheltered English – A method which entails the use of strategies that make the grade-level curriculum more comprehensible and which is defined by the employment of specific language and content objectives for each lesson.

special education – Specifically designed instruction and related services to meet the unique needs of a student who meets federal- and state-specified criteria for having a disabling condition that adversely affects his or her educational performance.

Speech-language impaired – A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance (federal law at 34 CFR §300.7).

transitional bilingual – Also referred to as “early exit,” this bilingual model is characterized by native language (L1) instructional support that gradually lessens in favor of English-only instruction by second or third grade.

SUMMARY

A significant amount of research exists that explores the ongoing incidence of disproportional representation among CLD students in special education. Within the last decade researchers have begun to recognize that attention to teacher referral behaviors may have a greater impact on this phenomenon than merely focusing on what happens at the point of evaluation. The intent of this study was to collect and examine information

reported by teachers upon referral of a bilingual CLD student for special education. Through the collection and organization of these robust data, patterns were revealed which permitted deeper analysis of the teacher precepts associated with referral. The resultant findings contribute significantly to the current knowledge base by demonstrating the impact a comprehensive program of ESOL training has on teachers' abilities to recognize and respond to CLD student language and learning needs within the grade level class.

Chapter 2

Literature Review

Although many school districts report improvements in general knowledge and practices with regard to the education of CLD students, there continues to be evidence of a chasm between what is understood to be good practice and what actually occurs in the classrooms of our schools. This is evidenced by lower overall student achievement, achievement discrepancies between minority and majority populations, and disproportional representation of CLD students in special education. Although some achievement indicators may be attributed to factors beyond the school environment, patterns of disproportionate referral for, and representation of CLD students in, special education suggest an urgent need for further examination of issues that may be school related. This study sought to identify key educational factors that may contribute to the over-referral of CLD students to special education.

The related discussion in this chapter is organized into the following sections: (1) disproportional placement of CLD students in special education, (2) the relationship between general education practices and achievement gaps for CLD students, (3) misinterpretation of gaps as evidence of innate learning deficits, (4) the impact of the prereferral process and intervention selection on CLD student referrals to special education, and (5) the need to identify teacher understandings that can be proactively targeted to impact referral rates of CLD students for special education.

DISPROPORTIONAL PLACEMENT OF CLD STUDENTS IN SPECIAL EDUCATION

“The wrongs done to . . . language minority students in *special education* are exceptionally severe: misidentification, misplacement, misuse of tests, and poor academic performance within *special education*” (Ruiz, 1989, p. 139).

As the discussion to follow contends, social, cultural, and linguistic factors contribute to scenarios that disenfranchise CLD students from the educational experience. Teachers, administrators and diagnosticians often view the resultant educational gaps (Goldman, 2003) as indicators of student, rather than instructional or systemic, disability. The outcome of these misperceptions is manifested in lower numbers of CLD students referred for programs for the gifted and talented simultaneous to larger numbers being referred for, and placed in, special education programs for the disabled. This overrepresentation raises particular concerns because disproportionate numbers of CLD students are placed in settings and programs that hinder their educational achievement and social growth by limiting the students’ access to the general education curriculum (Artiles & Zamora-Duran, 1997; Maldonado, 1994; Ortiz & Wilkerson, 1989; Patton, 1998).

Unless we believe that one group is innately superior or inferior to another, it can reasonably be assumed that physical and cognitive exceptionalities occur in all populations in similar proportion. Therefore, all ethnic, racial, or linguistic groups should be represented in special education in numbers proportional to their representation in a given population (Artiles & Harry, 2004). This, however, does not appear to be the case

according to data cited by the 24th annual report to Congress on the implementation of the Individuals with Disabilities Act in 2002. This report indicates that the percentage of the general population that did not speak English in the home increased by 2.5 percent between 1987 and 2001, however during the same period, there was a nearly 11 percent increase in special education placements for students from those homes.

These earmarks of overrepresentation do not reflect new phenomena but rather the lack of resolution or improvement in practices and trends that have been consistently documented in national statistics such as the Elementary and Secondary Schools Civil Rights Compliance Report of the Office of Civil Rights published every two years since 1968 and educational literature since the late 1960s (Donavan & Cross, 2002; Dunn, 1968; Mercer, 1973). For example:

- African American and American Indian students, especially males, were/are often *overrepresented* in programs for learning disabilities, mental retardation, and behavioral disorders (Chinn & Hughes, 1987; Finn, 1982; De Valenzuela, Copeland, Qi, & Park, 2006; Yates, 1988).
- Hispanic, American Indian, and African American students were/are *underrepresented* in programs designed for gifted and talented students (Finn, 1982; Ford, 1998; Ford & Harris, 1998; De Valenzuela et al., 2006).
- Asian American students tend to be overrepresented in programs for the gifted and underrepresented in all other programs (Finn, 1982) except speech and language (Chinn & Hughes, 1987).

- African American students are overrepresented in programs for the emotionally disabled (Cartledge, 1999; Oswald, Coutinho, Best, & Singh, 1999).
- Hispanic and American Indian students are overrepresented in programs for the learning disabled (De Valenzuela et al., 2006).
- Hispanic students are represented at higher rates in programs for the learning disabled than in programs for any other disability category (Kindler, 2002).
- Hispanic students nationwide remain overrepresented in special education programs for learning disabilities, hearing, and orthopedic impairments (U.S. Department of Education, 2002).

The research is, however, somewhat conflicting because schools, districts, and states may produce aggregate data that show relative proportionality of minorities such as “Hispanic” students in special education (Artiles et al., 2005; Finn, 1982; Hosp & Reschly, 2003; Losen & Orfield, 2002) without regard for differences in variables such as socioeconomic status and language proficiency. The inadequacy of this undifferentiated data has led to more in-depth examinations of student profiles, which support the contention that disproportion statistics can be misleading without earnest consideration of within-group diversity regarding more informative variables (Artiles et al., 2005; Hosp & Reschly, 2004; De Valenzuela et al., 2006).

This proved to be the case in recent studies by De Valenzuela et al. (2006) and Artiles et al. (2005). Although each examined districts in different geographical regions, both found that African American and Hispanic students overall were more likely than

White students to be identified for stigmatizing exceptionalities (e.g., learning disabled, emotionally disabled, mentally retarded, speech/language impaired) and subsequently placed in more restrictive settings. In each case, this effect was found to be even more pronounced for ELLs.

The discussion of Artiles and colleagues (2005) of a California study involving 11 urban schools districts revealed significant differences in disproportion when student data was disaggregated further by language proficiency (native language and second language), socioeconomic status, grade level, and program type. Among the discrepancies, Artiles et al. noted the following:

- ELLs with limited L1 and L2 (i.e., English) were over 46 times more likely than other ELL students to be placed in programs for the mentally retarded at the secondary level. This is significant because disuse of the primary language subsequent to English-only education often results in lower proficiency levels in both languages.
- ELL students in elementary grades who were proficient in L1 but had limited L2 proficiency were actually less likely than their White counterparts to be labeled mentally retarded but were 75% more likely to be labeled learning disabled.
- ELLs with proficient L1 but limited L2 were actually underrepresented in the Language and Speech (LAS) disability program at the elementary level while those with limited L1 and L2 were significantly above the overrepresentation level in the same grades.

In sum, ELL students with limited proficiency in both languages were much more likely to be identified as mentally retarded, learning disabled, and speech/language impaired than ELL students with greater proficiency in their primary language who were at times conversely underrepresented. This relationship appears consistent with August and Hakuta's (1997) finding that the "degree of children's native-language proficiency is a strong predictor of their English language development (p. 28)," which correlates with their actual or perceived ability to learn via that language.

THE RELATIONSHIP BETWEEN GENERAL EDUCATION PRACTICES AND ACHIEVEMENT GAPS FOR CLD STUDENTS

The earliest research in the area of bilingual and ESL education is largely anecdotal and, although fascinating, too broad for the scope of this text. It is, however, relevant to consider the impact of cultural subtexts that promote a mythology of rapid English acquisition consequent to the complete abandonment of the immigrant culture and language. For example, Thompson (1952) stated: "There can be no doubt that the child who is exposed and reared deliberately in a bilingual environment is handicapped in his language growth" (p. 367). By the 1970s and 1980s, this type of thinking began to be directly addressed by researchers such as Garcia (1983) who cited no evidence of linguistic handicap among children in the United States and abroad living in positive bilingual environments. Despite growing understandings in the areas of psychology and linguistics which strongly supported theories of linguistic interdependence (Cummins, 1979, 1981; Hakuta, 1986) and cognitive advantage (Simon, 1980) among bilingual learners, the issue of bilingual education and its purported results remained equivocal and

controversial. Further analysis, however, revealed that some anti-bilingual findings could be alternatively attributed to the semantics with which the findings were described (Krashen, 1991) or to qualitative differences in the myriad programming models being described as “bilingual” (Krashen & Biber, 1988; Willig, 1985; Wong-Fillmore & Valadez, 1986).

Although emerging data in the 1990s revealed the potential of bilingual programs to maximize CLD student learning, logistical limitations in the number of trained bilingual personnel and/or preferences for English-only instruction led to the development of several predominant, yet differing, instructional models for CLD students. In general, these included:

- Submersion
- Pullout
- Content-based or sheltered
- Early-exit bilingual
- Late-exit bilingual
- Dual language or two-way immersion

One of the earliest studies that set about to analyze the educational outcomes of CLD students by program design was that completed by Ramirez et al. (1991). Although concurrent studies (Rosier & Holm, 1980) continued to suggest the superiority of late-exit bilingual programs, the most conservative interpretation of the Ramirez report led to the conclusion, or rather revelation, that the length of time a student has been exposed to a language does not necessary correlate with his/her ability to learn academic material using that language.

Cazden's (1992) re-analysis and elaboration on the implications of the Ramirez report revealed greater long-range academic success in English by students who had been enrolled in late-exit bilingual programs than students exposed to early-exit bilingual or English immersion models. These results were concurrent with those of Thomas & Collier (1997, 2002) who conducted a five-year research study between 1996 and 2001. Their findings revealed the following:

- ESL students who received English immersion without content-based support (this type of programming includes the majority of pullout programs) were the most likely to drop out of school, achieving only at the 12th percentile on standardized tests of English.
- When ESL content support was provided for 2-3 years prior to immersion in the English curriculum, students achieved at a median of the 23rd percentile in reading by the end of their high school years.
- Students provided with approximately half their academic instruction in English and half in the native language for three to four years prior to immersion in the English curriculum demonstrated achievement at the 45th percentile in English reading by their junior year of high school.
- Students provided a one-way 50-50 model of instruction (one language group taught in two languages) but not transitioned early to English immersion achieved at the 61st percentile in English reading by seventh grade.

- Students enrolled in two-way 90-10 models (two language groups, each using two instructional languages) significantly outperformed students in all other program types, including bilingual models that transitioned to English at any time in the elementary years.

Overall, the original and replicated results (Thomas & Collier, 1997, 2002) of this study indicated that ESL student success increased incrementally in accordance with the amount of sheltering and content utilized during English instruction as well as the degree to which the native language was used as a vehicle for delivery of the curriculum.

The research cited above is but a sample of the large body of evidence indicating that CLD student achievement, or lack thereof (see Thomas & Collier graph Appendix A) is highly correlated with the type of instruction and degree of language support available in the educational setting. Interestingly, Artiles et al. (2005) also found that ELL overrepresentation in special education did not begin until the later years of elementary school when student achievement begins to differentiate dramatically in accordance with the level of programmed academic language support (Thomas & Collier, 1997, 2002).

In addition to impacting overall student achievement, Artiles et al. (2005) also found that program type appeared to effect special education placement and level of restrictiveness. Once labeled, ELLs from *English immersion* programs were more likely to be placed in segregated special education programs than those receiving English immersion with *L1 support* (modified English immersion) and those receiving *bilingual education*. When compared with all language support programs, ELLs in English immersion programs were the most likely to be placed in special education. This recent data suggests that little has changed since Finn's (1982) finding that "districts with the

highest disproportion levels have the smallest proportion of students in bilingual programs” (p. 372).

Studies such as these indicate that low ELL student achievement is more often a matter of the student’s ability to understand the instruction provided in the general education class (Brown & Bentley, 2004) than reflective of any lowered motivation or potential. This correlation is also supported by the fact that teachers in the most successful programs are more likely to have received greater training and have more experience with diverse learners than those teachers in programs that either do not recognize or do not meet the needs of CLD learners. Unfortunately, recent studies reveal that despite this correlation, most grade-level teachers have been provided with little or no professional development to meet the needs of CLD students (Herrera & Murry, 2005; Thompson, 2004), and the vast majority of states do not require any type of ESL related coursework for teacher candidates to obtain their teaching credential. This lack of teacher preparation is significant because CLD students spend most of their school time in general education classrooms, not in settings such as ESL where teachers have been provided training to more appropriately meet and assess these students’ needs (Brown, 2005).

For reasons beyond the scope of this text, teacher education programs appear to reflect the values and practices of their predominantly White developers and pre-service teachers (National Center for Education Statistics, 1998) rather than those of the growing numbers of students who come from homes and backgrounds for which White middle class is not the dominant cultural and experiential perspective. At this writing, few teacher education programs require their pre-service teachers to have taken coursework in

ESL methods or second language acquisition (Walton, Baca, & Escamilla, 2005).

MISINTERPRETATION OF GAPS AS EVIDENCE OF INNATE LEARNING DEFICITS

Although previous discussion has identified correlations between programmatic and language factors and the disproportional representation of CLD students in special education programs, the reasons CLD students may be disproportionately represented in special education programs are not limited to those factors (Cartledge, 1999; Hosp & Reschly, 2004; Zhang & Katsiyannis, 2002). Some factors, such as poverty, have been found to increase all students' likelihood of placement regardless of race (Artiles et al., 2005; Macmillan & Reschly, 1998; Oswald, Coutinho, Best & Singh, 1999; Proctor & Dalaker, 2002).

Low-income students as a group, which includes the majority of CLD students, are more often served in poorly funded schools with less access to educational resources such as appropriate class sizes, high-quality intervention and ancillary services, current instructional materials/technology, and highly qualified professionals (Biddle & Berliner, 2002; Gándara, Rumberger, Maxwell-Jolly, & Callahan, 2003; Ochoa, Robles-Pina, Gracia, & Breunig, 1999). Attempts to address these inequities by desegregating districts have led to unanticipated evidence that bias cannot be resolved merely through redistribution of materials or students. In fact, African American overrepresentation in special education has been found to be greatest in districts operating under a court ordered desegregation decree (Eitle, 2002). Such practices not only serve to effectively resegregate this population but also appear to reinforce the majority's preconceptions and

reduced expectations of culturally diverse students.

These findings are an excellent example of the difficulty we have in recognizing and accounting for biasing factors related to student culture, race, and ethnicity (Coutinho, Oswald, & Best, 2002; Knotek, 2003). Educational practices that do not take student culture and language needs into account lead to lower school achievement, a major factor in the determination of student disability (Hosp & Reschly, 2004; MacMillan, Gresham, & Bocian, 1998). In addition to lowered achievement, students experiencing cultural dissonance and those acquiring a second language may exhibit academic, attentional, and behavioral difficulties that mirror those of students with disabilities (Collier, 2004; Fradd, & McGee, 1994), and today's teachers are ill-equipped to distinguish between these phenomena.

In 1998, The National Association of State Boards of Education described the typical graduate of a teacher education program as "white, female, 21 years old, speaks only English, from a small town and wanting to teach in the same" (p. 14). Unfortunately, little has changed since that time with regard to recently graduated teachers, but the percentage of students they teach who reflect diverse backgrounds has grown dramatically. For example, across the nation the ELL population grew by 105% during the 1990-2001 school year, and in California alone, 32.9% of the school population comprised ELLs (Kindler, 2002). Furthermore, the 2000 U.S. Census (U.S. Census Bureau, 2002) reports that one in five U.S. residents is foreign-born. This number has tripled since 1970 and grown at even higher rates in particular states such as North Carolina where the numbers of Hispanic students alone has increased nearly 400% (U.S. Census Bureau, 2002). The result is the majority of today's teachers are not prepared to

effectively teach today's students.

Because teachers filter the curriculum through their own cultural perspectives and experiences and tend to teach in much the same way they were taught, the mismatch between their backgrounds and those of racial or ethnic minority students makes it less likely these teachers will provide instruction that facilitates all students' meaningful connections with the curriculum (Feiman-Nemser & Remillard, 1996). Furthermore, teachers with dominant-culture perspectives also have a tendency to notice when students from other cultures lack what the teachers presume to be universal skills or experiences. This often occurs simultaneously with a teacher's inability to recognize or value the richness of skills and experiences brought by the student that are not present in the teacher's socialization or schema of what learning and/or intelligence "look like." Together, these phenomena lead to a subtractive, or deficit model, view of the student (Baca, 1998).

Studies show that such preconceptions and lowered expectations of students are directly associated with lower achievement (Langdon, 2002; Nieto, 1996), which has already been noted as one of the primary reasons teachers refer CLD students for special education. Additionally, teachers who have been enculturated differently than their students are much more likely to be intolerant of behaviors that are not part of their own experience base (Lambert, Puig, Rowan, Lyubansky, & Winfrey, 1998) and/or misinterpret culturally based behaviors as indicators of the existence of a disability (Salend, 2005).

Student achievement is also negatively impacted by educators who minimize the involvement of family and community members and characterize CLD families as

disinterested in their children's school performance (Harry, Allen, & McLaughlin, 1995). Conversely, increased parent involvement (Henderson & Mapp, 2002) and positive ethnic identity development (Caldwell & Siwatu, 2003) have been correlated with higher academic achievement among CLD students. Unfortunately, when students' language and culture are not recognized or celebrated in the academic environment, the opposite effect can presumably occur. Some teachers even express opinions which reveal that they consider CLD students to be a burden because, these teachers worry, these students will have a negative effect on overall test scores (Brown & Bentley, 2004).

Ironically, many classroom teachers fail to recognize, or misperceive, the skills of their CLD students because the teachers tend to rely on oral language proficiency and performance as an indicator of academic performance (Limbos & Geva, 2001). Doing so inevitably confounds their ability to plan, and interpret a CLD student's response to, more effective instruction. Majority-culture/language teachers may also be inclined to oversimplify the needs of ELL students and hold the acquisition of English as the preeminent educational goal. This practice, although well-meaning, only serves to widen the learning gap for CLD students (Thomas & Collier, 1997, 2002; Ramirez et al., 1991).

THE IMPACT OF THE PREREFERRAL PROCESS AND INTERVENTION SELECTION ON CLD REFERRALS TO SPECIAL EDUCATION

Special education services allow disabled students to participate in and benefit from the same curricula as their non-disabled peers. Questions remain, however, when the benefits of these services are perceived to be the only way to accommodate the needs of non-traditional students regardless of (dis)ability.

“We learned that special education placement showed no systematic relationship either to school quality or to children’s own developmental or skill levels. Rather, it reflected a wide range of influences, including structural inequities, contextual biases, limited opportunity to learn, variability in referral and assessment processes, detrimental views of and interactions with families, and poor instructional and classroom management. Overarching all these was the power of each school’s ideology regarding special education, which we came to refer to as the school’s ‘culture of referral’” (Harry & Klinger, 2006, p. 24).

Extensive and replicated longitudinal data reveal that underachievement, the most predictive factor in learning disabilities placement, is also characteristic of ELL students enrolled the nation’s most popular programs for their education: English immersion and ESL pullout. It is not unusual for ELL students to experience difficulties as a result of deficiencies in the teaching and learning environment. Over time, unmet needs and inappropriate instruction can result in serious gaps between the expected and realized achievement (Ortiz, 2004). While such achievements gaps may be the historic hallmark of learning disabilities in majority-culture English-speaking students (Pasternack, 2002), they are equally typical of ELLs who have been denied appropriately accommodated instruction (Fletcher & Navarrete, 2003). It is, therefore, essential that educational personnel be able to not only distinguish between inherent and situational learning deficits (Damico & Hamayan, 1991; Ortiz, 2004) but also proactively prevent the perpetuation of practices and presumptions that disenfranchise ELL students from the

learning opportunities necessary to achieve at the same level as their native English-speaking peers (Hamayan, Marler, Sanchez-Lopez, & Damico, 2007).

Once achievement gaps have been identified, it is critical that the interventions employed be designed to address the previous instructional mismatch that contributed to these “gaps.” However, in sharp contrast to a problem-solving intervention process that precedes referral, a nationwide study of prereferral intervention teams (Truscott et al., 2005) found the following:

- Preassessment teams in actuality function very differently than those described in the literature (Flugum & Reschly, 1994). Whereas the ideal function is to collaborate with teachers, collect information, evaluate and revise interventions, and so forth repeatedly and over time (Green, Arreaga-Mayer, Utley, Gavin, & Terry, 2001; Klingner & Vaughn, 2002), most PITs provided one-directional recommendations and advice that the teacher was expected to interpret and enact in isolation.
- Few preassessment teams reported inclusion of parents as members, and fewer still involved community members in any aspect of the process.
- The majority of PIT interventions were implemented by the teacher but directed at the student and tended to be either academic (e.g., 1:1 instruction, decreased work.) or structural (e.g., changing the student’s seat).
- Among all PIT interventions reported, few involved specific academic recommendations.
- In contrast to the literature on the intent of prereferral teams to explore and

facilitate learning within the academic setting (Flugum & Reschly, 1994; Telzrow, 1999), over half the teams studied recommended segregated treatment interventions.

- Few teams identified the roles and functions of a PIT as including the ideal cited in the literature (Ortiz, Wilkinson, Robertson-Courtney, & Kushner, 2006; Telzrow, 1999) of decreasing referrals for special education.
- Only a negligible number (2%) of responses regarding the purpose of a PIT identified the need to align student skills with instructional strategies.

What is particularly interesting about this data is that none of the five most common interventions reported by preassessment teams (peer tutors, counseling, out-of-class help, seat changes, and decreased work) required the teacher to analyze or alter his or her actual instruction. Considering the fact that most of the interventions reported by PITs are those a teacher is likely to have already employed prior to referral, the theoretical benefits of preassessment do not appear to be realized in practice (Truscott et al., 2005).

This disparity between ideal and actual recommended interventions represents a potentially significant point of disconnection for teachers who are demographically unlikely to have had training and experience with the specific instructional methods and techniques that allow CLD students equitable access to the curriculum. The resulting responses to ineffective interventions further serve to perpetuate conditions leading to disproportional representation of CLD students in special education because they mislead schools and teachers into believing the referred student's lack of progress with generic or inappropriate interventions validates the referral for special education evaluation. In a

prereferral process of this sort, ecological and instructional variables that may be contributing to the learning concerns are left unexamined.

THE NEED TO IDENTIFY TEACHER UNDERSTANDINGS THAT CAN BE
PROACTIVELY TARGETED TO IMPACT REFERRAL RATES OF CLD
STUDENTS FOR SPECIAL EDUCATION

In accordance with the President's Commission on Excellence in Special Education (PCESE, 2002), there is now a greater emphasis on determining student need for special education services based upon the student's response to scientifically based instruction and appropriate intervention (Maloney, 2002) rather than upon the formulaic quantification of need generated by standardized psychoeducational tests. In contrast to the traditional perception of evaluators as the "gatekeepers" to special education, it is now much more often the preassessment team that functions or disfunctions in a way that determines (dis)proportional referral of CLD students to special education.

Because the act of referral alone is highly predictive for eventual special education placement (Artiles & Trent, 1994; Collier, 2006; Ysseldyke & Algozzine, 1983), referring a CLD child for intervention or evaluation should always be considered a significant step in the identification process (Ysseldyke & Algozzine, 1983) and should, therefore, be subject to scrutiny with regard to proportionality. Although the high correlation between referral and placement has yet to be fully explored in the literature, continued disproportion of groups in special education suggests that the referral process does not reflect teacher accuracy in the identification of students with genuine need. Methods and tools that are biased in favor of the monolingual majority-culture student

(Klee & Carson, 2000; Ortiz, 2004; Baca & Cervantes, 2004) and which are heavily relied upon for diagnosing student disability often serve to confirm the inaccurate perceptions and referrals of minority students. Reliability and validity concerns have also been noted in the utilization of nonverbal measures which purport to reduce bias by limiting the role of language in the student's demonstration of intellectual ability or IQ (Figueroa, 2005; Kohnert, 2004; Valdes & Figueroa, 1994).

A related explanation for the high degree of correlation between referral and placement can be found in the notion of *confirmatory bias* (O'Reilly, Northcraft, & Sabers, 1989). Confirmatory bias is a phenomenon that can occur at any and all levels of the process as teachers, preassessment teams, and/or evaluators seek or weigh evidence in favor of the presumption(s) leading to referral while dismissing evidence that contradicts those assumptions. This explanation speaks to the importance and relevance of the preassessment process. What information is being gathered? How? By whom?

The literature reveals that teachers often refer students for special education or compensatory education services when the students do not appear to be learning well and the teachers are unsure of how to deal with the problem. Such referrals appear to be more reflective of teacher stress and lack of knowledge or preparation than the result of insightful consideration of student learning (Richardson, Casanova, Placier, & Guilfoyle, 1989). This lack of knowledge and preparedness, combined with (a) an overreliance on high-stakes test data with questionable construct validity (Abedi, 2004; Escamilla, Chavez, & Vigil, 2005) as the principal means of determining individual student learning, (b) higher value placed on formal "objective" data than on that data gathered via informal or authentic means (Piper, 2003), and (c) exclusion of parents and community, results in

a preassessment process skewed toward determining student deficits rather than strengths.

The following have compelled us to identify factors occurring at the point of initial referral that can be readily impacted by targeted professional trainings and experiences:

- Prevalence of academic programs that do not provide ELL students with optimal access to the curriculum
- Demographic mismatch between most educators and CLD students
- Lack of teacher preparation to teach CLD students
- Disproportionate number of referrals of CLD students for prereferral intervention
- Disconnect between the intent and reality of prereferral practices
- Disproportional placement of ELLs in special education
- Higher levels of restrictiveness for ELLs in special education
- Equivocal effectiveness of special education for ELL students

This study sought to identify and understand the teacher beliefs and actions that correlated with their referral of CLD students for special education evaluation. An understanding of these beliefs and actions is essential because inappropriate special education referrals and placements are self-perpetuating. By locating achievement or behavior problems within the student and/or the student's group, such referral and placement decisions reinforce low expectations and enable the educational system to avoid taking necessary measures to identify and accommodate the general education needs of diverse learners (Baca & Cervantes, 2004).

Chapter 3

Methodology

This chapter describes the methods and data used to address the questions posed in this study. Discussion includes the following: (1) restatement of the questions answered by the study, (2) description of the site and participant selection process, (3) discussion of the study methods, (4) explanation of the approach and instruments used for data collection, (5) description of data analysis used, (6) explanation of study trustworthiness, and (7) assurances regarding the protection of human subjects.

RESEARCH QUESTIONS

The ongoing over-representation of CLD students in special education (Artiles et al., 2005; Collier, 2006; De Valenzuela et al., 2006) suggests that the evaluation process alone may not be sensitive enough to distinguish learning *disability* from cultural/linguistic *difference*. Further research into the thorough and appropriate nature of pre-referral processes and information is essential to reduce the disproportionate placement of CLD students in programs for the disabled. To better understand factors related to student referral, this qualitative study sought to answer the following research questions.

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?

3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL training or coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

SITE AND PARTICIPANT SELECTION

This study was conducted in a large Midwestern school district experiencing growth in the overall ESOL student population and increased numbers of bilingual students being referred for special education evaluation. Whereas the majority of the district's students self-identified as White through the 1990s, this "majority" became the relative minority (43.5%) in 2006. Among the new majority are increasing numbers of students whose native or primary language is other than English. At the time of the study, 5,573 students in this district were identified as English language learners (ELLs). Of this district's 57 elementary schools, 1 school provides dual language instruction, 3 schools report providing some native language content support in addition to ESL pullout, and 20 schools serve ELL students primarily via ESL pullout without instructional utilization of the native language. The remaining district elementary schools provide no alternative language support programming. ESOL students in the assigned attendance areas for these schools are transported to another school for ESOL support unless parents waive the student's right to these services. During the study year, 12% of designated ESOL students

(n = 673) had been waived out of language support services.

The participants of this study were grade-level teachers, self-selected via their referral of a bilingual CLD student for intervention processes leading to a request for special education evaluation. As such, these teachers constituted a self-selected sample from among the larger population of teachers in this district as well as a purposive sample of teachers referring bilingual CLD students for intervention and evaluation during the period of this study.

As a self-selected sampling of teachers in this district, those involved may or may not have taken ESOL coursework or have been provided preservice or inservice training that prepared them to teach CLD students. Similarly, participating teachers were likely to represent a range of experience levels and teach in schools with differing models of instructional support for CLD students. While self-selected sampling may not yield a participant group representative of the larger population from which it is drawn, the purposive criteria by which the sampling group self-selected allowed the researcher to focus on the more information-rich cases relevant to the questions posed (Patton, 1990). The purposeful sample was comprised of those teachers among the larger potential group who had a bilingual CLD student they perceived as potentially qualifying for, and in need of, special education. This method allowed for maximum variation sampling, which Lincoln and Guba (1985) deem the most useful type of purposeful sampling. According to Patton (1990), maximum variation sampling:

...aims at capturing and describing the central themes or principal outcomes that cut across a great deal of participant or program variation. For small samples a great deal of heterogeneity can be a problem because individual cases are so different from each

other. The maximum variation sampling strategy turns that apparent weakness into a strength by applying the following logic: Any common patterns that emerge from great variation are of particular interest and value in capturing the core experiences and central, shared aspects or impacts of a program. (p. 172)

For this reason, maximum variation sampling was employed in this study.

Manner of Participant Self-Selection

Under this study design, the participants of this study were grade-level teachers, each self-selected via her or his referral of a bilingual CLD student for intervention processes resulting in a formal school request for bilingual special education evaluation. When teachers in the target district have concerns that a student may have exceptional learning needs, they are advised to initiate the General Education Support Team (GEST) process. When/if a teacher's own efforts to adapt instructional strategies have not resulted in improvements in student learning or behavior, the GEST assists the teacher in the consideration and development of additional intervention strategies to identify the conditions under which the student learning behaviors are improved (Green et al., 2001; Klingner & Vaughn, 2002).

Composition of the GEST may vary by school, but it usually comprises general educators with experience levels/types valued as professional resources for that school. GEST is designed to be a problem-solving process in which student responses to interventions become the basis for further refinement of instruction, such that (a) the student can remain in the general educational setting with success or (b) the degree and complexity of accommodations necessary for student success indicate the presence of a

potentially disabling condition. Therefore, teacher referrals for students whose needs were successfully identified and responsive to intervention were not included among this source of data. Only teacher referrals of students for whom the reported interventions did not result in educational improvement were included among the group referred for special education evaluation. Of these, all referrals during the study period that resulted in requests for *bilingual* administration of special education assessments were determined by the researcher to be the most appropriate referrals to review for this study.

Because available research indicates that current trends in over-identification and placement reflect the disproportional *referral* of CLD students for evaluation (Collier, 2006; Truscott et al., 2005), cases having reached that stage were deemed the most informative for their ability to reveal factors or practices impacting this trend. This method of selection also ensured that all cases identified for this study met the *bellwether* (Goetz & LeCompte, 1984) criteria of being: (a) classroom teacher initiated, (b) largely unresponsive to teacher-selected interventions, (c) largely unresponsive to GEST involvement, and (d) approved by the school's administrator and child study team for special education evaluation.

Following collection of the referral form data, teachers enrolled in introductory ESOL trainings who reported referral of a bilingual CLD student for special education during the semester in which the referral forms were collected (Spring 2007) were solicited for participation in the study interviews. These interviews were designed to enable the researcher to microethnographically examine the (inter)actions and conditions associated with the participants' perception of disability in CLD students. Teachers enrolled in introductory ESOL coursework the semester following referral were targeted

for interview participation because of the potential for newfound insights or reflection about prior uninformed actions/perspectives. In all, seven teachers volunteered for participation in the interview process. One of the seven interviews revealed that the referral was outside the time period in which the referral forms were collected; therefore, six interviews were included in this data set.

STUDY METHODS

The choice of methods for this study was influenced largely by context and access as well as reported concerns of district evaluation personnel. Referral patterns noted by these personnel appeared to correspond with the growing body of research indicating that teacher training and knowledge about teaching CLD students impacts not only the quality of instruction but also a teacher's perception of, and response to, CLD student needs. The questions posed by this study reflect a theoretical framework that results when the following are considered to be interrelated phenomena which lead to, and emanate from, teacher (mis)perceptions of student learning:

- Lack of teacher preparedness to teach CLD students (Herrera & Murry, 2005; Walton et al., 2005)
- Patterns of CLD student learning vary by program type (Cazden, 1992; Ramirez et al., 1991; Thomas & Collier, 1997, 2002)
- Evidence of non-problem-solving intervention practices (Ortiz et al., 2006; Truscott et al., 2005).
- Disproportionate placement of CLD students in special education (Artiles et al., 2005; De Valenzuela et al., 2006)

For example, in addition to not providing the language supports and scaffolds necessary for CLD student success, a teacher who has not received preservice or inservice training on the difference between acquiring basic conversational language and the deeper cognitive linguistic skills necessary for academic success (Cummins, 1981), may suspect learning disability when an apparently English-speaking student struggles more than his or her classroom peers. In an intervention process that does not address potential language or cultural issues affecting the student's access to the curriculum, such a misperception may actually be reinforced rather than clarified. The student whose academic/behavioral concerns appear unresponsive to intervention is then much more likely to be referred for, and placed in, special education (Collier, 2006; Truscott et al., 2005).

Although the pool of potential teacher participants for this study was relatively large, the self-selected subgroup of those referring ELL students for special education limited the initial study focus to 27 participants, thereby necessitating the use of *qualitative* rather than quantitative methods. Further rationales for qualitative approaches included the researcher's awareness that (a) key insights could emerge in the course of the study to steer the findings in an unforeseeable direction and (b) the interconnected nature of the questions was not amenable to the development of conventional hypotheses.

Employment of qualitative methods permitted a *microethnographic* study of student/teacher factors and teacher perceptions cited when grade-level teachers determined that a CLD student's needs could not be met in the regular education setting, despite available accommodations. Use of the term "microethnographic" acknowledges both the limited number of teachers sampled and the ethnography resulting from an

examination of the presence/absence of cultural considerations in teaching/learning and the “culture of referral” (Harry & Klinger, 2006, p. 24), which can impact the rates at which CLD students are referred for special education.

In addition to yielding descriptive data—a hallmark of *qualitative research*—the researcher’s (a) focus on subjects and (b) beliefs that the variables may be interwoven or complex and best observed under naturally occurring conditions, further identified this as a qualitative study. Therefore, this study employed the following key methods associated with *qualitative research*:

1. The researcher functioned as *participant observer* by reviewing the updated referral form with speech language pathologists charged with gathering study data, but having no direct contact with referring teachers for this initial aspect of the study (Lofland & Lofland, 1995).
2. The researcher was *guided by a general precept* (Miles & Huberman, 1994) that non- or extra-academic teacher/student factors may have impacted the rate of referral of CLD students for special education.
3. Data gathered was *rich* with the potential to qualitatively inform the field on matters related to the overrepresentation of CLD students in special education.

Although functioning as a participant observer in the review of referral form records, the researcher has a history of deeper participation in the phenomena under investigation for this study. As a bilingual speech-language pathologist serving CLD populations in the Midwest and Texas, the researcher has participated in teams providing intervention assistance, evaluation and special education services to bilingual students in public and private schools for over 20 years. These experiences have afforded the researcher insights

which serve to enhance the accuracy of the information and understandings described within this study.

DATA COLLECTION TOOLS

This study was designed to elicit the information necessary to answer the previously stated questions. The primary methods used to gather this information were review of *referral form records* designed to compile district documentation relevant to the referral of bilingual CLD students for special education and *semi-structured interviews* for insights into teacher perceptions and clarification of findings.

Referral Form Records

Data provided the researcher was initially gathered by the participating school district in accordance with district requirements and procedures for referral of bilingual students for special education evaluation. Prior to the inception of this study, referrals for bilingual evaluation of special education required only that the student's name, age, grade, and a general statement of concern be provided the personnel charged with facilitating the bilingual evaluation. Additional data such as home language surveys, academic and language proficiency test scores, intervention data, and school history would be available in the student records but not, as a matter of course, provided to the bilingual evaluators.

In preparation for this study, the researcher met with a district special education coordinator to gain insights into the areas of concern with regard to the referral of CLD students for special education. Chief among the concerns noted were (a) the perception

that lack of teacher preparation and experience with CLD students was related to higher rates of referral for special education in schools with a new or growing population of CLD students and (b) increased incidences where school personnel “didn’t realize” the referred student was *bilingual* until parents arrived for the placement meeting. Therefore, a revised referral form was sought by the district and developed (see Appendix A) to reflect current and available research.

As detailed in the literature review (Chapter Two), numerous recent studies (e.g., Artiles et al., 2005) suggest an association between overreferral of CLD students to special education and (a) student language proficiency in L1 and L2, (b) instructional program model (level of language support), (c) teacher preparation to instruct CLD students, and (d) the selection and implementation of interventions for the CLD student. Therefore, related data was specifically requested on the revised referral form required of teachers and teams referring CLD students for special education. Prior to implementation of the new referral form, a district-level administrator and two bilingual evaluation personnel reviewed the revised format for its ability to gather information desired by examiners and relevant to the furtherance of informed professional development in this district. Proposed changes were accepted by reviewers and are reflected in the revised referral form employed by this district.

Because this form was prepared and required for an official district purpose—the referral of bilingual CLD students for bilingual special education evaluation—it functions as a *record* (Lincoln & Guba, 1985). Data gathered from these records was generated between the months of February and May in Spring 2007. During this time, the researcher performed the role of an unobtrusive observer.

Although school representatives charged with submission of referral forms were briefed by a district special education coordinator on its necessity, later analysis revealed that one third of the forms provided for review failed to note some aspect of the required information. Therefore, the data presented for certain findings may be based upon a different number of participant responses than others. Raw numbers are included with percentages where necessary for clarification. The 27 referral forms gathered over several months were not provided the researcher for review until the end of the Spring 2007 academic semester.

Semi-Structured Interviews

The context and patterns that emerged via analysis of the referral forms informed the development and general structure of the semi-structured interview format (see Appendix C). Data generated by the semi-structured interviews was collected subsequent to the collection and analysis of the referral form data. In response to solicitation, six teachers (all female) who were enrolled in introductory ESOL coursework volunteered for interview participation during October of the 2007-2008 academic year. The sole criterion for participation was that the participant teacher needed to have recently referred a bilingual CLD student for special education consideration and evaluation.

Each interview was audiotaped in its entirety and conducted in a location and at a time of the participant's choice. The audiotaped interviews were then transcribed verbatim. In accordance with district recommendations regarding document confidentiality, electronic copies were not provided participants; however, each participant was invited to arrange a subsequent meeting to review the completed

transcript of the interview. All audiotapes of these interviews and hard copy transcriptions were managed by the researcher and secured in a locked cabinet. Electronic versions of the representative data were similarly secured in password-protected devices. For the purposes of these interviews, the researcher's role of participant observer increased from one of having no direct contact with teachers (nominal) to one of a native member (Bogdan & Biklen, 1992).

DATA ANALYSIS PROCEDURES

Methods of analyzing the data collected via referral form records and semi-structured interviews are discussed in the subsequent subsections.

Analysis of Referral Form Records

Data collected from the referral form records were initially compiled (e.g., demographic data), transcribed (e.g., intervention statements), coded, and sorted to document the following for each referral.

- Student grade
- Student age
- Teacher's self-reported ESOL coursework (hrs.)
- Language support program type
- Teacher's primary "concern"
- Supportive data
- Teacher intervention type(s)
- Presence/absence of CLD consideration during intervention development

- GEST intervention type(s)
- Parent involvement during GEST process
- Type/amount of ESOL support
- Teacher’s perception of student language skills/dominance
- Teacher’s opinion
 - that student would benefit from special education
 - that classroom strategies/materials are ESL appropriate
 - of own (pre)professional training to teach ESL students

The next step in this process was to transcribe teacher statements that described the teacher’s concerns warranting intervention and categorize each concern by type as to whether it was expressed as *academic*, *behavioral*, *cognitive*, *developmental*, or a combination thereof. While these categories were initially deemed sufficient, analysis of teacher responses revealed the need to also add a category for *linguistic* concerns. This addition was necessary because language acquisition and/or overall language ability appeared explicitly among the rationales listed for referral. Moreover, because issues related to language are essential to considerations of CLD student learning and teacher perceptions thereof, the researcher felt it important to identify explicit linguistic references (e.g., “little or no progress in English skills;” “makes grammatical errors;” “poor comprehension;” “difficulty following instructions”) as distinct from *cognitive* statements regarding general ability to learn, remember, or process information (e.g., “minimal growth;” “doesn’t remember;” “gets confused”). Therefore, a coding system (Lofland & Lofland, 1995) of *a* (academic), *b* (behavioral), *c* (cognitive), *d* (developmental), and *l* (linguistic) was used to describe each reported concern.

This method resulted in the development of a code whereby the initial letter(s) indicated the primary area(s) of concern noted by the teacher. For example, a code beginning with *ad* indicated both *academic* and *developmental* concerns whereas *ab* reflected concerns that were *academic* and *behavioral*. Data provided by teachers to support their concerns were categorized as follows, with the corresponding numeric indicators serving as the code for this information:

1. No supportive data provided
2. Comparison with other students
3. Comparison with other CLD students
4. Scores/performance on teacher-made tests
5. Scores/performance on district or state tests
6. Behavioral incidents – subjectively stated (e.g., acts up)
7. Behavioral incidents – objectively stated (e.g., office reports, suspensions)
8. Parental concern

The next level of record data analysis pertained to the management of the intervention data. For each referral, teacher interventions listed were codified in accordance with criteria established by Truscott et al. (2005) and Brown (2004). This level of coding included noting whether interventions were: S = *structural* (e.g., change seating), AG = *academic general* (e.g., decreased work, 1:1 instruction), AS = *align specific student skills with instructional strategies* (e.g., math center modified down for student: recognize and sort numbers) and/or L = *overtly address language* (e.g., sheltering, context, L1 use). Referrals also were coded in terms of the absence (-) or presence (+) of one or more interventions designed to address the linguistic/cultural

instructional needs of the CLD students. This section of the code set was followed by a comma, separating information about teacher interventions from information about additional GEST interventions, which was codified in a similar manner.

Using this coding system, a code of (*a25SAG-*, AG-) represented an academic concern, supported by comparison with other students and district/ state test results, addressed via structural and academically general interventions that did not address language/culture. This referral was then addressed in GEST by implementation of an additional academically general intervention that did not address language/culture. By these means, the following research questions were addressed:

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?

Data that supported exploration of the remaining research questions emanated from analysis of self-reported skills and opinions provided by the referring teachers. In order to manage this data, the researcher categorized referrals by teachers' self-reported levels of ESOL coursework. These categories aided the researcher in determining whether those who reported greater levels of formal training addressed language/culture in the intervention process in different ways than those who reported lesser levels of training. Teacher responses to questions regarding self-perceived preparation to teach CLD students and opinions about placement of the referred student in special education further enabled the researcher to address each of the following questions:

3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

Analysis of Semi-Structured Interviews

Preliminary analysis of the data collected through referral form records demonstrated patterns with regard to program type, teacher preparedness, intervention development, and preference for special education. This information informed the format of the semi-structured interviews through which the researcher sought insights into the *emic* views associated with these patterns. Pike (1967) coined the terms “*etic*” and “*emic*” and described *etics* as a way of elucidating the *emic* systems within a societal context. This approach to data analysis is in accordance with the qualitative perspective that reality is socially constructed and measureable only in terms of the processes by which people construct meaning within a particular setting (Bogdan & Biklen, 1992). This study strove to enhance *etic* knowledge regarding CLD student achievement and overreferral for special education by illuminating *emic* views that may assist educators’ in recognizing their own “...implicit assumptions about teaching, learning and schooling” (Cochran-Smith & Lytle, 1990, p. 4) with regard to CLD students.

Elements of the grounded theory approach were used to facilitate analysis of the data

derived from the semi-structured interviews. The audiotaped interviews were transcribed verbatim, with each interview replayed/reviewed twice to ensure accuracy. Once the interview data was transcribed, open coding was used to generate categories. Incidents or expressed ideas were considered for their applicability to each category. When none of the existing categories applied, new categories were formed and related categories were integrated throughout the process (Lincoln & Guba, 1985). Using the constant comparative method, each segment of the qualitative data garnered via semi-structured interviews was analyzed and compared with every other representative segment in order to determine the emergent emic codes. In this manner, all concepts shared by participants were considered relevant, while allowing specific aspects to emerge as more pervasive themes.

TRUSTWORTHINESS OF THE STUDY

Qualitative research design necessitates that alternative models be utilized to establish trustworthiness of the study. The trustworthiness criteria established by Lincoln and Guba (1985) served as the guide by which rigor was established without compromising the richness and relevance of this qualitative study. Trustworthiness of this study was established by addressing the following criteria: *credibility*, *transferability*, *dependability*, and *confirmability*.

Credibility

Credibility reflects the degree to which the research findings represent a credible or believable interpretation of the data (Lincoln & Guba, 1985). Included among the

primary ways credibility can be established are incorporation of triangulation and member checking in the study design. Triangulation is the application and combination of multiple research methods in the study of the same phenomenon (Denzin, 1978). Triangulation of the data provided by teachers through referral form records and semi-structured interviews was used to establish *credibility* in the findings. In addition, member checking was incorporated into both the review of referral form records and the semi-structured interview process. In each case, the researcher restated, summarized, and/or noted by observable means the participants' responses to ensure everything heard and recorded, as well as written down, was understood in the manner and context intended. In qualitative studies, another important way of verifying findings or establishing validity is to take the analyzed results back to some of the interview participants and ask if the results accurately reflect what they meant (Guba & Lincoln, 1989). This aspect of member checking occurred during the semi-structured interview process as the interviewer elicited participant commentary regarding data previously garnered via the referral form records.

Transferability

Transferability refers to the ability to apply the results of research in one context to another similar context. Lincoln and Guba (1985) note that in order to assess transferability, the researcher must have knowledge of both the study context and the context to which study findings may be applied. Therefore, it is only possible for the primary or sending researcher to enhance transferability by providing the richest possible narrative from which the secondary or receiving researcher may, knowing the receiving

context, determine applicable transferability.

Methods of thick description were employed to provide detailed and specific information about the *microethnography* of each case as well as the study location and design. This method of description was provided to further the reader's ability to make an informed judgment about whether the findings transfer to his or her particular context. As a component of this detail, audiotaped interviews were transcribed in their entirety. After this data was collected, responses were compiled, sorted, and analyzed for emergent patterns and concordance or discordance with findings generated by analysis of the referral form records. Teacher responses to opinion queries also were transcribed and richly described in terms of the views implicitly or explicitly expressed by the respondents. These findings were then interpreted in light of current research and educational trends.

Dependability

Dependability in qualitative research can be described as the degree to which similar results may be gathered by the same study methods at different times (Lincoln & Guba, 1985). In addition to the previously described triangulation of findings, data dependability was enhanced by pre-existing district requirements that (a) all teachers had been provided site-based instruction with regard to the referral process, (b) GEST members had been trained and were experienced in the roles required of the educational support team, (c) one or more Child Study Team (CST) members had been explicitly trained in utilization of the revised form for compilation of referral data, and (d) interviews conducted were based upon a semi-structured protocol of questions and cues.

Confirmability

Confirmability is the degree to which the researcher can demonstrate neutrality in the interpretation of study data (Lincoln & Guba, 1985). Confirmability of data for this study was established through the research design, which examined teacher-created records requiring the truthful rendition of student data, behaviors, and responses to interventions. Confirmability of data was further addressed through the referral procedure described previously as GEST, whereby additional personnel attest to similar findings before the referral is allowed to proceed to the point of evaluation. Confirmability of findings was enhanced via triangulation (Krefting, 1991) of referral form data with information garnered during the semi-structured interviews.

PROTECTION OF HUMAN SUBJECTS

Upon approval from the doctoral supervisory committee for this study, relevant and required materials were sent to the Kansas State University Institutional Review Board (IRB) for Research Involving Human Subjects. Data collection as described herein did not begin until approval had been granted from the IRB (see Appendix E). Informed consent was explained and addressed during written and verbal communications with a district special education coordinator as well as with personnel collecting on-site referral data. Informed consent also was obtained from those teachers participating in the semi-structured interviews. All individuals participating in this study were provided assurances that their responses would be reported as group, or as representative of group data, and not identified by, or identifiable as pertaining to, a specific individual or school.

SUMMARY

This chapter described the research design and its ability to elicit information to inform the field with regard to the research questions posed. Within this frame, issues related to site selection and participant selection were discussed. Furthermore, the chapter disclosed the methods that were used as well as the means by which data was collected and analyzed to facilitate thick description of the data. Finally, this chapter articulated both the importance of establishing trustworthiness and the manner in which trustworthiness was addressed within this qualitative study. Findings revealed through analysis of the data collected via referral form records and semi-structured interviews are presented and discussed in Chapter Four.

Chapter 4

Data Analysis and Findings

Research which identifies the act of referral as predictive for placement (Artiles & Trent, 1994; Collier, 2006; Ysseldyke & Algozzine, 1983) and ongoing over-representation of CLD students in special education (Artiles et al., 2005; De Valenzuela et al., 2006) suggest that the evaluation process alone may not be sensitive in distinguishing true student learning *disability* from cultural/linguistic *difference* in this population of students (Baca & Cervantes, 2004; Collier, 2004).

Identification and examination of the educational actions and perceptions that precede testing is therefore necessary to inform the field regarding factors that impact referral of CLD students for special education. Given this need, the focus of the current study was to identify and describe the educational practices, perceptions, and instructional responses noted by teachers and support teams upon referral of bilingual CLD students for special education evaluation. The primary sources of data for this study were referral form records generated by referring classroom teachers and semi-structured interviews with teachers who had referred bilingual CLD students for special education evaluation.

This chapter details the information and insights garnered via analysis of data from the referral records as well as analysis of data collected via semi-structured interviews with teachers with who had referred a CLD student for special education during the time the records were collected. Both sources of data proved useful to the researcher's ability to address the following questions:

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?
3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL training or coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

FINDINGS FROM ANALYSIS OF REFERRAL FORM RECORDS

Information gathered from the referral form records was initially analyzed, coded and sorted to describe the demographic, structural (e.g., program type), and instructional (e.g., teacher preparedness, intervention development) patterns that emerged from the data. For example, in most cases, the referred student's grade was found to correlate with his or her age, which ranged from 5 to 13 years. Of the 21 responses provided, the median age of the student referred was 8 years, with 5 and 6 years being the modal ages at which CLD students in this sample were referred for special education. This finding indicates that most CLD students in the district and time period of study were being referred for special education within the first year or two of exposure to school. Given the

targeted students, this finding can also be inferred to indicate these students were referred within the first two years of exposure to the English language. Because existing studies suggest overrepresentation of CLD students in special education does not evince until the later elementary grades (Artiles et al., 2005), the researcher was compelled to consider potential factors related to the younger modal ages of referral noted in this study.

Possible factors related to this phenomenon include the (a) geographic and language support characteristics of the district of study, (b) lesser level of language proficiency required for CLD students to appear fluent in the earliest grades, and (c) potential impact of high stakes testing on teacher inclination to refer CLD students for special education.

As described in Chapter Three, the district of study differs from those in which other major studies have been conducted in that this district is located in the Midwestern United States. Furthermore, the predominant model for serving CLD students in this setting continues to be ESOL pullout with increasing numbers of CLD students being waived from all forms of special language support upon initial entry into school. CLD students who are provided inadequate supports for grade level learning are more likely to demonstrate academic difficulties than those who can fully participate in the curriculum. Teacher misperception of these difficulties may be compounded by misperception of the student's English proficiency. This phenomena may be particularly likely in the lower grades when conversational skills can superficially mirror the proficiency of peers who've been speaking and processing English for many more years. Teachers who perceive the CLD student as equally proficient may become concerned about early learning performance(s) that may indicate a potential disability and refer the student in the interest of early identification.

The timetable and manner in which teachers respond to perceived concerns may also be influenced by implementation of the No Child Left Behind Act of 2001 (Public Law 107-110). Current data on educational trends (Garcia, Kleifgen, & Falchi, 2008) indicates that services to CLD students have been impacted by recent changes in educational policy. Whereas bilingual programs were previously promoted for their ability to enhance achievement through combined (L1 and L2) language assets, current emphasis on high stakes testing of English achievement has redirected the foci and measurement of achievement onto the acquisition of English. In response to the political milieu and federal testing mandate (NCLB), lower numbers of CLD students are now being served in programs which provide native language support than in years past (Zehler et al., 2003). Despite research indicating the greater effectiveness of bilingual programs, the percentage of CLD students served in English-only programs has steadily increased since the 1990's. According to Zehler et al. (2003) the number of ELL students increased by 72% between 1992 and 2002 yet enrollment of ELL students in bilingual programs decreased from 37% to 17% during the same period.

Although some states allow up to three years before CLD students must take high stakes assessments in English language arts, states such as California, Arizona and Massachusetts already require CLD students to take all content area assessments after only one year of special language support. Given the 5-7 years (Ramirez et al., 1991; Thomas & Collier, 1997, 2002) it may take CLD students to acquire the cognitive language proficiency necessary for full participation in English-only curricula, testing mandates such as these serve only to generate a sense of failure among CLD students and their teachers. In fact, the practice of administering high stakes assessments after one year

has been noted to lower CLD student graduation rates, raise the numbers who drop out and, as suspected here, factor in the disproportional referral of CLD students for special education (Garcia, Kleifgen, & Falchi, 2008).

This finding, and the considerations thereof, informed the development of the interview questions by indicating that CLD student English language proficiency, or teachers' perceptions thereof, may have been a factor in these referrals for special education.

Data gathered via the referral form records was also used to provide context for the setting in which the research questions were explored. The first step in the organization of this data was to note the representation of referred students by ESOL program type. Of the 27 responses provided:

- ◆ 10 (37%) reported only Pull-Out ESOL support
- ◆ 10 (37%) reported only Content-Area ESOL support
- ◆ 3 (11%) reported both Pull-Out and Content-Area ESOL support
- ◆ 1 (3.7%) reported Native Language support
- ◆ 2 (7.4%) were "not sure"
- ◆ 1 (3.7%) reported "none"

These responses indicated that the vast majority of CLD students represented in the referrals for special education were not being provided primary language support at the time of their referral for special education. This data supports the study contention that ESOL program type may be a contextual factor in the phenomena related to referral of CLD students for special education.

The next step in the data analysis process was to transcribe teacher statements that

described the concerns warranting intervention and to categorize each by type as to whether it was expressed as *academic, behavioral, cognitive, developmental, linguistic*, or a combination thereof. A coding system (Lofland & Lofland, 1995) of *a, b, c, d* and *l* was assigned each reported concern, resulting in a code whereby the initial letter(s) of the series indicated the primary area(s) of concern noted by the teacher. Data provided by teachers to support their concerns were categorized as described in Chapter Three, with corresponding numeric indicators serving as the code for this information (e.g., 1 = No Supportive Data).

The next level of data analysis pertained to the management of the intervention data. For each referral, interventions listed were codified in accordance with criteria established by Truscott et al. (2005) and Brown (2004). These include noting whether interventions were: S = *structural* (e.g., change seating), AG = *academic general* (e.g., decreased work, 1:1 instruction), AS = *align specific student skills with instructional strategies* (e.g., math center modified down for student: recognize and sort numbers), and/or L = *overtly address language* (e.g., sheltering, context, use of L1). Referrals were also categorized in terms of the absence (-) or presence (+) of one or more interventions designed to address the linguistic/cultural instructional needs of the CLD students. By these means, insights to the following research questions were gained.

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?

Findings: Rationale for Referral

Analysis of the referral form data at this level demonstrated that 2 referring teachers did not supply any information about the student difficulty prompting referral for intervention. Of the 25 teachers that did respond, 24 (96%) cited academic and/or cognitive concerns in the referral rationale. Curiously, one teacher listed “no concern” in this section of the form. The primary concern(s) noted by the 25 teachers who responded to this item were:

- *a* = academic (22)
- *b* = behavioral (4)
- *c* = cognitive (7)
- *d* = developmental (0)
- *l* = linguistic (7)
- “no concern” (1)
- “hearing concern” (1)

These findings indicate that although every student referred in this manner was determined to require a *bilingual* special education evaluation, the majority of concerns cited (83.3%) were not directly related to language. This suggests that the majority of teachers who referred these CLD students for special education evaluation did not perceive the student’s difficulties as potentially related to some aspect of the student’s language skills or proficiency.

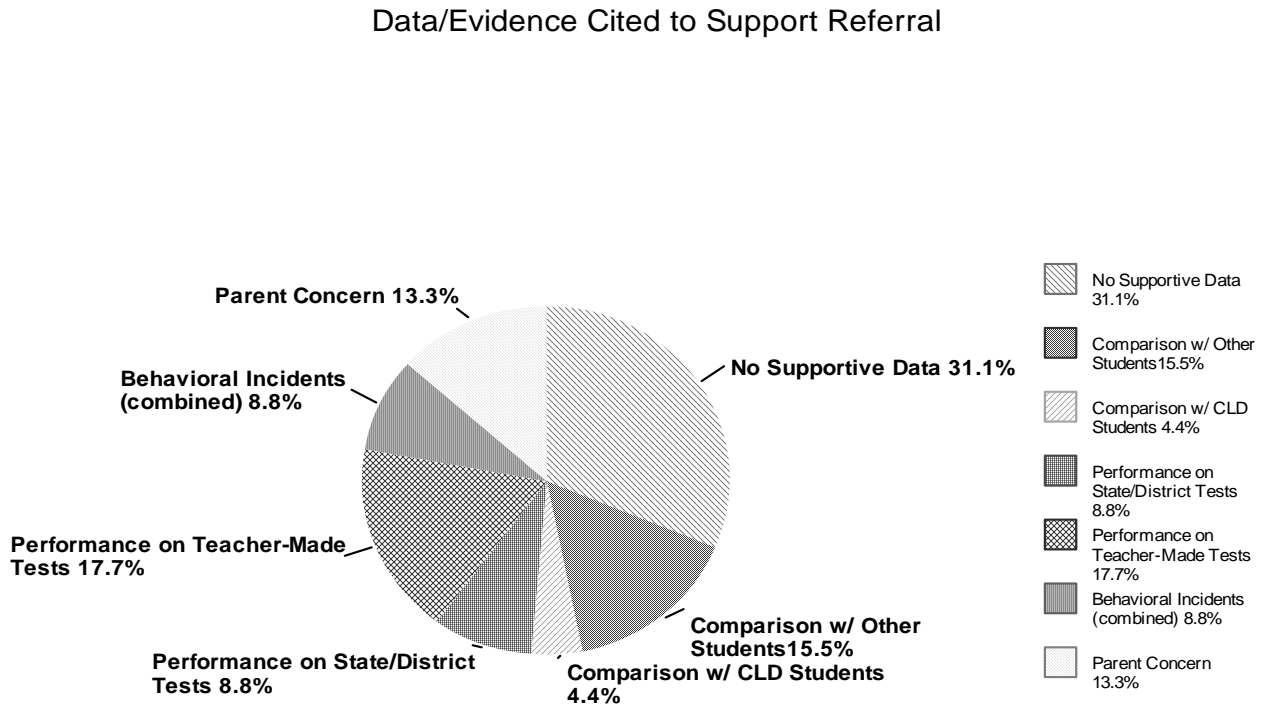
Data that were cited to support or substantiate the teachers’ primary concerns were as follows:

- No supportive data provided (14)

- Comparison with other students (7)
- Scores/performance on teacher-made tests (8)
- Parental concern (6)
- Scores/performance on district or state tests (4)
- Behavioral incidents – subjective (e.g., acts up) (3)
- Comparison with other CLD students (2)
- Behavioral incidents – objective (e.g., office reports, suspensions) (1)

Of the total 45 concerns cited, some were not supported by any evidence and others were supported by two or more sources. Nevertheless, for 31% of the total 45 concerns cited on referrals approved for evaluation, *no supportive evidence* was provided. The types of data/evidence cited by teachers to support referral of students for special education evaluation are reported in Figure 4.1 as percentage of total concerns.

Figure 4.1 Data/evidence cited to support referral.



Findings: Interventions Cited

The district referral form required teachers to note the types and effectiveness of academic or behavioral *interventions* developed for and utilized with each student. Therefore, the next step in data collection was to transcribe and codify each of the listed interventions in accordance with criteria established by Truscott et al. (2005) and Brown (2004). Consistent with these criteria, interventions were coded as being either S = *structural* (e.g., change seating), AG = *academic general* (e.g., decreased work, 1:1 instruction), AS = *align specific student skills with instructional strategies* (e.g., math

center modified down for student: recognize and sort numbers), and/or L = *directly address language* (e.g., sheltering, context, use of L1).

Attempts to assign interventions to the categories described above revealed a predominance of overly general statements. Within these statements, the following types of intervention descriptions were noted:

1. General education supports programmed for, and available to, a larger peer *group* (e.g., ESOL, “at risk” reader) as the primary individualized intervention(s) for the student.
2. Supports limited to skill or text *level* (e.g., approaching reading, emergent math) without reference to specific instructional techniques or results.
3. Descriptors that can, under specified circumstances, indicate an academically specific intervention but which, when merely listed, fail to provide any information regarding *how* instruction was in fact “modified, simplified” or made more “hands-on” or “visual.”

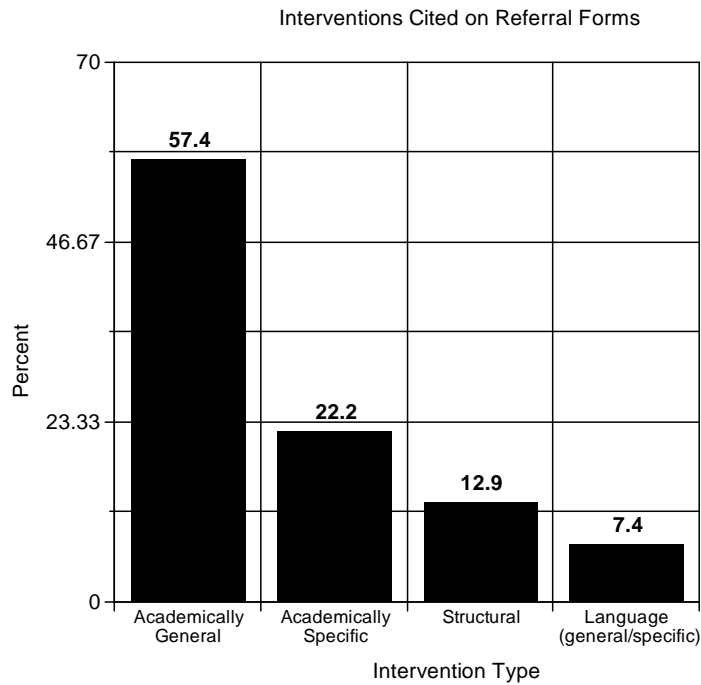
While these methods are valid components of broad levels or tiers of intervention, they reflect insufficient consideration of the appropriate and specific interventions necessary to provide insight into the learning strengths/needs of a potentially exceptional CLD student. Hence, interventions that did not speak to the academic instructional and/or language accommodations specific to the individual student learning behaviors/needs were coded as AG (academic general) rather than AS (academic specific) or L (language/culture). By contrast, citations of specific programs and/or methods used in a described manner (e.g., “use of manipulatives - verbal prompts and hand-over-hand”) as modifications to instruction provided all students were coded as being academically

specific (AS).

In addition to referrals reporting academic concerns and interventions, referrals made for behavioral concerns also cited interventions that were both general and specific. Because behavioral concerns are identified within the public school system in terms of academic significance, the interventions cited to address these “behaviors” were also coded in terms of their general or specific ability to impact academic performance.

Figure 4.2 depicts each type of intervention cited by teachers in their referrals of students for special education evaluation as a percentage of total interventions. In all, 79.6% (86 of 108) of intervention descriptions were found to merely address *structure* or be overly *general*. As described, these interventions provided no real guidance or insight into how the instructional process was modified and/or the degree of modification necessary for student success.

Figure 4.2 Interventions cited on referral forms.



Despite district guidelines and the required specificity of GEST documents, information reported by teachers on the referral forms exposed an overwhelming lack of evidence that student learning level (the condition under which each student *did* experience success) was used as a basis for either initial or subsequent intervention development. For example:

- 50% (54 of 108) of the interventions listed failed to note anything with regard to intervention *effectiveness*. The required information was left blank.
- 74% (40 of 54) of the interventions that did address effectiveness were characterized as having *little* or *no effect* on student progress. Of significance, only 12 of the 40 interventions noted to have *little* or *no effect* (30% of those citing effectiveness and 11.1% of the total) subsequently identified modifications or alternatives to the ineffective methods listed.

- Despite the fact that all students in this referral subgroup were reported to require bilingual special education evaluation, only 7.4% (8 of the 108) of the interventions noted any use of the student’s home/primary language as a component of the intervention. Of these, most were very general statements such as “Para providing Spanish support” and “Directions interpreted.”
- Only 12.9% (14 of 108) of all interventions (including those provided by GEST) were described as having *some effect* on student learning.

This data indicates that intervention practices for these CLD students contrasted dramatically with the intentions and purposes of intervention as a means to resolve students’ academic and behavioral issues within the parameters of regular education. Because intervention is considered an evolving process whereby data collection, collaboration with other teachers, instructional modification, evaluation, and intervention revision occur repeatedly over time (Green et al., 2001), the fact that effectiveness was not noted at all or the interventions were determined ineffective 88.9% of the time for this student population is potentially very significant.

Referrals of teachers were also grouped by (a) levels of self-reported ESOL training and coursework, (b) self-reported preservice/in-service preparation to teach ELLs, and (c) expressed predetermination of a student’s special education need. This data was determined essential to address the following research questions.

3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL coursework?

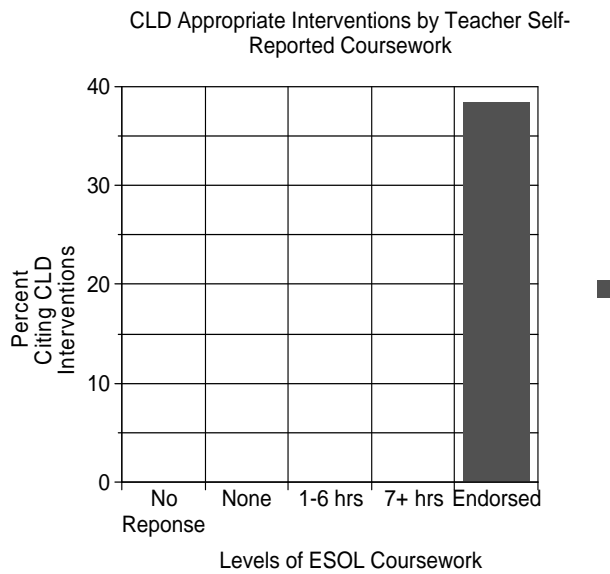
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

Findings: Self-Reported ESOL Training

To answer the question of whether ESOL training had an impact on teachers' implementation of interventions that addressed the language and/or culture of the student, each referral was categorized in terms of the absence (-) or presence (+) of one or more interventions designed to address the linguistic/cultural instructional needs of the referred CLD student. These results indicated that only 18.5% (5 of 27) of all referrals demonstrated consideration of CLD student language and culture when developing interventions. Referral forms coded as (+) were then grouped by teachers' self-reported levels of ESOL coursework.

Of note, each of the referrals citing interventions that did address CLD student culture and/or language came from teachers who self-reported attainment of an ESOL endorsement. In all, 38.5% (5 of 13) of referrals by ESOL endorsed teachers cited interventions that addressed the culture or language of the referred CLD student (see Figure 4.3). This data suggests that the development of capacities to effectively teach and respond to the learning of CLD students occurs over time and may not *begin to be* evidenced in practice until completion of the full endorsement.

Figure 4.3 CLD appropriate interventions by teacher self-reported coursework.



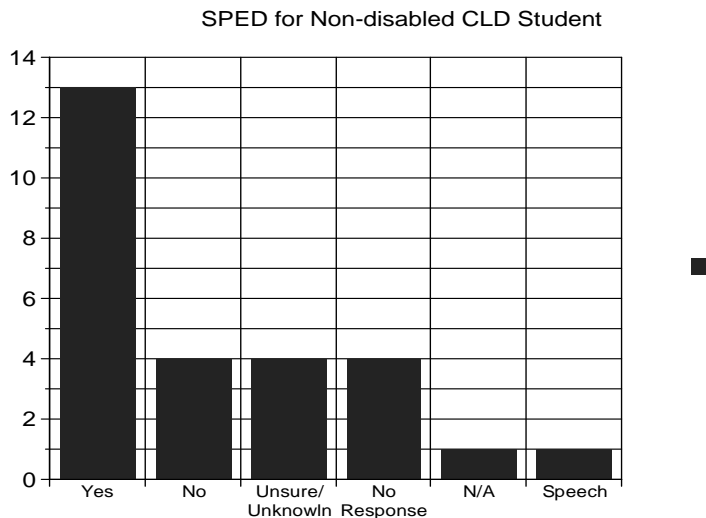
Findings: Self-Reported Preservice/Inservice Preparation

Interestingly, only one (1) of all the referring teachers responded “No” to the question of whether he/she felt adequately prepared to teach ESOL students. Two (2) teachers reported feeling “Unsure,” and one (1) teacher did not respond. However, the remainder (23 teachers or 85.1%) responded “Yes” to this question. This level of self-reported preparedness was also demonstrated in teacher responses to a question asking if his/her “classroom materials and techniques are appropriate for ESL students.” The vast majority (24 of 27 or 88.9%) responded “Yes” to this question. In summary, despite documented evidence to the contrary, the majority of participants self-reported feeling adequately prepared and resourced to effectively teach CLD students.

Findings: Expressed Predetermination of Special Education Need

The final research question sought to discover whether teachers referring a bilingual CLD student for special education evaluation indicated a preference for, or perception of, special education whereby such placement should be considered for that student *in the absence* of validated disability. To answer this question, teacher responses to the referral form question, “Do you think this student would benefit from special education, even if found not to be innately disabled?” were documented and tallied. As the demonstrated in Figure 4.4, only 14.8% (4 of 27) of teachers referring a CLD student stated that special education placement would be *inappropriate* for the non-disabled CLD student.

Figure 4.4 Teacher self-reported beliefs regarding appropriateness of SPED for non-disabled CLD students.



These data suggest that an unsettling number of teachers consider special education placement and services an appropriate educational option for CLD students who are not truly disabled. The implications of these responses are significant in that they reveal either predetermination or negation of student *ability*, both of which violate the protections and spirit of the reauthorized *Individuals with Disabilities Education Act* (2004).

Analysis of additional information elicited by the referral form also highlighted the need to further examine teachers' precepts when interpreting or responding to the language needs of CLD students. Review of teachers' responses to questions exposed unanticipated contradictions in teacher assessments of language. These were most notable in responses to the referral form questions about the student's L1 (primary language) and L2 (English) proficiencies. Teacher responses to these questions were noted to be largely unsupported and revealed contradictory presumptions about student language. For example:

- 16 (67%) of the 24 teachers who selected a statement describing student language ability in L1 and L2 cited “Observation” as the only source of information for this determination (the remaining 8 sources cited were “Teacher/Para Observation” and “Parent Report” or a standardized test such as the DIBELS, DIAL-3, and LAS).
- Teacher designations of low L1 ability were typically supported by comments such as “Berenice is shy and reluctant to volunteer when asked to share Spanish vocabulary”, or “Mom has reported that Berenice cannot read in Spanish.” [12]
- Of the 20 cases for which “Observation” was cited, only 3 (15%) indicated the observation or impression was provided by a bilingual adult.

These results suggest teachers’ self-report forming opinions about a student’s first and second language proficiencies based largely upon their personal observations of the student’s use of English. Of potential significance, 7 (58.3%) of the 12 teachers who cited the opinion that the referred student was “limited in both L1 and L2” indicated elsewhere on the form that the same student had “*adequate English for participation and learning in that academic setting and grade level.*” Such contradictory perceptions suggest conflicting notions that students are simultaneously “low” in overall language and/or ability based upon observed use of English, yet possess adequate English for grade-level participation and achievement. As described in the literature review and evidenced within these findings, inadequate understanding of student language proficiencies may factor in both the real and perceived student learning problems that result from unaccommodated instruction.

FINDINGS FROM ANALYSIS OF SEMI-STRUCTURED INTERVIEWS

Subsequent to analysis of the referral form records, six participant teachers were interviewed to illuminate the *emic* views represented within the *etic* data. From the emic coding categories, three primary themes emerged from the qualitative study: *Language Proficiency - Teacher Determined*, *Language Proficiency – Disregarded*, and *Focus on Diagnosis*. Each of the three primary themes reveal sub themes connected with the etic and emic codes of data which became apparent during this study.

The first theme which emerged from both the document reviews and semi-structured interviews is titled *Language Proficiency – Teacher Determined*. Related sub themes which emerged from analysis of the data demonstrated that classroom teachers rely significantly upon observation to determine, and consequently respond to personal impressions of CLD student first and second language proficiencies. The second theme, titled *Language Proficiency - Disregarded* illuminated the tendency of teachers to assume language is not a factor in the individual CLD student’s learning performance. Discussion in this section will also address the dissonance between the espoused and evidenced consideration of student language proficiencies. These contradictions were evident in the development of interventions, as well as the planning for, and interpretation of, special education assessment. The third theme which emerged from analysis of the referral form and transcript data is *Focus on Diagnosis*. Commentary derived from both sources of study data revealed that classroom teachers perceived the formal assessment findings of the Child Study Team as the primary basis upon which students are deemed eligible for, and placed in, Special Education. In the school district of study, the Child Study Team (CST) is a multidisciplinary team comprised of a school

psychologist, social worker, speech-language pathologist, school nurse and sometimes also a counselor. An administrator or lead teacher functions as the team leader in the coordination of team responsibilities which include consultation, evaluation, disability determination and program recommendations for students in need of special support. Teacher preference for special education placement noted in the referral form data also emerged as a sub theme in this area. The following three sections of this chapter will be devoted to examination of these themes, presentation of findings and the resultant discussion thereof.

Theme One: Language Proficiency – Teacher Determined

The first theme which emerged from both, the document reviews and semi-structured interviews, is *Language Proficiency – Teacher Determined*. Sub themes that emerged from analysis of the data demonstrated that teachers strongly relied upon classroom-based observation to form and support opinions about CLD student first and second language proficiencies. Data from this study also revealed that teacher determinations of language proficiency are significant in that they directly impacted the instructional adaptation(s), intervention development, interpretation of student response and academic progress cited to support referral of CLD students for special education.

Findings: Language Proficiency – Teacher Determined

In identifying the theme *Language Proficiency -Teacher Determined*, it became apparent via the referral form review and interview transcript analyses that teachers indicate reliance upon informal observation as a primary source of information about

CLD students' language proficiencies. The referral form data revealed that the majority of teachers referring CLD students for special education cited observation as, or among, their principle source(s) of information about the student's language proficiencies in English and sometimes also the primary language. Of particular significance, 67% of referring teachers who stated an opinion of the student's L1 and L2 proficiencies cited observation as the *only* source of information upon which these determinations were formed. Such strong reliance on observation suggests that classroom teachers highly regard their own abilities to evaluate a CLD student's first and second language skills in school settings and may maintain observation-based opinions in the face of conflicting information. The strength of one such observation-based opinion is revealed in the following commentary by a first grade teacher who reports test results indicating low English proficiency, yet maintains further in the transcript that language was unequivocally not a factor in the student's academic difficulties.

I know he's done the CALP in kindergarten and he scored low in that, academic language. I believe the highest is a 4 and I believe he had a 1. The ESOL teacher tests them so I'm not really involved with that. She just tells me the score. [03]

This excerpt provides evidence that the teacher has been provided assessment data by the ESOL teacher regarding the CLD student's English language proficiency. The statement further reveals that she does interpret these scores in terms of the student having very low *Cognitive Academic Language Proficiency*. However, by following this remark with, "The ESOL teacher tests them so I'm not really involved with that. She just tells me the score," this grade level teacher conveys both a lack of collaboration with the ESOL teacher and a sense of diminished relevance for this important source of information. The

apparent lack of, collaboration with the ESOL teacher and, credence for the language proficiency test results also suggest that the information provided was not used to inform the instructional methods utilized with this student prior to his referral for special education. Further analysis of the interview transcripts supports this interpretation by revealing that despite contrary evidence (CALP score of 1), the teacher formed and maintained an inflated opinion of the student's English language proficiency skills which negated consideration of language as a factor in the CLD student's learning problems.

Interviewer: "I'm hearing you say you don't feel that there are language barrier issues?"

Teacher: "That it deals with him being bilingual, yeah I don't." [03]

This exchange supports the data, also revealed through referral forms analysis, indicating that teachers override evidence from other sources of data in favor of opinions formed via classroom-based observations.

Overall, two types of observation-based conclusions dominated this study, each having the potential to misdirect further educational actions and interpretations of the student's consequent response. The primary misperception that resulted from teacher observation was, as exemplified in the previous quotes, the teacher's tendency to overrate the CLD student's English language proficiency based upon that teacher's observations of English usage in that setting.

Misperceptions about student English proficiency based on observation resulted in (a) fewer accommodations for language during instruction/intervention and (b) self-confirmation that perceived learning problems were unrelated to language. Once teachers determined that the CLD student was English proficient, any learning or behavioral

difficulties that arose were summarily dismissed as unrelated to language. Consequently, the interventions selected to address those concerns rarely reflected consideration of the language supports necessary for CLD student success.

Analysis of both sources of study data revealed a contrast between the opinions of student language proficiencies (L1 and L2) that teachers self-report and the actual student language profiles confirmed via home language survey, parent interview and language proficiency assessment. These discrepancies became evident only when data sought by the evaluation team (ESOL test results, academic history, and parent information) revealed a bilingual special education evaluation was necessary for the referred CLD student. A referral for language evaluation (or bilingual evaluation) differs from a referral for special education evaluation. The former, typically performed by the ESOL teacher or team, explores whether language or cultural differences (or both) are at the heart of the student's learning and/or performance difficulties. Whereas the latter, performed by diagnosticians such as psychologists and speech-language pathologists, suggests that cognitive processing challenges are the etiology of the student's learning and classroom performance difficulties.

The referrals examined in this study were exclusively those of students referred for *special* education evaluation. Inclusion in this data set, however, was predicated on the fact that once referred, each CLD student was subsequently found to require bilingual administration of the special education assessments used to determine speech-language, learning or cognitive disability. This is significant because despite later referral for a *bilingual* special education evaluation, both sources of data revealed the majority of teachers had formed opinions that the CLD student's English proficiency was sufficient

for academic success and/or unrelated to the academic concerns. For example, when specifically asked about the possibility the student's English proficiency may have been a factor in a CLD student's learning problems, one interviewed teacher responded:

Um, well I would listen, communicating with her peers, um, communicating with me and any other teacher. I, I mean, she, I felt that she was, you know, pretty, she understood, she pretty much understood what we were, what we were doing all the time. [05]

Comments such as these illuminate the bases upon which the teachers' perceptions of student language were founded. In this example, a teacher cites interpersonal communicative abilities as the rationale for inferring that the student has adequate English proficiency for classroom success. This indicates both that the teacher lacks understanding of the distinctions between Basic Interpersonal Communication Skills and the Cognitive Academic Language Proficiency (Cummins, 1981), and that she is consequently not likely to recognize or accommodate the student's need to develop critical CALP skills.

The excerpt to follow provides further evidence that a teacher's observation-based determination of English proficiency impacted her ability to respond appropriately to the student learning behaviors and needs.

...I just didn't see language as an issue. He followed along when he, when he was paying attention, um, and he, you know he, never often did he ask me, "What does that mean?" He just didn't ask questions period because he just wasn't there [laughs]. [02]

Because this teacher associates the student's ability to 'follow along' only with 'paying

attention', she fails to consider the role English comprehension may also play in his abilities to attend and follow along. Having formed this precept, 'attention' eclipsed English proficiency as the explanation for the CLD student's lack of verbal participation. Consequently, the primary focus of interventions for this student was designed only to improve attention.

I had a little, what's it called, when he's getting fidgety, a little like a toy that he would use or a ball that he would squeeze, um, and I mean to me it seemed like he would focus on the toy instead of focusing on what I was saying. So I just had to, I just wanted him to focus on something! [02]

This statement reveals that not only was the intervention ineffective for improving student attention and performance, the lack of effectiveness did not spark reconsideration of English proficiency as a potential and ongoing factor in the student's perceived problems with attention and achievement.

The interview texts further revealed emergence of a pertinent subtheme. In addition to forming opinions about CLD students' English proficiency based on observed English, monolingual English-speaking teachers also supported their perceptions of English proficiency by commenting on the student's observed use of L1 within the school. For example, in order to support her contention that the CLD student spoke "English fluently" one teacher commented, "I never heard him speak his language in the classroom or even with his friends..."[02] This tendency to conclude that a CLD student prefers or is more proficient in English based upon his or her choice of language in the school setting with the teacher present was also evident in another teacher's comment, "I let her speak Spanish with her peers if that's what she wanted to do but most of the time

she spoke in English.” [05] This comment reveals again that the teacher concludes the student’s choice to speak English in the school setting reflects English language proficiency. By noting that she “let [the student] speak Spanish with her peers,” the teacher also conveys that speaking Spanish in this setting is a special privilege or form of communication to be (dis)allowed. In the following example, the student’s choice not to speak Spanish when provided the *opportunity*, is similarly interpreted as an indication of English language dominance.

He has a case worker that comes and sits with him half a day. She is bilingual and speaking to him...she’s tried to speak to him in Spanish and he responds to her better when she speaks English to him. ... She just started two weeks ago. [01]

As with the previous comments, the teacher quoted here does not appear to take into account the sociolinguistic factors that may be impacting the student’s use of L1 in that setting. Since it was later revealed the “caseworker” [contracted tutor] “just started two weeks ago,” the relationship or lack thereof between the student and this tutor is a potential factor in the interpersonal dynamic. Familiarity between communicators is among the sociolinguistic factors that can affect a bilingual student’s choice of language in a given situation. Other factors include, but are not limited to (a) sensitivity to the feelings of nearby English-only speakers, (b) not wanting to appear different than peers and (c) awareness that use of the home language is negatively regarded or responded to in that setting. Further analysis of the participant voice revealed that the latter influence may have been particularly strong in the interpretation of student language choice in these settings. Analysis of the interview transcripts revealed that even the newest of the interviewed teachers (those with fewer than four years experience) reported a recent or

ongoing climate against student use of the home language in that school.

Well my first two years working with that principal, she didn't want them speaking Spanish. You know, she, "English, you're at school to learn English."

[05]

This comment, quoted at the beginning of the teacher's fourth year, reveals that just over one year earlier there had been a stipulated English-only environment at that school.

Recurring in the participant voice, another teacher noted, "You know they are nervous to speak it in the classroom and they never speak it. Some teachers are like 'No, no, you will not...' and they stop it but I don't." [02] By reporting such peer comments in the present tense, "Some teachers are...no you will not...and they stop it [use of L1]," this teacher reveals that negativity toward CLD student use of their primary language is an ongoing feature of the school climate in her setting. Students who experience or observe such negativity toward use of their home language at school would be highly unlikely to code switch to another language in that environment, even when speaking with friends or family. Code switching is a linguistic term used to describe a speaker's conscious or unconscious switches between two or more languages. Code switching may occur at the level of words, phrases, sentences or entire conversations. Code switching also refers to the ability of the bilingual person to speak monolingually in one or the other language depending on varied aspects of the situation. This has potential significance because insufficient knowledge of, or regard for, such variables appeared to solidify the teachers' misperceptions that the student was a more proficient speaker of English than the home language. Commentary supplied by participants suggests that teachers infer language preference or dominance based upon limited observations in socially/linguistically

constrained situations at school. Furthermore, participant statements inferring *home language* use were also provided based upon limited observations of parent-student interactions within the school.

I would never see them talk, [student] just talk to his parents at all, but I would see the parents conversate. I would hear that but I would never hear them two, the parents and the son conversate at all. [02]

In the preceding excerpt, the teacher reports that the student did not communicate much with his parents in the home language. In using this observation to support an overall contention of English proficiency, she surmises that:

I think he speaks English fluently. I don't think language, to me, was a, was a factor [in academic difficulties]. [02]

Through these comments, the teacher (assigned the identifier code 02) reveals not only a lack of knowledge about the student's actual L1 skills but lack of awareness that context may have been a factor in the observed patterns of communication. This aspect of the emergent participant voice was also evidenced in the response of another teacher who, when asked specifically whether language may have been a factor in her CLD student's current learning concerns, replied:

Not a lot right now that I've seen, not a lot in language. His mom is bilingual very well. She speaks both and I think they speak more English at home around him from what I've seen. [03]

These comments convey the teacher's extrapolation that what has been observed in her presence, "His Mom is bilingual," is an indicator that "they speak more English at home". By generalization from one setting to another, the teacher does not appear to be

aware of, or account for, the impact of context (setting and observers) upon a bilingual student's public interactions. While the mother cited above may indeed be '*bilingual very well*', unless the same can be said for other adults in the home, English will likely not be the dominant language in that setting.

The participant voice revealed in such commentary appears to reflect a perception that unless direct teacher experience indicates differently, English is the default mode dominant language. This implication was further noted among teachers who offered determinations of the student's primary language proficiencies based upon observed or presumed L1 *academic* skills despite provision of an English-only curriculum.

I think, she was, she was fluent in English, um, I think that maybe she wasn't fluent in, in her L1. She wasn't fluent in Spanish and so I think that maybe that had, maybe that had, maybe she had an issue there because she wasn't fluent in, in, maybe she wasn't fluent in either English, in either English or Spanish, wasn't fluent in either language and maybe, um, that could have been the issue....She was having a problem reading, writing, listening speaking, you know all of those four areas in, in English. And then in Spanish also she could translate but she couldn't read Spanish or write Spanish or anything like that. [05]

In this comment, the teacher reveals an expectation that the student would, if truly proficient in the L1, be able to perform academic tasks in Spanish. The child's inability to read or write in that language is used to support the teacher's contention she is '*not fluent in either language.*' This conclusion reflects not only the conception that literacy is an indicator of fluency but disregard for the child's English-only academic history as a factor in her current set of proficiencies. Furthermore, the student's L1 use in the English

academic setting is cited by the teacher to support the notion that the student has *enough English* that language need not be considered as a relevant factor in the student's difficulties or needs.

This notion, that a student has *enough English*, was found within both the referral form and semi-structured interview sources of data, weaving in and out, sometimes incongruously for the student being referred for *bilingual* special education testing.

Teacher: "He seemed to verbally have the academic language that he needed and could tell me anything I needed to know. We felt like his English skills were pretty proficient ..."

Interviewer: "You didn't see a need [for bilingual intervention]?"

Teacher: "No. We do have two [bilingual] women that kind of spread out through the building and I have one of them that comes in this year. Last year I didn't have that, which I think would have made a big difference for him." [01]

Within the same conversational exchange, this teacher makes several critical and contradictory statements which exemplify the significance of this theme. The first is an observation-based assessment that because "he seemed to verbally have the academic language that he needed and could tell me anything I needed to know," she determined the student to be "pretty proficient" in English. When asked if she saw the need for bilingual interventions prior to referral for SPED the teacher replied, "No" but proceeded to indicate currently available bilingual supports "would have made a big difference for him". This example highlights the contradictions in the participant voice which can derail the intervention process for CLD students.

Teacher reliance on observation to assess CLD student language proficiencies

leads to misperceptions which have the strength to override, or negate the necessity for, other sources of data. Once formed, faulty impressions of CLD student English language proficiency preclude development and implementation of the accommodations necessary for student success. Because the CLD student has been considered English proficient, his/her ongoing difficulties with unaccommodated materials and approaches are interpreted to indicate the presence of an innate speech-language, learning or cognitive disability.

Discussion: Language Proficiency – Teacher Determined

Analysis of the interview transcripts and referral form documents revealed that grade level teachers have a tendency to conclude that CLD students have adequate English proficiency based primarily upon observed language interactions and apparent oral proficiency in English. This conclusion is often not supported by home language surveys, parent interviews, and English language proficiency assessments. Furthermore, in the absence of information about a student's primary language proficiency, grade level teachers appear to either assume upon them equal capacities or an outright preference for English. Both the etic and emic sources of data addressed herein reveal that once this precept (*enough English*) is established, the CLD student's language profile is insufficiently considered throughout the special education referral and evaluation process. These problematic conclusions among teachers studied occur according to a shared set of perceptions or themes in research findings, that the researcher has labeled *Language Proficiency – Teacher Determined*.

The findings revealed in this study support key components of the theoretical

framework upon which the original study questions were developed. The theoretical framework upon which the study questions were based proposes that several phenomena related to teacher (mis)perception of CLD student performance influence the disproportional placement of CLD students in special education (Artiles et al., 2005). These phenomena include; lack of teacher preparedness to teach CLD students (Murry & Herrera, 2005; Walton et al., 2005), patterns of CLD student learning by program type (Cazden, 1992; Ramirez et al., 1991; Thomas & Collier, 1997, 2002), and employment of non-problem-solving intervention practices (Ortiz et al. 2006; Truscott et al., 2005).

Although special education provides a range of services to which all exceptional children are entitled, national statistics indicate that CLD students continue to be disproportionately placed in educational programs designed for the innately disabled (U.S. Department of Education, 2002). In order to qualify for special education, a student must be found to be innately disabled in a specific area such as *cognition* (general intellectual ability), *learning* (the ability to process visual, oral, aural information), or *speech-language* (the ability to formulate, process and/or express language). Within its definition of disability, the public law specifically excludes those that are “primarily the result of environmental, cultural, or economic disadvantage” (IDEA (20 U.S.C. §1401 [30])). A hallmark characteristic of true disability in any area is that it is pervasive across settings such as home, school and play (Collier, 2006). While many CLD students learning in a second language environment will experience language difficulties that may resemble the characteristics of a speech-language or learning disabled student, the CLD student will generally not exhibit the same difficulties in the home language or context. Therefore, language related difficulties experienced by CLD students in L2 settings are purely

situational, due only to a *language difference* between the student's individual language capacities and the linguistic demands of the L2 environment. Nevertheless, teacher misunderstandings of CLD student language proficiencies and misinterpretation of the student's response to unaccommodated instruction can lead untrained educators to misinterpret signs of normal language difference as innate speech-language, learning or cognitive *disabilities* in the CLD student (Brown, 2004; Ortiz, 2004).

For reasons explored more deeply in the final theme, the evaluation process alone does not appear sensitive to distinguish between students who are innately disabled and those who have been experientially or linguistically disadvantaged in their access to education (Baca & Cervantes, 2004; Collier, 2006). Consequently, studies of referral and placement patterns reveal that once CLD students are referred for special education evaluation, the majority go on to be identified as disabled and placed in more restrictive settings than their non-disabled peers (Artiles et al., 2005; Collier, 2006; De Valenzuela et al., 2006). Because research cited suggests a correlation between the act of being referred and eventual placement, the focus of this study was to examine and identify the factors most associated with teacher referrals of CLD students that were evaluated for special education.

As noted in the extensive review of the research in Chapter Two, most grade-level teachers have actually been provided little or no professional development to meet the needs of CLD students (Herrera & Murry, 2005; Walton et al., 2005). The teacher who has not received preservice or inservice training in this area is unlikely to recognize the need for, and consequently implement, the language supports and scaffolds necessary for CLD student success (Brown, 2005; Ortiz, 2004). Furthermore, the teacher who does not

understand the difference between acquiring basic conversational language and the deeper cognitive linguistic skills necessary for academic success (Cummins, 1981), may mistakenly suspect a learning disability when a CLD student who converses in English struggles more than his or her native English-speaking peers in academic areas that teach or require reading or writing in English (L2). Brown (2004) identifies teacher understandings about the impact language acquisition and acculturation have on student learning performance as “the first step in reducing over referral of CLD students in special education” (p.226). When language and culture are not understood to be factors in the CLD student’s ability to engage with and respond to classroom instructional experiences, that student is more likely to be erroneously referred for special education.

Teacher preparedness to teach CLD students and CLD student achievement is highly correlated with the type of instruction and degree of language support available in the educational setting (Thomas & Collier, 1997, 2002). CLD students in programs which typically provide the least language support are the most likely to be placed in special education (Artiles et al., 2005). As the Thomas & Collier data (see Appendix A) demonstrate, instructional models characterized by lesser levels of language support and teacher preparation are associated with achievement gaps in CLD students. Achievement gaps may be among the indicators considered for referral of non-CLD students (Pasternack, 2002), but in the case of CLD students, academic discrepancies more likely reflect the student’s ability to understand the instruction provided in the general education class (Brown & Bentley, 2004).

Consistent with the theoretical framework, analysis of the findings from which the theme *Language Proficiency- Teacher Determined* emerged reveals that teacher

misperceptions of CLD student learning were related to lack of teacher preparedness (Brown, 2004; Hosp & Reschly, 2003; Walton et al., 2005) to teach CLD students. Although each teacher interviewed was enrolled in introductory ESOL coursework, review of the referral form documents revealed that even those undertaking coursework had not generalized the content to the level of instructional application. As noted previously, the referral form data revealed that teachers who self-reported completion of an ESOL endorsement were far more likely to consider the CLD student's language and/or culture when planning intervention than those with lesser levels of coursework. This finding suggests the possibility teachers may need to reach a threshold level of ESOL training before independently incorporating the concepts of this training.

The participant voice revealed in this study supports the conclusions of the theoretical framework that lack of teacher preparation and training was a factor in teacher misperception of student performance, leading to inappropriate intervention practices and potential over-referral of CLD students for special education. Central to the misperception of CLD student learning was the teachers' tendency to determine that CLD students possessed enough English to participate in the general curriculum without accommodations for language. Teachers' citation of observation as the primary or only basis upon which such determinations were made supports the literature finding that teachers misperceive the skills of their CLD students because they tend to rely on oral L2 proficiency and language performance as indicators of academic language capacities (Limbos & Geva, 2001).

The tendency of teachers to rely on observation to determine that CLD students have adequate English for grade level work was also noted in the larger sample of referral

form documents. These findings are significant given the actual language profiles of the referred students. As detailed in Chapter Three, all referral forms reviewed for this study were those of students who had been referred, and were awaiting evaluation for special education. Despite stated teacher precepts that English proficiency had not been a factor in the majority of these students' academic difficulties, every one of the students included in this study was, by the time of evaluation, reconsidered to require *bilingual* or L1 administration of the special education assessments. The fact that both the referral form data and interview commentary indicated English proficiency had not been considered as a factor in the student's difficulties leading up to that point provides strong evidence in support of the theoretical framework on which this study was based. Because the majority of teachers lacked significant levels of preparation to teach CLD students, they were inclined to misperceive the English language proficiency of the CLD students they would eventually refer for special education. Furthermore, because the majority of teachers lacked sufficient preparation to teach CLD students, they did not provide the level and type of intervention supports necessary to distinguish between situational academic difficulties related to language difference and those which result from an innate learning disability. Because innate *disabilities* in cognition (general intellectual ability), learning (the ability to process visual, oral, aural information), or speech-language (the ability to formulate, process and/or express language) are pervasive across settings, provision of appropriate language accommodations will not resolve the academic difficulties of the truly disabled CLD student. If however, these difficulties are the result of situational factors related to cultural or linguistic *difference*, accommodations which increase CLD student access to the curriculum will result in improved academic performance. Reliance

on interventions which did not address the cultural linguistic needs of CLD students and therefore could not inform this distinction was evident in the participant voice and further supported by analysis of the referral form data.

In a problem-solving intervention model, ineffective interventions are repeatedly reviewed and revised until the conditions are identified under which the student *does* learn. This information then becomes a critical component of the data reviewed to determine whether a student's needs can be accommodated within the general education environment or the student should be referred for special education evaluation. When the student under consideration is culturally and linguistically diverse, this problem solving approach must also take into account (a) the language demands of the classroom, (b) the cultural knowledge necessary to understand curriculum and participate effectively in school contexts, and (c) the cultural appropriateness of the curriculum and related texts/materials (Garcia & Malkin, 1993). The theoretical framework cites literature that correlates non-problem solving intervention practices with over-referral of student for special education (Ortiz et al., 2006; Truscott et al., 2005). Findings which emerged from both the referral form review and participant voice in this study revealed that non-problem solving intervention practices dominated the referrals of CLD students for special education. In all, 50% of the interventions listed in this study failed to note anything about the intervention's effectiveness, and 74% of those that did cite effectiveness described the interventions as having *little* or *no* effect. Of particular significance, only 11% of the total interventions documented in this study identified any modifications to the principle intervention(s) listed for the CLD student. These findings indicate that in the vast majority of cases reviewed, the effectiveness of interventions was

not assessed for the purposes of informing or refining instruction for the CLD student.

The research demonstrates that over-referral of CLD students for special education evaluation leads to over-identification and disproportionate placement of CLD students in programs for the speech-language, learning and cognitively disabled (Artiles & Trent, 1994; Collier, 2006; Ysseldyke & Algozzine, 1983). Each of the CLD students whose information was included in this study was referred for special education despite teacher misperceptions of language proficiency, and subsequently inadequate pre-referral interventions. These findings support the theoretical framework that lack of teacher preparation and non-problem solving intervention practices were significant factors in the interrelated phenomena associated with referral of CLD students for special education.

Theme Two: Language Proficiency – Disregarded

As the previous section illustrates, the referral form and interview data generated by this study revealed that teachers form opinions about CLD student language proficiencies (L1 and L2) based primarily upon observations made in limited school settings. Once formed, these informal opinions interfered with consideration of language as a component of the academic or behavioral difficulties for which the student had been referred. The data discussed herein indicates that once English language proficiency was considered adequate, the CLD student's language profile (L1 assets and L2 needs) were thereafter disregarded as relevant to the student's learning performance. Analysis of the referral form and teacher interview data further revealed a compounding consequence of teacher determinations that the CLD student had *enough English*. The participant voice and referral form data revealed that once these determinations were made, the

interventions developed to address academic concerns further disregarded language as a potential component of CLD student difficulties. Therefore, the outcomes that resulted from these interventions were completely uninformative for the purposes intended, determining evidentiary need for special education evaluation. The implications of pre-referral practices, which disregard CLD student language, are considerable and will be addressed throughout the sections to follow.

Findings: Language Proficiency – Disregarded

Research described in Chapter Two indicates that CLD students, particularly those with bilingual language profiles, continue to be over-referred for special education. Furthermore, the act of referral has been found highly predictive of special education placement. The data revealed via this study indicates that disregard for CLD student language is a significant factor in these phenomena. Emergence and identification of the theme, *Language Proficiency – Disregarded* provides key insight to the points at which these pre-referral processes go awry. At the core of this theme is the tendency of teachers to disregard or dismiss the role of English language proficiency as a component the student's academic needs and classroom performance. Given the interrelated nature of these phenomena, aspects of this theme were also evident in examples and discussion cited in relation to the previous theme, *Language Proficiency- Teacher Determined*. However, disregard of the student's language needs appears subsequent to teacher determination of language proficiency and impacts multiple levels of the referral and intervention processes leading to placement in special education. Therefore, *Language Proficiency – Disregarded* emerges from both the document reviews and semi-structured

interviews as the second major theme of this study.

I think he speaks English fluently. I don't think language, to me, was a, was a factor... I really didn't think his language was such a, I don't know the right words to say, but I really didn't think it was a language issue at all. [02]

In this comment the teacher reveals both her personal assessment of the CLD student's language proficiency, "I think he speaks English fluently," and subsequent assertion that she did not believe "language" was an "issue at all" in the student's academic struggles. This example provides persuasive evidence that the teacher's opinion of the CLD student's English proficiency preempted any further consideration of English language proficiency as a factor in the student's academic performance, or the teacher's perception thereof. The following excerpt further demonstrates that once language has been disregarded as a component of the student's learning needs, the CLD student's inability to perform as expected may even be interpreted by the teacher to suggest the presence of a behavioral or neurological disability.

He's just off in his own little world, very, very ADHD. Like, I mean I'm not diagnosing him but he'll start off and just get totally lost. [06]

As noted in the previous theme, the disregard for language that follows formation of an incorrect determination of English proficiency leads to assumptions that derail the intervention process. Although nothing in the quoted description indicates hyperactivity, the teacher has, nevertheless, interpreted this student's getting "lost" or "being in his own little world" as indicative of Attention Deficit with Hyperactivity Disorder (ADHD), a medical (neurological) diagnosis. Once disregarded as a factor in this student's learning performance, language proficiency was insufficiently considered, if at all, in the

modifications employed to improve his access to the curriculum. The ineffectiveness of these interventions then served to verify the teacher's non-qualified diagnosis and the student was subsequently evaluated for special education.

Failure to adequately consider the individual language needs of CLD students during intervention was noted in both the referral form reviews and the participant voice which emerged from teacher interviews.

Interviewer: "Have you experienced the intervention and referral process for non-CLD students?"

Teacher: "Yes"

Interviewer: "Was this process different? Has it felt different?"

Teacher: "No, I don't think it has." [03]

This statement reveals that despite qualification for ESOL services based upon lower measures of English proficiency, the selection of interventions for this student was no different than that for his non-CLD peers. When asked to elaborate, interviewed teachers tended to recurrently describe the implementation of interventions that were not particular to student needs or structural rather than instructional (e.g. change seating). Moreover, such interventions provided little evidence that instruction had been specifically modified for the particular academic strengths or concerns of the individual, CLD student.

Um, in most of the documentation I saw from first grade, there wasn't a lot specifically related to the language aspect....Um, (I did) a lot of small group, proximity, pulling him out, having him work with a para, having him work with a peer, a higher student, um, a lot of small group with the teacher. That's really

what it was during our intervention time. [03]

Although this excerpt of the participant voice cites many types of interventions, none reflect the specificity necessary to distinguish disability from difference in the CLD student. Simply moving a student closer to the teacher or changing the teacher-student ratio does not indicate that the student's individual instructional levels and needs were known or met. Furthermore, the teacher states that within the first grade documentation provided to support special education referral, "there wasn't a lot specifically related to the language aspect." These comments indicate that English language proficiency was disregarded as an aspect of this student's educational profile and needs as young as first grade. Because most CLD students require high levels of language support in the early grades, the lack of language accommodations provided suggests that unaccommodated instruction was a factor in the CLD student's current academic performance.

As presented in a preceding section, analysis of the referral form documents revealed that the bilingual CLD student's culture and language were not considered in the interventions described by 81.5% of the referring teachers. Since 100% of the referred students' were later found to require *bilingual* special education evaluation due to their home language profiles and levels of English proficiency, this data revealed that only 18.5% of these bilingual CLD students had been provided interventions that were appropriately designed to meet their differential needs. These findings indicate that not only were CLD students' language needs disregarded during general education instruction and intervention, the lack of improvement which resulted from inadequate interventions was then cited as a teacher-perceived indication of *disability* in the CLD student. This contrasts sharply with the intention of the pre-referral process which is to

determine the levels and types of supports necessary for student *success*. Rather than functioning as a problem-solving process, findings from this study suggest that pre-referral functioned more as a confirmatory process whereby the goal of intervention was to simply confirm the teacher's perception of what the student *could not do*. These practices further indicate that the CLD student academic performance cited to support referral for special education was less the result of *student* disability than the teacher's and intervention team's disregard for the CLD student's language proficiency status and needs.

Because individual teachers may lack the knowledge bases and experiences necessary to meet all students' needs, referral for special education evaluation typically requires significant pre-referral consultation with educational peers. In the school district addressed by this qualitative study, a major function of the General Education Support Team (GEST) is to review information supplied by teachers and provide alternative suggestions for materials and methods to better identify and meet that student's individual needs within the grade-level classroom. However, the participant voice which emerged in this study reveals GEST did not function as designed to clarify or inform the teacher's understandings of, and response to, student skills.

Teacher: "In our school, the GEST process has been going over the paperwork we give them and then our test scores, and then they decide whether they should test them or not."

Interviewer: "I'm hearing you say that in your experience it's not typical that they then give you alternative ideas and then you try them, come back with those results..."

Teacher: “No, no. Usually we give them the GEST and they either say, “Yes, we will test them” or “No, we won’t test them.” [05]

In the school district addressed by this qualitative study, the GEST (team) is responsible for refining the instructional techniques of the grade level teacher to insure the student truly cannot achieve in a general education setting before a referral is made for special education testing. According to this quote, the GEST emphasizes only that evidence provided by the teacher before (dis)approving the evaluation. The analysis of the referral form and interview data revealed that the majority of CLD students are not provided the specific supports necessary for academic success. Therefore this quote provides evidence that recommendations for evaluation are being made based upon the CLD student’s response to instructional methods which have disregarded his/her language profile and needs.

The researcher’s analyses of both sources of data also revealed that when teachers do cite recognition of the student as a second language learner, the level of supports provided the potentially exceptional CLD student rarely exceeds that provided all other CLD students.

We have our intervention time for reading and he went to the ESOL teacher during that intervention time. He still is going there so that would be a difference there. During our regular reading time he’s in my room. [03]

Interestingly, participation in ESOL lessons provided the general CLD population was cited as a primary intervention by interviewees who also stated language was not a component of the particular CLD student’s academic needs. This presents evidence of perceptual conflicts and instructional contradiction in that a student can only qualify for

such supports if language proficiency assessments reveal the lack of skills necessary to fully participate in the English-only curriculum. The teacher's acknowledgement of ESOL qualification also supports the suggestion, noted in the theme *language proficiency – teacher determined*, that teachers may not adequately understand or consider ESOL assessments and results when planning for general instruction or referral-based intervention.

In addition to disregarding the impact English language proficiency had on a CLD student's achievement, disregard for primary language assets emerged as a significant subtheme of the theme *language proficiency – disregarded*. The participant voice revealed in this study indicates that even in schools with available bilingual staff, primary language support was either not considered, or viewed as an impractical use of resources for CLD students perceived to be experiencing academic difficulties or delays.

Interviewer: "Was [bilingual ESOL para] used as part of the intervention using Spanish or just English-based interventions?"

Teacher: "Mostly English-based. Um, if she, if we needed something and we had a, we thought maybe she was having a hard time expressing, uh, we didn't think that it, that it was language. It could've been language but we didn't feel that it was language." [05

This teacher's response to a question about utilization of bilingual staff for intervention suggests such language assets were used with this student "if we needed something or thought maybe she [student] had a hard time expressing" By indicating translation was at times necessary to facilitate communication, this teacher contradicts her position that L1 instructional support was not required because, "We didn't think that it, that it

was language. It could have been language but we didn't feel it was language." These juxtaposed comments provide a powerful example of the contradictions evident in participant voice associated with this study. Although this student's need for language support was recognized at the level of functional communication (e.g. "if we needed something"), it was wholly disregarded for the purposes of instruction, assessment and interpretation of academic performance.

This and other examples of the participant voice also revealed that because teachers appear to limit interventions to those they can themselves provide, they do not creatively identify or utilize available resources to facilitate greater understanding of the potentially disabled CLD student's academic strengths and needs. For example, the following comment was offered by a teacher in a school, which has bilingual (Spanish/English) certified or classified staff at every grade level.

I don't speak Spanish so in order to use the first language in interventions I would need to put forth a lot of effort in learning Spanish, which I'm not opposed to but unless someone says, 'Oh, look I found this program and this is when you're going to do it.' I don't have the time and the energy to find one on my own." [06]

This comment suggests that although the teacher is, "not opposed" to using the first language for academic intervention she feels she would need to *personally* master Spanish before such supports could be provided her CLD students. Given that she is discussing a potentially disabled student being referred for special education, it is significant that available language supports were not provided or considered as options in the determination of the student's actual level and type of need. It is also significant that even in a building with high numbers of CLD students (74% English Language Learners)

and many bilingual personnel, primary language support is not typically provided either the general or potentially disabled CLD student. This finding reflects a more insidious form of language disregard reflected in the previous teacher comment as well as data from the referral forms. Although many schools in the study district have bilingual personnel on staff, few are utilized in a manner, which regards the CLD student's primary language knowledge as an asset to learning. For example, bilingual paraprofessionals could be utilized to provide L1 content support to preview/review curricular concepts central to the lesson taught by the grade level teacher in English. As detailed in the referral form findings, of the 27 referrals for CLD students to special education, only one noted that native language instruction was a component of the service delivery model provided the referred student. The remainder of teachers referring CLD students cited Content-Based ESL or Pull-Out ESL as the program model available to the referred student. None of the referrals provided during the study period came from the district's comprehensive K-8 dual language school. These responses indicated that the vast majority of CLD students referred for special education were enrolled in programs associated with lesser levels of English academic success (see Thomas & Collier graph Appendix A) than those which provide L1 support (Cazden, 1992; Thomas & Collier, 1997, 2002).

When language is disregarded by the teacher or program model, undifferentiated and non-accommodative instructional practices lead to student difficulties which, because language has been disregarded, are assumed innate to the student. When language is disregarded by the intervention support team, interventions are not developed or implemented which would address the previously unrecognized language needs of the

CLD student. The continuation of learning difficulties which results reinforces prior notions that the learning problems are innate to the student. Of further significance, when language is disregarded by the teacher and intervention team, it may also be disregarded by the Child Study Team when planning and interpreting the assessments which will be used to determine eligibility for special education.

Interviewer: "Do you recall anyone mentioning that he was assessed in Spanish?"

Teacher: "Um mmm (head shake)"

Interviewer: "Was he evaluated in both languages ... by your psychologist and your speech person?"

Teacher: (head shake no) [02]

Because this teacher is discussing a completed evaluation during which she was provided the psychologist's and speech pathologist's results, her report that the student's primary language was not addressed during evaluation is conspicuous. In the following excerpt, yet another teacher reports her understanding that the students' primary language skills are disregarded as an essential component of the special education evaluation for CLD students in this setting.

Interviewer: "And do you know if they requested any aspect of his evaluation be done in Spanish?"

Teacher: "No, not that I know of, not that I know of."

Interviewer: "So they're going to evaluate him all in English?"

Teacher: "I believe yes. I know the person that evaluated him is not bilingual. As far as I know I think all the students [here] are done in all English." [03]

Comments such as these made by interview participants revealed the unanticipated

finding that some CLD students receiving ESOL services were not being referred for *bilingual* special education evaluation when tested for disabilities. In toto, three of the six interview participants reported that the student in question had not been evaluated in the primary language. This *unexpected finding* indicates two significant issues for consideration. The first issue this finding presents is that at least three of the six interview participants were not all included among, and represented within, the referral form data. This data set was comprised entirely of CLD students who had been referred for *bilingual* special education assessment. Therefore, students not afforded this accommodation were not included in the referral form data set. Given that the interviewed teachers self-reported having referred a *bilingual* CLD student for special education, the researcher anticipated that these referrals would be included among the data set of students referred for bilingual special education evaluation. Nevertheless, the participant voice which emerged from the six interview transcripts was highly reflective of the patterns which emerged from review of the twenty seven referral forms. Without question, the most significant issue revealed by this unanticipated finding was that some bilingual CLD students in this district may be having their special education eligibility determined on the basis of how they perform on English-only assessments that are normed on native English speakers, and are, therefore, *inappropriate* for such students.

This finding leaves the researcher in the unanticipated position of presenting findings which indicate CLD students in the study district may not be uniformly evaluated in accordance with the stipulations set forth in IDEA which include the following:

20 USC §1414 (b)(3) “Each local educational agency shall ensure that (A) assessments and other educational materials used to assess a child under this section (ii) are provided and administered in the language and form most likely to yield accurate information, on what the child knows and can do academically, developmentally and functionally, unless it is not feasible to so provide or administer.”

It is possible that in specific cases or domains (e.g. achievement), English would be purposefully selected as the most appropriate language of assessment. However, there is no indication that in the cases discussed herein, that information was provided or sought to determine if that was the most appropriate language through which to also assess the CLD student’s innate cognitive ability (I.Q). Note the preceding excerpt of teacher/participant voice wherein the teacher who earlier reported the student had an English CALP of only one (the lowest level of cognitive academic language proficiency) “I know the person that evaluated him is not bilingual. As far as I know I think all the students [here] are done in all English.”[03]

This excerpt of participant voice indicates that despite available bilingual special education evaluators, some schools chose to disregard the student’s L1 assets in favor of methods English-speaking staff could employ. Unfortunately, the alternative practices cited in consideration of CLD student language revealed that it was again, in the reality of school and district dynamics, disregarded. For example, one teacher defended the team’s decision not to evaluate the student in his primary language by stating, “He was evaluated in English but he was given a non-verbal IQ.” [01] This statement reveals that despite enrollment in ESOL programs, the CLD student’s language proficiency and cognitive

abilities are interpreted only in terms of what he or she can express in the default mode language, English. These skills are then compared with the student's processing of nonlinguistic material to make a case for speech-language or learning disability. While administration of *non-verbal* ability measures may be employed to reduce the bias of English-based I.Q. tests, this practice can also lead to over identification of CLD students for special education (Figueroa, 2005; Fletcher & Navarrete, 2003). This occurs because, in many schools, speech-language impairments and/or learning disabilities are suspected or confirmed when an achievement gap is noted between the student's measured *ability* and his or her performance on *speech-language* and/or *academic* tests. By limiting evidence of academic and language knowledge to English, the Child Study Team disregards student primary language knowledge and bilingualism (Figueroa, 2005) as relevant to the demonstration of *ability* in the CLD student. When the CLD student language profile is thusly disregarded, related educational gaps are often misinterpreted to verify the presence of an innate *disability*.

Discussion: Language Proficiency – Disregarded

Evidence presented in support of the preceding theme *Language Proficiency – Teacher Determined* revealed that grade-level teachers form opinions about CLD student's English language proficiency based upon observations made within the school setting. Further qualitative and ethnographic analyses of the interview transcripts and referral form documents revealed that once teachers formed an impression that the CLD student had *enough English* proficiency, his or her language needs and strengths were essentially *disregarded* throughout the pre-referral (intervention) and referral process.

Disregard of language proficiency revealed itself through many contradictions in the participant voice that emerged from this study. For example, despite inclusion criteria that all reviewed documents and interviews pertain to *bilingual* students, both the referral form data and interview transcripts resonated with statements indicating that language was “not a factor” in the CLD student’s learning performance concerns. Maintenance of this precept throughout the referral process was strongly indicated in the interventions listed to support the CLD student’s referral for special education. Although all of the referred students required bilingual special education evaluation, analysis of the referral forms revealed that only 7.4% of interventions provided prior to that point had addressed the applicable student’s potential need for L1 support. Teacher disregard of CLD student language needs may impact multiple levels of the process by which students are determined to be disabled. Therefore, *Language Proficiency – Disregarded* emerged as the second significant theme of this study.

The referral form data and participant voice analyzed via this study indicate that teacher formation of a precept that language was “not a factor” for the bilingual CLD student precluded the appropriate operation of the district’s pre-referral process as intended for the CLD student. Specifically, disregard of both L1 and L2 language proficiencies as components of the student’s learning profile appeared to both (a) validate the appropriateness of the instructional materials and methods utilized theretofore with the CLD student, and (b) obscure the development of the individualized interventions necessary to determine the conditions under which the CLD student could be successful in that setting. These two factors epitomize the self-reinforcing nature of the phenomena which resulted when inadequate training to teach CLD students led to teacher

misperception of CLD student learning performance, unaccommodated instruction, inappropriate interventions and consequent referral for special education.

Findings associated with this theme, *Language Proficiency – Disregarded* reinforce the arguments of the theoretical framework in which the questions of this study were grounded. The theoretical framework for this study contends that several phenomena known to impact CLD student learning success/failure interrelate to foster a faulty construct of the CLD student's learning capacities. This construct, then, results in over-referral of CLD students for special education. As noted in the previous theme, these phenomena are strongly associated with lack of teacher preparedness to teach CLD students (Herrera & Murry, 2005; Walton et al., 2005). More specifically, limited teacher experience with, and training relative to CLD learners, increases the likelihood that diverse students are inappropriately referred for special education (Hosp & Reschly, 2003). Patterns of CLD student learning by program type (Cazden, 1992; Ramirez et al., 1991; Thomas & Collier, 1997, 2002) also contribute to these phenomena as programs which provide lesser levels of language support are associated with achievement gaps that can be misconstrued as evidence of learning disability (Damico & Hamayan, 1991; Fletcher & Navarrete, 2003; Ortiz, 2004). Lastly, failure to implement the problem-solving intervention practices necessary to distinguish between innate and experiential learning difficulties compound the aforementioned misperceptions resulting in higher rates of CLD referral for special education (Ortiz et al., 2006; Truscott et al., 2005).

The referral form data and participant voice which emerged from this study revealed that lack of teacher training impacted the teacher's ability to appropriately determine CLD student language proficiency and instructional needs. As indicated in the

research (Walton et al., 2005), a primary reason teachers lack preparation to teach CLD students related to the fact that few teacher education programs require preservice teachers to enroll for courses in *ESL Methods* or *Second Language Acquisition*.

As the findings of this study suggest, insufficiently-prepared teachers have a tendency to determine that CLD students who meet criteria for ESOL support, nevertheless have enough English to participate fully in the English-only classroom. The participant voice and referral form data analyzed for this study further indicate that when academic difficulties arose for the CLD student, language was disregarded as a potential factor in the student's academic performance and needs. These findings suggest that lack of teacher training was not only a factor in teacher determination of CLD student language proficiency but also the perpetuation of language disregard to follow. Study data indicated that disregard for the CLD student's language profile in the grade level class was compounded by further disregard during the intervention process; a process that was, instead, designed to facilitate distinction between cultural/linguistic difference and innate student disability.

Disregard of the CLD student's language proficiency profile was also found in cases where behavior or attention was noted to be the primary concern. This is potentially significant finding because students experiencing cultural dissonance and/or those acquiring a second language will often exhibit academic, attentional, and behavioral difficulties that mirror those of students with disabilities (Collier, 2004; Fradd & McGee, 1994; Salend, 2005). The participant voice which emerged from this study revealed that disregard of the student's English language proficiency precluded consideration of these factors in the interpretation of what may actually have been typical acculturation or

language acquisition phenomena among the targeted students. As noted in the literature, early disregard of language not only obscures distinctions between difference and disability, it leads teachers away from the identification and refinement of classroom practices found ineffective for CLD learners (Brown & Bentley, 2004).

Effective intervention practices require a teacher to recognize and differentially respond to learning problems that result from actual versus situational or language-acquisition-based, academic problems (Collier, 2006; Damico & Hamayan, 1991; Ortiz, 2004). Intervention processes and practices that fail to address individual experience, language, or cultural issues will not only affect the student's access to the curriculum and subsequent achievement, but also lead to reinforcement of faulty (pre)conceptions of student ability (Baca & Cervantes, 2004). The student whose academic/behavioral concerns appear unresponsive to intervention is then much more likely to be referred for, and placed in, special education (Collier, 2006; Ortiz et al., 2006; Truscott et al., 2005). Given that only 18.5% of the interventions noted by referring teachers addressed the CLD student's language or culture, it is likely the majority of CLD students represented in this study were evaluated for special education on the basis of inadequate information (Green et al., 2001).

The findings which emerged to support the theme *Language Proficiency - Disregarded* provide compelling evidence that, as per the theoretical framework, non-problem solving intervention practices resulted from disregard of English language proficiency, a byproduct of inadequate teacher training. Among the self-reinforcing aspects of these phenomena is that failure to address cultural and linguistic factors in the provision of instruction to CLD students results in achievement gaps (Thomas & Collier

1997, 2002), which can be misconstrued as evidence of learning disability (Damico & Hamayan, 1991; Fletcher & Navarrete, 2003; Ortiz, 2004).

In order to determine the presence of learning disabilities, most schools, including those in the study district, look for a discrepancy between student ability and achievement (Pasternack, 2002). When a non-CLD student with appropriate (e.g. linguistic, visual, etc.) access to the curriculum does not achieve to his or her ability level (I.Q.), it is considered evidence of a potential learning disability, evidence that something *within* the student is interfering with the learning process. This discrepancy model of disability assumes however that the student has been consistently provided instruction in a manner, and at levels in which he/she could fully participate. As the research on CLD student programming and achievement indicates (Thomas & Collier, 1997, 2005) that assumption cannot be made for the CLD student whose achievement is highly dependent upon the levels, types and consistency of language supports provided in the grade level class. Educational practices that do not take into account CLD student language needs lead to lower school achievement which is a major factor in the determination of disability (Goldman, 2003; Hosp & Reschly, 2004; MacMillan, Gresham, & Bocian, 1998). Therefore, language disregard at the level of general education programming for CLD students results in academic outcomes which, if unaddressed during intervention, increase the numbers of CLD students referred, placed, and assigned to the most restrictive special education programs (Artiles et al., 2005).

Analyses of the referral forms and participant voice, which emerged from this study, indicate that many schools failed to address the potential role of language in the student's achievement during both general education instruction and the intervention

process designed to elicit student success. Furthermore, analysis of the interview transcripts yielded the *unanticipated finding* that lack of consideration for language at these levels was in some cases followed by disregard for language during special education evaluation. Comments such as, "... I think all the students [here] are done in all English." [03] indicate that CLD students in this setting may not be referred for *bilingual* special education evaluation when evaluated for placement in special education. Such practices are contrary to both Federal mandates requiring nondiscriminatory assessment in the student's native language and district protocol for evaluation of bilingual students. Indications of English-only evaluation for special education were particularly concerning given research which correlates use of English academic and intelligence tests with a 300% overrepresentation of Hispanic students in programs for the learning disabled (Ortiz & Yates, 1983).

Analysis of the interview transcripts also revealed that CLD student language was often reconsidered as relevant to the formal evaluation despite disregard for language throughout the instructional and pre-referral processes. In most cases this was evidenced by consequent referral for bilingual special education evaluation but in specific cases revealed via the participant voice, consideration of CLD student language during evaluation was addressed by *removal* of language as a construct of CLD student intelligence.

This unexpected aspect of the participant voice cited administration of nonverbal IQ measures as an appropriate alternative to the provision of L1 supports and assessments when evaluating CLD students for special education. Such practices are particularly problematic in that the language profiles of CLD students (e.g. degrees of bilingualism)

result in anomalous differences on nonverbal measures of cognitive processing (Figueroa, 2005) and nonverbal assessments may not be valid or appropriate for evaluation of CLD students (Figueroa, 2005; Valdes & Figueroa, 1994). Because CLD student language proficiencies also impact student performance on non-verbal assessments, language is not defensibly disregarded or omitted as a means to appropriately evaluate CLD students for special education.

Research further indicates that administration of non-verbal intelligence tests to determine disability may actually reinforce rather than enlighten the misperceptions that result from language disregarded at the instructional level (Valdes & Figueroa, 1994). The CLD student's ability to demonstrate non-verbal intelligence will often be much higher than his or her achievement when opportunities for the latter have been provided and measured only via the second language (Fletcher & Navarrete, 2003). This is especially pertinent in cases where students have received no bilingual support or have a history of unaccommodated instruction via the English language (Baca & Cervantes, 2004; Fletcher & Navarrete, 2003). Evaluation practices that disregard the student's language profile by comparing L2 achievement with non-verbal ability (I.Q.) can increase misperceptions the student is disabled because they typically yield a significant gap between the child's intelligence and classroom performance (Fletcher & Navarrete, 2003; Kohnert, 2004; Valdes & Figueroa, 1994).

The findings of this study indicate that language is disregarded even at levels charged with mandated assurance of its consideration. This suggests that language disregard is a pervasive yet difficult to recognize phenomena which impact all phases of CLD student education. As such, findings associated with this theme, *Language*

Proficiency – Disregarded reinforce the arguments of the theoretical framework upon which this study questions were developed. This framework contends that key phenomena that impact CLD student learning performance interrelate to foster, perpetuate and validate a faulty construct of the CLD student's learning capacities. In accordance with the theoretical framework, findings revealed and discussed herein indicate that lack of teacher preparation to teach CLD students (Herrera & Murry, 2005; Walton et al., 2005) was a factor in the disregard for language evidenced by the instructional programs (Cazden, 1992; Ramirez et al., 1991; Thomas & Collier, 1997, 2002) and inadequate intervention supports provided CLD students (Ortiz et al., 2006; Truscott et al., 2005). Findings revealed via the referral form data and teacher interviews indicate that the resultant lack of student progress, and disregard for CLD student language proficiencies (L1 and L2) during formal evaluation function as confirmatory phenomena which factor in the over-referral of CLD students for special education.

Theme Three: Focus on Diagnosis

Prior themes which emerged through analysis of the referral form data and teacher interviews reveal that grade level teachers formed opinions of CLD students' English language proficiency based largely upon informal observation. This *informal observation* was often the basis for teachers' presuppositions as to when, in the voice of teachers, CLD students possessed *enough English* proficiency to perform, at grade level, in the largely unaccommodative classroom. Further, once the teachers formulated these presuppositions, these instructors then disregarded language dynamics as an appropriate focus for classroom accommodations needed to improve the student's performance. In

like manner, the CLD student's failure to respond to various classroom interventions, which omitted the appropriate language accommodations, was then frequently cited by teachers' as evidence of, and support for, the need to refer the student for special education evaluation. Since the act of referral alone is highly predictive for eventual special education placement (Artiles & Trent, 1994; Collier, 2006; Ysseldyke & Algozzine, 1983), misperceptions that occur during grade-level instruction and persist throughout the *prereferral* process can significantly impact a CLD student's likelihood of being placed in special education.

The body of information garnered during prereferral describes the CLD student's learning performance and response to targeted accommodations or *interventions* in the classroom. This data not only informs the prereferral team's decision to refer the student for special education testing but also serve as reference points by which the Child Study Team plans for and triangulates the results of formal evaluation. If, for example, the information provided by the teacher indicates that the CLD student has 'enough English' or that English proficiency is 'not a factor' in the student's learning performance, the CST may select standardized English-based assessments, normed on native English-speakers, without any modifications for language in the administration thereof. Failure to recognize or regard the influence of CLD student language proficiencies on test validity as well as in the interpretation of student performance has been recognized as a factor in CLD student misidentification for special education (Baca & Cervantes, 2004).

By contrast, when the information garnered during prereferral is robust, a detailed picture emerges which describes the CLD student's assets and needs in the context of his or her learning experiences and opportunities. This information is then utilized to inform

the development of targeted *interventions* designed to increase that particular student's access to, and success within, the general education curriculum. Data is gathered and reviewed by the teacher and prereferral team (GEST) with regard to the effectiveness of the individualized interventions. Further revisions or accommodations are developed in an ongoing cycle of data collection, review and revision until the conditions under which the student *does* learn can be fully described. It is during this *problem-solving process* that grade-level teachers supported by GEST develop alternative strategies and/or materials through which the CLD student can successfully access the curriculum in the grade level class. If, however, the exhaustive prereferral intervention process indicates that the CLD student requires an intensity of support(s) which suggest a possible underlying disability, the student is referred for special education evaluation.

The power of information that results from well-implemented cycles of intervention is recognized by the statute which guides evaluation of potentially handicapped students. According to statute, the body of information utilized for determination of disability should include varied sources, including detailed accounts of the student's academic and social histories, the student's response to prereferral intervention and information provided by parents (IDEIA, 2004, section 602 (3)(1401)(3)). As stated previously, the information provided by the teacher and GEST are included among the diagnostic data which inform the Child Study Team's methods of evaluation and subsequent determination of disability.

Analysis of the data generated by the study indicates that in contrast to the manner in which prereferral is designed, the majority of CLD students reflected in the study data were not beneficiaries of a problem-solving *prereferral* process. The participant voice

evidenced via emergence of the themes *Language Proficiency – Teacher Determined* and *Language Proficiency – Disregarded* indicates that these phenomena were key factors in the lack of prereferral resolution for CLD student academic performance concerns.

Chiefly, the tendency of teachers to form overrated opinions of CLD student English proficiency appeared to preclude appropriate consideration of potential language-based needs and accommodations during all the levels of instruction preceding referral for special education. Disregard for language during development of prereferral interventions was especially significant because continued student struggles were interpreted as validation that *internal* rather than *external* or situational factors interfered with student success. In addition, teacher disregard for the prereferral intervention process as a means by which student learning problems could be resolved was evidenced by the numbers of inadequately completed referral forms and the participant voice which emerged from analysis of the interview transcripts. Whereas prereferral as a problem-solving process is designed to answer the question, “How can instructional methods be adapted to increase this student’s access to the curriculum in the general education setting?,” teacher opinions reflected in this study described prereferral primarily as a precondition to the evaluation which could definitively determine, “*What’s wrong with the student?*”

The reauthorized (2004) Individuals with Disabilities Education Act provides clear direction that classroom based evidence and student response to individualized intervention are among the most important indices of student (dis)ability. Nevertheless, analyses of participant interviews in this study reflected the shared teacher perception that Child Study Team members (psychologists, speech pathologists, etc.) have the ultimate information (test data) and are the preeminent decision makers in this matter. The

participant voice which emerged from analysis of the transcripts indicates that teachers attribute greater significance to results obtained through diagnostic tools of the Child Study Team (CST) than other sources of evidence, including that provided by teachers and parents.

These findings appear to reflect the self-reinforcing phenomena that arise when inappropriate interventions fail to yield improved understandings of student needs or result in modifications which improve student performance in the grade level class. The participant voice which emerged from this study suggests that grade level teachers esteem the CST's ability to provide hard data in the form of scores which support diagnoses of student-held problems. Analysis of the data further indicates that because teachers imbue the CST with overarching diagnostic capabilities, they regard intervention as a means to an end (evaluation) rather than the process by which the majority of student learning problems can be resolved. Despite statute guidance in favor of problem-solving intervention models and practices, analysis of the data which emerged from this qualitative study indicates that teachers misperceive the purpose of prereferral as the path to evaluation, merely a step in the sequence necessary to identify *what's wrong with the student*. This pattern of thinking belies the intention of prereferral as a problem solving process and reveals a preference for, and focus on, *diagnosis* as the resolution to CLD student learning performance concerns. Therefore, the theme *Focus on Diagnosis*, emerged as the final significant theme in the qualitative findings.

Findings: Focus on Diagnosis

Findings which emerged from the researcher's analyses of referral form review

and interview transcripts indicated that teachers perceive diagnostic test results as more influential than prereferral intervention data in the final determination of student disability. This was a significant finding because placement decisions made by the Child Study Team (CST) are, in accordance with statute, intended to be heavily informed by the information and findings available through varied sources such as response to intervention, curriculum based measures, and the perspectives of other teachers as well as the parents. Over-reliance of formal test data is a particularly salient concern in cases involving CLD students for whom traditional evaluation tools and methods yield inadequate and potentially invalid indices of student skills and ability (Baca & Cervantes, 2004; Valdes & Figueroa, 1994). Despite these cautions, the participant voice which emerged from analysis of teacher transcripts revealed a preference for formal diagnostic information over that resulting from consultation with peers and the implementation of targeted instructional interventions within the grade level class.

...sometimes you're kind of stumped and that's where I was with him, I just didn't know where to go next so that's why we tested him. [01]

Comments such as these reflect the participant voice which indicated that efforts to resolve student learning problems during intervention were considered less informative and important than *getting the child tested*. High teacher regard for the methods and persons by which the student's abilities are measured during special education evaluation further supports the relevance of the emergent theme *Focus on Diagnosis*.

Interviewer: "Did you feel that any particular team member's information, including yours outweighed others in coming to this [special education] determination?"

Teacher: “I guess the psychologist, because of the, she had all the testing, the testing results and where she scored, scored in all the criteria. That was most important for us as a team”. [05]

This teacher’s response indicates two particularly significant perspectives shared among participant educators in this qualitative study. Although procedural practices mandate inclusion of parent and teacher information in the evaluation process, the psychologist’s opinion and findings were understood by the teacher to provide the most important data for the determination of disability. The rationale provided by the teacher illuminates the second perspective shared among teachers of CLD students. By noting that the psychologist “had all the testing” and that “where [the student] scored...was the most important” factor in this determination, the teacher diminishes the importance and relevance of other sources of data necessary to inform special education placement. This aspect of the participant voice conveys teacher beliefs that the type of information gathered during prereferral (e.g. the results of clinical teaching and the employment of targeted interventions) provides less insight to CLD student learning performance than his/her scores on formal diagnostic tests. Teachers with these beliefs are therefore less likely to plan for and implement prereferral interventions in the detailed and individualized manner prescribed.

The resultant inadequacy of intervention development, evaluation and revision was strongly evident in the referral form documents and the pattern of participant voice which emerged from analysis of the data for this study. The perceived preeminence of psychometric testing was further demonstrated by another teacher’s statement that, “We have a psychiatrist on staff which is real unusual so he could absolutely diagnose

anything.” [01] This teacher’s contention that the psychiatrist can “absolutely diagnosis anything” presents additional layers of significance for this study. On one level, the psychiatrist’s purported ability to “absolutely diagnose” reflects the teacher’s perception that student-learning problems are innate physical or psychological phenomena, which can be “absolutely” measured and diagnosed. At a deeper level, such reliance on standardized diagnostic tools in the determination of disability negates all other aspects of the CLD student’s educational and/or linguistic history as relevant to his or her current learning performance.

The existence of such views reveals the self-reinforcing nature of this theme. When CLD student performance on formal diagnostic tests is viewed as the most important indicator of disability, considerably less attention and credence are afforded the information provided by parents or data collected during prereferral intervention. For example, a CLD student who performs poorly on a test of auditory memory in English may be suspected of having a specific learning disability. However, information provided by the parents may indicate the student can successfully demonstrate this skill in real life applications such as easily remembering phone numbers and orally presented grocery lists in the home language. The teacher who involves the CLD parent in the prereferral process will have insight to these skills and proceed with interventions that bridge home and school applications. By contrast, the teacher who has not involved parents or individualized the interventions may never observe the presence of such skills and support CST test-based findings of learning disability. This is a critical concept because the classroom teacher is also in accordance with statute required to attend the meeting during which information is reviewed and placement decisions are made. In this manner,

all perspectives are shared and taken into account in the determination of disability. A problematic result of intervention practices based upon, for example, a faulty construct of CLD student English proficiency, is that at the point of determination neither the teacher nor CST may see the disconnect between skills demonstrated on English-based diagnostics and the student's performance in the unaccommodative class. Instead, the *diagnosis* serves to confirm teacher suspicions that the noted problems lie within the student and therefore could not have been resolved in his or her classroom.

Analysis of the referral forms and interview transcripts also indicated that ineffective and uninformative prereferral practices may be factors in the formation of teacher opinions that a special education setting would be better than the grade level class for the referred CLD students. Although not supported by policy or research (Artiles & Zamora-Duran, 1997; Gersten & Woodward, 1994; Hosp & Reschly, 2003; Ortiz & Wilkerson, 1989) the referral data demonstrated that 78% of teachers indicating an opinion stated that special education placement would be beneficial for the referred CLD student *even if he/she was not found to be innately disabled*. In accordance with these findings, analysis of interview transcripts also evinced emotion-laden teacher opinions that special education would best meet needs of the CLD student in his/her class.

I was, I guess I was disappointed. I was disappointed because I thought that, I really thought that she had a learning disability and it came out that she just had a low IQ and that she was at, at her level. [05]

By saying she was “disappointed” this teacher exposes her preference that the student had been labeled with a disability and placed in special education. In discussing the results, she notes the team's opinion that the student “had a low IQ” and was therefore working

“at her level.” Of note, the teacher’s description of team findings does not mention parent report or consideration of intervention-based information with regard to how the student *does* learn. Instead, it appears that the CLD student’s “low” performance on a formal test of intelligence (IQ) resulted in depressed expectations of her ability to achieve. On the basis of the IQ test, this CLD student was found to be “low” but not disabled. This outcome suggests the student difficulties result from a condition inherent to *the student*. Like a diagnosis of disability, designation of low ability does not compel reevaluation of the general instructional milieu or student ability to succeed under alternative conditions. As with determination of disability, test findings that a CLD student is just “low” also serve to confirm perceptions of; (a) innate student deficit, and (b) the adequacy of instruction and intervention provided the CLD student in that setting. Therefore, reliance on CST tests in the determination of disability can be deleterious to CLD student education whether or not the student is actually placed in special education.

Although each of the interview participants understood the role of a student’s grade level teacher as an ad hoc CST member, the comments of some suggested a perceived distance between themselves and workings of the permanent members of the team.

I was surprised by how low he did score on everything. He was very low across the board. Every year we usually get a new person [psychologist] or they’re not here to build a relationship with the teacher, to kind of understand what’s going on, who that teacher is... [The principal] does help and puts some input in and values what we have to say but it seems like the psychologist and the counselor they are more to the test. [03]

The teacher's perception that the psychologist is "not here to build a relationship" or "understand what's going on" is a strong indicator the teacher does not feel her own information and experiences are sought or valued during the evaluation process. This interpretation is further evidenced by the teacher's description of the principal as one who "put some input in and values what we have to say" in contrast to the psychologist and counselor who are "more to the test." Similarly revealing are the views of another teacher as she described the CST's response to her classroom based evidence.

Interviewer: "Did you think that your opinions or your knowledge of the student weighed as much as theirs?"

Teacher: "No! Uh, because I just, I'd say 'look at his work, look at his scores!' [then in a different voice as if quoting a team member], 'because he's, his attention's not there. That's what it is!' Okay! So I just take, they're experienced teachers, okay, I guess. You know I don't know so, I'm learning." [02]

In this example of participant voice, the teacher discusses her reaction to the CST's findings that her student did not qualify for special education. In comments to follow, it becomes evident this teacher is very concerned that the student will not receive the help that he needs, help she thinks can only come from special education.

It was very sad to see that he has to go through another year, you know, struggling [not provided] a small group and a small setting with a 1:1 teacher with the special ed ...He's going to miss out and he's just going to get further and further behind and I'm just surprised that he can make it through all these years, seriously. [02]

By anticipating that as a result of non-placement this student will struggle, "miss

out...and get further and further behind” the teacher indicates that unless the student is diagnosed and placed, nothing beneficial will result (interview) from the prereferral and evaluation process. This comment further suggests that no information, insights or modifications resulted from those processes to inform the provision of instruction to this CLD student in the grade level class. The particular benefits of a special education placement the teacher notes he will “miss” out on are “a small group and a small setting with a 1:1 teacher”. Of interest, these are also among the most commonly cited *academically general (AG)* regular education interventions noted on the referral forms for CLD students. This commentary suggests that as per the referral form data, interventions classified by most district personnel to be ineffective during prereferral for special education are conversely considered powerful and effective once the child is placed, once the child is *diagnosed*.

Teacher: “That would be my ideal situation, that we figure out what it is and that he’s pulled for reading.”

Interviewer: “So it sounds like I’m hearing, it’s that you figure it out and it is that he *qualifies* [for special education]?”

Teacher: “Yes!”

Interviewer: “If they figure it out and they say, ‘...but he doesn’t qualify...’”

Teacher: “I’ll probably cry.” [06]

This teacher’s remark that she will “probably cry” if the student is not placed in special education suggests that she, like the others, is heavily vested in the notion that the student, (a) has a disability, and/or (b) has educational needs that are better served outside of the grade level class. The participant voice illuminated by these comments indicates

grade level teachers do not perceive their classrooms as the most appropriate learning environments for CLD students with academic needs. This perception may stem from the lack of success experienced during an intervention process that failed to consider or address the CLD student's language proficiency assets and needs. For these teachers, an evaluation that does not result in diagnosis and placement returns the student to a classroom situation in which his or her needs are not met.

Discussion: Focus on Diagnosis

Over-referral of CLD students for special education persists as a matter of practice and concern in the field of education (Artiles et al., 2005; De Valenzuela et al., 2006). Although the data can be equivocal due to within-group disproportionality (Artiles et al., 2005) and concurrent patterns of over- and under- referral (Losen & Orfield, 2002), there is demographic and research-based evidence that CLD students continue to be over-referred for special education. For example, Hispanic students in general remain overrepresented in programs for learning disabilities (Kindler, 2002; U.S. Department of Education, 2002) and CLD students in particular are disproportionately placed in programs for those with emotional, cognitive, learning and speech-language disabilities (De Valenzuela et al., 2006). Recent research suggests that CLD student language proficiencies (L1 and L2) are a significant factor in the placement of CLD students into programs for the learning disabled and mentally retarded (Artiles et al., 2005). In particular, CLD students noted to have lower L1 and L2 skills appear to be placed in special education at much higher rates than those with greater proficiency in English or the L1. The reasons for this cannot yet be discerned. However Artiles et al. (2005)

caution that constructs of language proficiency as well as issues related to standardized tests are potential factors worthy of further examination. The role of CLD student language proficiencies was also reflected in the participant voice which emerged from analysis of the referral form data and interview transcripts of this study. Both sources of data indicated that teacher perceptions and responsiveness to the CLD student's language profile play a significant role in the phenomena associated with referral for special education. In particular, teachers who lack sufficient preparation to teach CLD students tend to form errant opinions of CLD students' English proficiency based upon classroom-based observations. Analysis of the data further indicates that teachers also rely on school based observations to form opinions which underestimate the student's *primary* language proficiency. When the CLD student's language assets and needs are not understood or addressed within the grade level classroom, those students may demonstrate academic and/or behavioral problems which resemble those of students with innate disabilities (Brown, 2004; Ortiz, 2004; Salend, 2005). Many such students are then referred for special education, however analysis of the data from this study suggests the prereferral process employed to identify and resolve learning performance concerns is instead perceived by teachers as the path to diagnosis of the *student-held* problem.

These findings support a key feature of the theoretical framework upon which the questions for this research were developed. The theoretical framework for this study cites lack of teacher preparation (Brown, 2004; Walton et al., 2005) as one of several phenomena which factor in the over-referral of CLD students for special education. Analysis of the referral forms and interview transcripts indicated that lack of teacher training to teach CLD students resulted in teacher misperceptions of CLD student

language proficiency in both L1 and L2. The resultant misunderstandings of the CLD student's language profile precluded appropriate consideration of academic and language-based accommodations during general education instruction. Analysis of the referral documents indicates that in the absence of these supports, many CLD students exhibited academic performance behaviors which were misinterpreted as signs of disability. These analyses further indicated that misperception of, and disregard for, the CLD student's language profile and needs persisted during the prereferral process. This process was instead, intended to facilitate resolution of student performance concerns. Analysis of the referral form data demonstrated that nearly 80% of the instructional accommodations or interventions listed to resolve CLD student learning problems during prereferral were *academically general* or only addressed *structural* details such as changes in the classroom seating arrangement. In all, only 7.4% of the interventions cited to support referral for special education evidenced consideration that the CLD student's learning performance may be impacted by the provision of L1 support. Of significance, these interventions were listed exclusively by teachers self-reporting attainment of an ESOL endorsement.

Overall, the data which emerged from this study indicated that the majority of the prereferral actions for CLD students were implemented contrary to the ideal which is to better understand and resolve student learning problems within the general academic setting (Flugum & Reschly, 1994; Telzrow, 1999). Furthermore, the interventions listed on the referral forms reviewed by the researcher were characterized by inadequate notation regarding effectiveness with little evidence of refinement or revision when interventions were noted to be ineffective for the referred student.

In essence, analysis of the referral form data demonstrated that CLD students were being evaluated for special education based upon (a) untargeted and unaccommodative interventions without indication of effectiveness, and (b) untargeted and unaccommodative interventions that disregarded language. The participant voice which emerged from analysis of the interview transcripts suggests that the prereferral intervention process was in some cases no more than a checkpoint en route to the teacher's goal of testing and diagnosis. "In our school, the [prereferral] process has been going over the paperwork we give them and then our test scores, and then they decide whether they (the CST) should test them or not." [05] Comments such as these expose both the lack of collegial problem-solving and the inordinate focus on diagnosis that resonated throughout the participant voice which emerged from analysis of the data in this study.

The data described herein suggest that the majority of CLD students in the district and during the time of study had not been provided a problem-solving intervention process whereby the instructional methods were repeatedly evaluated and revised over time to facilitate student success (Green et al., 2001). Compounding the insufficiency of the data made available to the Child Study Team were the phenomena of teacher determined language and language disregard. Analysis of the interview transcripts revealed that inadequate or errant understandings of the CLD student's language led to ongoing disregard throughout the evaluation process. This was primarily evidenced in the unanticipated finding that some bilingual CLD students were being evaluated for special education using English-based measures or measures which negated language as a construct of CLD student intelligence. These findings are supported by additional

components of the theoretical framework which indicate that lack of accommodations for CLD student learning needs (Brown, 2004; Collier, 2006) stemming from inadequate teacher training (Herrera & Murry, 2005; Walton et al., 2005), and non problem-solving intervention practices contribute to the over-referral of CLD students in special education (Ortiz et al., 2006; Truscott et al., 2005).

In addition to evidence of inadequate implementation, analysis of the referral forms and teacher transcripts also indicated that teacher interpretation of intervention effectiveness may be influenced by the setting in which the intervention occurs. As described herein, the vast majority of interventions cited to support referral for special education did not address effectiveness, or noted the intervention outcomes to have little or no affect on student performance. The most prevalently cited, yet general, interventions (small group, 1:1 help) were identified by one teacher to be among the specific and particular benefits of *special* education. This aspect of the participant voice provides insight to this teacher's regard for special education as the best learning environment available to the CLD student in need of differential instructional support. This apparent preference for special education was also evidenced by the responses of teachers who indicated on the referral forms that special education would even be beneficial for non-disabled CLD students. These findings are consistent with the literature which describes the power of school ideology and culture in favor of special education (Harry & Klingler, 2006). As suggested by data which emerged from this study, the culture of referral appears to be reinforced by the presence of poorly prepared grade level teachers who don't perceive grade level classrooms to be the most appropriate learning environments for CLD students with academic needs. Further analysis of the

data suggested that teacher ideology in favor of special education reframed perception of the intervention process as the means to an end, a precondition to *get the student tested*.

Misperception of pre-referral as the path to testing rather than potential source of solutions renders the process ineffective for the purpose of resolving student difficulties with the grade level class. Furthermore, minimally informative data derived from poorly implemented interventions reinforces notions that the *answers* can only be found at the level of CST evaluation. Answers provided at this level however, most often in the form of standardized scores are frequently not translatable to direct educational *solutions* (Hamayan et al., 2007). In addition to this, there are several other problems inherent to reliance on diagnostic teams and formal testing in the determination of disability in CLD students (Baca & Cervantes, 2004).

Contradictions between the proposed and actual practices of evaluation teams evince in the literature. Although these teams are required to collect, evaluate and consider information about student experiences and skills from diverse sources, studies indicate that assessment personnel tend to make eligibility decisions based upon inadequate information about CLD students (Overton, Fielding, & Simonsson, 2004; Figueroa & Newsome, 2006). Assessment personnel have also been noted to prefer unreliable sources of data about CLD student's English proficiency including student self-report and the student's perceived level of cooperation during assessment (Figueroa & Newsome, 2006). This has particular saliency within the context of this study – a study in which teacher opinions about and disregard for CLD student language were found to obfuscate operation of the prereferral process for these students. The tendency of CSTs to make placement decisions based upon inadequate information is especially significant

given the insufficient quality and quantity of intervention data evidenced by this study. As noted in the findings, this has potentially life altering significance for CLD students because traditional evaluation tools and methods may yield misleading or invalid results (Baca & Cervantes, 2004; Figueroa, 2005; Klee & Carson, 2000; Ortiz, 2004; Valdes & Figueroa, 1994). This presents the second major caveat to reliance on information gathered principally at this level.

Although some evaluation tools are marketed for use with CLD students, cautions remain with regard to standardized achievement and intelligence testing of CLD students whether the child is assessed in English or the native language. Chief among these is the fact that CLD students are a highly heterogeneous group in terms of educational experiences, L2 language acquisition opportunities; and L1 development or loss (Collier, 2006; Wagner, Francis & Morris, 2005). Therefore the very nature of standardization renders most formal assessments questionable indicators of what they purport to measure in the CLD student. As explained in the findings section of this theme, efforts to neutralize the impact of language by administering non-verbal IQ tests may also result in misleading interpretations of CLD student ability (Figueroa, 2005; Valdes & Figueroa, 1994). As explored in the literature review, teachers often refer students for special education or compensatory education services when the students exhibit learning problems that the teacher is unsure how to resolve (Richardson et al., 1989). This lack of knowledge and preparedness, combined with (a) an overreliance on high-stakes test data with questionable construct validity (Abedi, 2004; Escamilla, Chavez & Vigil, 2005), (b) higher value placed on formal “objective” data than on that data gathered via informal or authentic means (Piper, 2003), and (c) exclusion of parents and community, results in a

preassessment process skewed toward determining student deficits rather than strengths.

Analysis of the data which emerged from this study indicated that the type of information required by IDEA in the determination of student learning capabilities was frequently unavailable due to inadequate intervention practices and disregard for the CLD student language profile. Lacking critical insights to the students learning capabilities, special education placement decisions were likely made on the basis of information derived from methods and materials acknowledged to elicit questionable results with CLD students (Baca & Cervantes, 2004; Overton et al., 2004). When teachers and CST member are inadequately trained to identify the learning assets and needs of CLD students, the student's performance on such tests serves to confirm that the educational deficits lie only within the student. Therefore, the self-reinforcing phenomena which lead to, and emanate from, teacher misperception of CLD student learning will continue to impact the representation of CLD students in special education unless and until educators become more informed.

I think that's what happens to a lot of teachers, we don't understand that just because they can speak English and they can mess around with their friends, that you know, they should get what we're saying here. But from the book that I'm reading now, I'm kind of in love with that [ESOL course] book! I have kids in my special ed. K program, now that I'm questioning, was it a language issue or was it a special ed. issue? Was it skills that never got the opportunity to emerge? What happened? You know the thing that I'm doing? [special ed. teacher.] I think here more than anywhere. Out of my eleven kids I have one English speaker. So ten special ed. kids that are [CLD]. [04]

Through insights gained via ESOL coursework, this special education teacher appears to be wondering whether the 91% representation of CLD students in her class indicates the educational focus should now be on something other than *diagnosis*.

SUMMARY OF FINDINGS

The information generated by this study was garnered via two primary sources of data. The first involved analysis of the referral form documents. The second, qualitative aspect of the study provided insights about the referral form data by describing the contexts and commentary teachers provide when discussing the referral of a CLD student for special education. Because results of the referral document analysis informed development of the semi-structured interviews, the two components of this study articulate to form a dynamic picture of the student learning characteristics and teacher responses associated with referral of CLD students for special education.

Through transcription, analysis of the teacher interviews, three principle emic coding categories or themes emerged from the qualitative study. The first emic theme to emerge was *Language Proficiency - Teacher Determined*. This revealed that participant teachers tended to determine student language proficiencies based primarily upon anecdotal evidence or observed events (undocumented) versus multiple indices such as language proficiency assessments, parent report, and directed observation of language skills/use documented on a defined continuum, checklist or rubric. The second emic theme which emerged was *Language Proficiency – Disregarded*. Discussion of this theme revealed that despite student assessment and profile evidence, CLD students' language needs were presumed or disregarded when developing and assessing the

outcomes of prereferral interventions. While *Language Proficiency – Disregarded* emerged subsequent to the first theme, it was noted to be a strongly resonant tone within all three themes of this study. The third theme, *Focus on Diagnosis*, examined the statements teachers report about the influence of CST personnel and the efficacy of special education for CLD students. A deference for psychological test data and preference for special education placement emerged from both sources of data. Paramount among the findings was the teacher’s inordinate focus on student diagnosis to the exclusion of grade-level resolution of CLD student learning performance concerns by the teacher in the classroom.

The conclusions, and the implications of this study, will be explored in Chapter Five. Among the relevant foci will be the reinforcing cycle of misinformation that results from inadequate understandings about, and consideration of, the CLD student profile by classroom teachers of these students. The impact these phenomena may have upon the ongoing disproportionate representation of CLD students in special education will also be discussed. The chapter will conclude with recommendations for current practice and future research.

Chapter 5

Discussion, Conclusions, Implications and Recommendations

The purpose of this qualitative study was to identify and examine the student and teacher factors most commonly associated with referral of bilingual CLD students for special education evaluation in a large Midwestern district. The need for this study was predicated by evidence of continued disproportionality of CLD students in special education, at the national level, and the emerging body of research which indicates that it is the over-*referral* of CLD students that leads to their over-representation in programs for the speech-language, learning, emotionally and cognitively disabled (Artiles et al., 2005; Collier, 2006; De Valenzuela et al., 2006). Qualitative data garnered from this study were used to identify and describe the CLD student learning behaviors, and teacher interpretations thereof, which factored into the referrals of these students for special education evaluation. This chapter will provide: (a) a general summary of the study; (b) a review of the principle findings; (c) a presentation and discussion of the conclusions derived from the study; (d) implications/significance of the study (theoretical and practical); and (d) recommendations for further research; and (f) final thoughts.

SUMMARY OF THE STUDY

The 24th Annual report to Congress on the Implementation of the Individuals with Disabilities Education Act (U.S. Department of Education, 2002) provides data which reveal that CLD students continue to be overrepresented in educational programs designed for the disabled and underrepresented in programs designed for the most

capable students. Current research suggests that culture-specific behaviors, language differences, and teacher expectations contribute to higher rates of CLD student referral for the most stigmatizing categories of *emotionally disabled*, *learning disabled*, *language impaired* and *mentally retarded* (Artiles et al., 2005; Brown, 2005; De Valenzuela et al., 2006). A further review of the research reveals that multiple factors may be contributing to these phenomena. These include the prevalence of instructional models which do not provide sufficient language supports (Thomas & Collier, 1997, 2002); lack of teacher training to meet the needs of CLD students (Brown, 2004; Walton et al., 2005); inadequacy of preassessment team supports (Ortiz et al., 2006; Truscott et al., 2005), and diagnostic teams' reliance on biased instruments and methods for the determination of disability in CLD students (Baca & Cervantes, 2004; Figueroa & Newsome, 2006). Furthermore, research findings suggest that the formal evaluation process alone does not appear sensitive to distinguish disabled from non-disabled CLD learners (Collier, 2006).

Therefore, the further purpose of this study was to determine whether the over-referral of CLD students which results in overidentification might be better addressed through examination of the teaching factors and precepts most associated with referral. Because related findings are just beginning to emerge in the literature, the core research questions posed by this study sought to ascertain whether characteristics of teacher over-referral noted in the literature among West Coast and Southwestern districts with greater program diversity and higher CLD populations were also evident in a Midwestern district where ESOL pull-out remains the predominant model of language support services for CLD students. In order to better understand the factors related to referral of CLD students in the district of study, the following research questions were developed.

1. What are the range and types of concerns noted by classroom teachers when CLD students are referred for special education evaluation?
2. What types of interventions have been implemented by the time CLD students are referred for special education evaluation?
3. Are teachers who report ESOL training and coursework more likely to implement interventions that address student language and culture than those teachers who report no ESOL training or coursework?
4. Do referring teachers report feeling adequately prepared by their preservice and/or inservice training to teach CLD students?
5. Do referring teachers indicate special education services should be considered even for CLD students who are not found to be innately disabled?

In order to answer the research questions posed, this qualitative study relied upon (a) review of referral form records to provide data as well as context for the development of the interview questions, and (b) semi-structured interviews to permit a *microethnographic* examination of the student/teacher factors and teacher perceptions cited when teachers have determined that a CLD student's needs cannot be met in the regular education setting.

The theoretical framework from which the study questions were developed was based upon an extensive review of the literature. This review strongly indicated that program type (level of language support), teacher preparedness, non-problem solving intervention practices and disproportional placement are interrelated phenomena which lead to, and emanate from teacher misperception of CLD student learning. Data gathered from the district referral documents were therefore, initially sorted and coded in

accordance with criteria necessary to answer each of study questions. The resultant data (primary concern, intervention type, language assessment and preference for SPED) were used to inform the general outline of the semi-structured interview format. Once the audiotaped interviews were transcribed, open coding was used to generate categories from the content of each transcription. Segments of information were considered for their applicability to each category, or the need to develop new categories and/or redefine existing categorical brackets (Lincoln & Guba, 1985). Using the constant comparative method, each segment of the qualitative data garnered via the semi-structured interviews was analyzed and compared with every other representative segment in order to determine the emergent emic codes. These codes form the basis from which the three qualitative themes of this study were derived (*Language Proficiency - Teacher Determined*, *Language Proficiency – Disregarded*, and *Focus on Diagnosis*).

Triangulation of the referral form data for the exploratory investigation was secured through site-based pre-submission referral form review (a form of member checking), and audiotaped interviews of teachers who self-reported having referred a CLD student for evaluation during the period in which the documents were filed. These interviews then became the basis for the qualitative study, which examined the participant voice/actions associated with the referral of CLD students for special education. To further assure trustworthiness of this data, each of these participants was offered the opportunity to subsequently review the printed transcript of his or her interview.

The credibility of the qualitative data generated by this study was established through detailed collection and management of all participant communications, consents,

audiotapes and interview transcripts. Based upon the theoretical framework from which the study questions were developed and data collection methodologies described in Chapter Three, analysis of the data revealed a number of potentially significant findings. The principle findings resulting from this study will be presented and discussed in the following section.

REVIEW OF PRINCIPLE FINDINGS

The purpose of this study was to determine whether characteristics of CLD student over-referral for special education noted in studies of West Coast and Southwest districts with higher percentages of CLD students were also evident in a Midwestern school district experiencing rapid growth in this population. The principle findings of this study can be linked to the referral form data and qualitative data analyses. The results of both sources of data revealed above all else that *language is not adequately considered in the pre-referral processes for CLD students*. This phenomenon is evident at virtually every stage of what is designed to be an ever-clarifying problem-solving process. As presented in Chapter Four, information gathered from district documents required for *bilingual* special education evaluation overwhelmingly demonstrated that referring teachers (a) relied largely on school-based observations to form opinions of student language proficiencies in the L1 and L2, (b) made conflicting statements about the CLD student's English proficiency, (c) rarely implemented interventions to address the potential language needs of the bilingual CLD student, (d) regarded the Child Study Team as the preeminent decision-makers, and (e) indicated special education placement would be nevertheless appropriate for non-disabled CLD students.

Other analyses associated with this study supported an overall finding that the intervention process was, in the case of these CLD students, not working or being implemented as the problem solving process for which it is designed. For example, half of all documented interventions did not cite any details or statements about the effectiveness of the intervention(s) noted. By policy and practice, such information must be provided in order to proceed with the instructional modifications and refinements necessary to evaluate the changes that occur in student performance in response to intervention. In addition, the majority of referring teachers who did provide information regarding intervention effectiveness, deemed the interventions listed as having “little or no effect” on student learning. Furthermore, analysis of the referral form records demonstrated that subsequent to determination that the interventions were ineffective, there was little indication that information had been used to inform the development or implementation of *alternative* approaches for this student. When broken down by self-reported ESOL coursework levels, 0% of the referrals by teachers without an ESOL endorsement and 38.5% of the referrals by teachers with an ESOL endorsement cited at least one specific intervention which addressed the culture and/or language profile of the CLD student. This finding suggested that teachers who report ESOL training and coursework were more likely to implement interventions that address student language and culture than those teachers who report no ESOL training.

The findings of the qualitative data can be summarized according to the three primary themes which emerged from the analysis: *Language Proficiency - Teacher Determined*, *Language Proficiency – Disregarded*, and *Focus on Diagnosis*.

Language Proficiency – Teacher Determined reflects the participants’ self-

reported reliance on his or her own interpretation of the student's observed use of language within the school as a valid indicator of the student's language proficiency in English and/or the home language. *Language Proficiency - Disregarded* reflects the participants' statements and self-reported practices which negated or failed to consider the role of language in CLD student learning experiences, including the interventions implemented to address initial learning concerns. The final theme, *Focus on Diagnosis* emerged through analysis of participant statements which demonstrated that teachers inordinately focused on student diagnosis as the primary means by which CLD student learning performance concerns could be identified and resolved. This focus on diagnosis and placement as more informative and important than instructional intervention reflected and reinforced a deficit model view of CLD students which, in effect, precluded resolution of student difficulties within the prereferral process.

CONCLUSIONS FROM THE STUDY

This study examined student and teacher factors associated with referral of bilingual CLD students for special education evaluation. The primary data sources consisted of district referral documents gathered over a three month period and semi-structured interviews with teachers who self-reported having referred a CLD student during this time. Both sources of data revealed that the patterns noted in teacher precepts and actions taken prior to formal referral for evaluation precluded reliable ascertainment of student response to targeted interventions, considered the most critical information when distinguishing difference from disability (Hamayan et al., 2007; Ortiz et al., 2006; Telzrow, 1999). The data collected and described herein indicated that, (a) teachers

formed opinions about CLD student language based upon observation and conjecture, (b) CLD student language was insufficiently regarded during the intervention process, (c) high value was placed upon test information provided, and decisions made, by from the Child Study Team (the diagnosis), and (d) special education was considered an appropriate educational setting for non-disabled CLD students. However, application of principles of effective teaching for CLD students was noted only among those teachers who reported attainment of an ESOL endorsement. Therefore the data reported herein suggest that sufficient exposure to theoretical and practical information about teaching CLD students via professional development has a *positive impact* on teacher consideration of, and responsiveness to, CLD student learning needs.

The outcomes of this study are consistent with the theoretical framework which informed the development of the research questions posed for this microethnographic study. The majority of the results yielded by this study reflected the literature in the field (e.g., Abedi, 2004; Baca & Cervantes, 2004; Brown, 2004; Collier, 2004; Ortiz, 2004; Salend, 2005), which cites the most common bases of CLD student referral to be:

1. Student achievement as measured by (a) performance on standardized tests of achievement and (b) off-grade-level performance
2. Teacher perception that student needs cannot be met in the regular classroom setting
3. Teacher frustration regarding own lack of preparation/skills to meet the needs of the student
4. Teacher misperceptions regarding language skills of the student and/or language demands of the curriculum

5. Student response to interventions that (a) do not involve the parents; (b) do not address linguistic or cultural barriers to learning; (c) fail to align instruction with student learning abilities; and/or (d) do not evidence a process of collaboration, instructional modification, results evaluation, and revision over time.

Each of these phenomena were represented in the results of this study except the teacher's stated awareness or perception that he/she lacked the skills necessary to meet CLD students' needs. Although some of the interviewed teachers expressed frustration or uncertainty with regard to the instruction of specific students, "I just didn't know where to go next so that's why we tested him." [01], teacher responses to questions about preparedness on the referral forms yielded extremely high rates of self-reported confidence and capability. This aspect of the findings was interpreted to indicate that the participant teachers either (a) saw themselves as highly prepared to teach CLD students, or (b) were disinclined to reveal lack of preparedness and skills on the district referral document.

IMPLICATIONS OF THE STUDY

By examining referral documents and transcripts of semi structured interviews, this qualitative study explored the student and teacher factors associated with referral of bilingual CLD students for special education evaluation in a large Midwestern district. The findings which resulted from the qualitative data analyses were triangulated to increase the trustworthiness of the data and subsequently found to present a number of implications for schools and teachers of CLD students.

The implications for this study are examined at two levels: the theoretical level of significance and the practical level of significance. At the theoretical level of significance, study findings were reviewed in connection with the literature cited in this chapter and that body of literature that was extensively reviewed in Chapter Two. At the practical level of significance, the major findings of this research are discussed in terms of the implications for institutions of higher education, district special education directors, ESOL and professional development coordinators, administrators, grade-level teachers, and ESOL teachers..

Theoretical Significance

Throughout the last several decades, an increase in the research pertaining to effective programming for CLD students (August & Hakuta, 1997; Lindholm & Molina, 2000; Ramirez et al. 1991; Thomas & Collier, 1997, 2002) has led to greater consideration and development of programs and practices that better meet these students' educational needs. Studies in the area of CLD student achievement consistently reveal correlations between the types of programs in which CLD students are enrolled and the students' long term academic outcomes (Ramirez, 1991; Thomas & Collier, 1997, 2002). Related studies, have demonstrated that CLD students in specific programs (e.g. dual language) outperform average English speakers by the time they enter middle-school (Thomas & Collier, 1997, 2003). The studies reveal that a student's designation as a second language learner is not the determining characteristic leading to school failure or success. With the highest achievement among those receiving the most language support(s) and lowest achievement among those receiving the least, it becomes evident

that CLD student academic success is highly dependent on the quantity and quality of language support(s) provided in the grade level classroom.

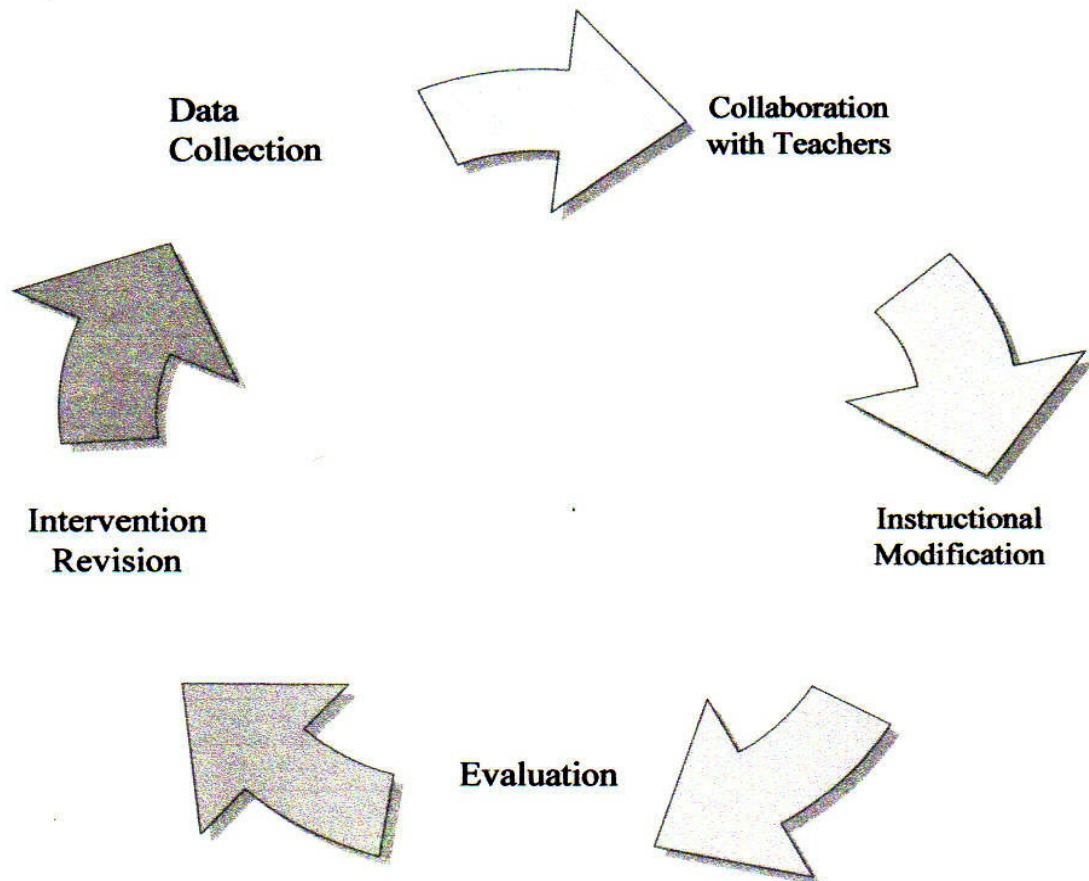
Conditions associated with less supportive programs which result in lower CLD student achievement include (a) teachers lack of ESOL training (Brown, 2004; Walton et al., 2005), and (b) cultural mismatch (Latham, 1999). These conditions can lead to circumstances under which CLD student difficulties are perceived to be innate to the student rather than resulting from educational practices that ‘work’ with other students but do not meet the needs of a student who is culturally and linguistically diverse (Collier, 2006; Salend, 2005). When these insights are not recognized at the instructional level they are unlikely be recognized or addressed during the intervention process (Ortiz et al., 2006; Truscott et al., 2005). What results is an intervention process that mirrors prior and undifferentiated/ unaccommodative classroom practices and confirms faulty perceptions that the causes of CLD student learning problems reside within the CLD student (Baca & Cervantes, 2004).

Once referred for evaluation, the majority of CLD students will go on to be identified as disabled and placed in more restrictive programs than would be typical of non-CLD peers with similar academic or behavioral concerns (Artiles et al., 2005; De Valenzuela et al., 2006). In accordance with the referenced theoretical framework, these factors are considered interrelated phenomena, which cyclically lead to, and emanate from, teacher misperception of CLD student learning performance.

As described elsewhere in this study, intervention is intended to be an evolving process whereby data collection, collaboration with other teachers, instructional modification, evaluation and intervention revision occur repeatedly over time (Green et

al., 2001; Klingner & Vaughn, 2002) (see Figure 5.1). This process is not designed to merely confirm teacher perceptions of student *failure* but to facilitate and document the refinement of understandings and accommodations necessary for student *success*.

Figure 5.1 Solution Focused Intervention Cycle.



Because formal evaluation measures provide only static information about current skills which can result from many factors, it is only through the intervention model that teachers can distinguish between learning problems attributable to prior experiences or language differences and those which indicate an innate disability. When intervention processes are not appropriately employed, the results preclude distinction between these types of learning problems and higher numbers of CLD students will be referred for special education testing.

The findings of this study corroborate the emergent body of research, which indicates that inadequate referral practices are a significant factor in the numbers of CLD

students being referred for special education (Artiles et al., 2005; Collier, 2006).

Information provided by the school district that was the focus of this research revealed that the majority of intervention documents produced by teachers and General Education Support Teams during the study period were insufficiently completed. Furthermore, rather than guide identification of the contexts and supports necessary for student success, the majority of the referral forms stated only what the child *could not do*. Given that *diagnostic testing* emerged from within the participant voice as a primary objective of the referral process, it is possible that, (a) teachers emphasized students' lack of skills to support testing, and/or (b) inadequate intervention methods failed to identify the CLD students' strengths and abilities. These findings hold implications which extend well beyond the intervention process for CLD students as individual learners and representatives of larger student groups.

When intervention is not perceived to be a problem solving process or one by which understandings are gained and student improvement results, evaluation appears as the only way one can 'get help' for a struggling student. As noted in Chapter One, teacher deference for the type of "hard" data gathered through formal evaluation may lead them to (a) rush through the intervention process, (b) devalue other sources of data including alternate evidence of skills and student/parent perspectives, and (c) suspend interpretation of classroom based findings pending *expert* testing. Evidence for these phenomena from both sources of study data exposes a significant disconnection between the proposed and practical purposes of intervention for CLD students. Because of the interrelated nature of the actions and suppositions involved, a single genesis of the problem may be difficult to identify. However the proposed sequence of phenomena (and the interrelated nature

thereof) is offered for consideration.

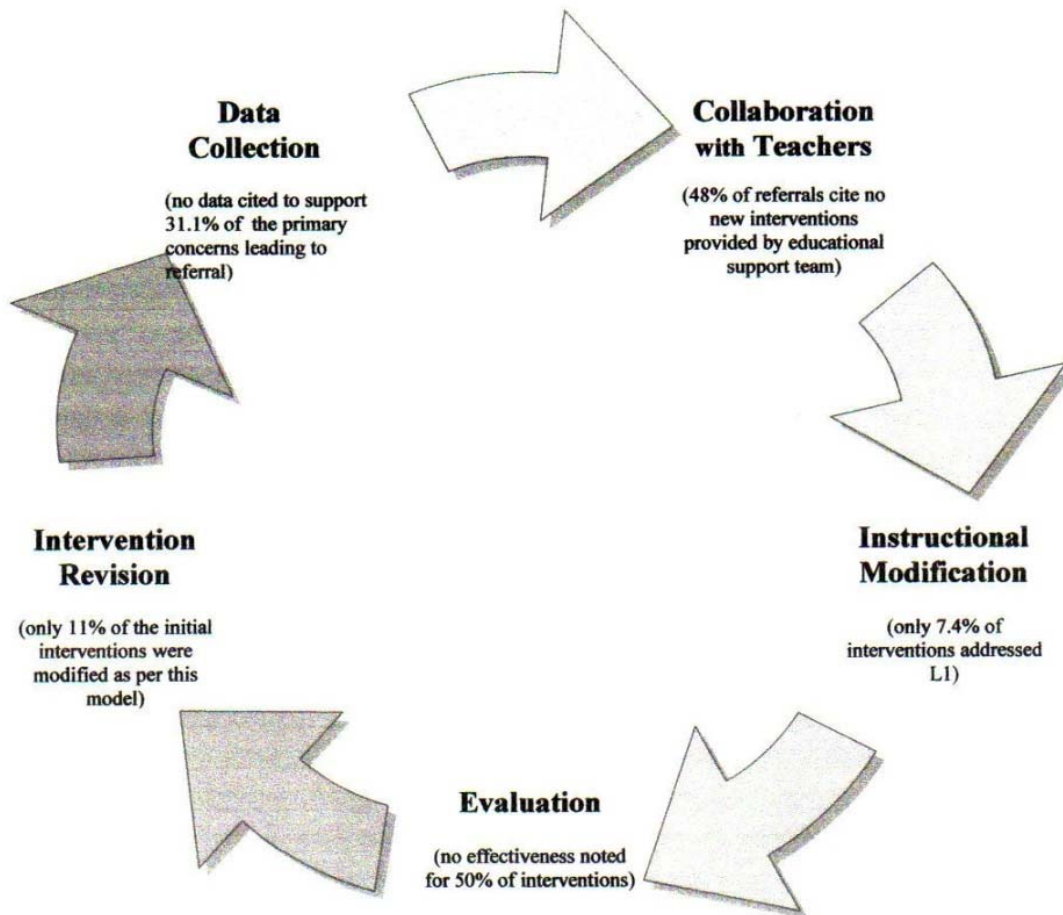
1. Teachers lacking sufficient ESOL training and coursework fail to provide the contextual and language supports necessary for the CLD student to adequately access, and benefit from, the curriculum.
2. Teachers lacking sufficient ESOL training and coursework employ a standard set of general interventions in response to CLD student learning performance difficulties. The interventions are ineffective in fostering the changes necessary for student success. The CLD student is subsequently referred to the intervention assistance team.
3. The intervention assistance team then fails to (a) consider other sources of data (e.g. primary language skills, parent information) and/or (b) offer necessary levels of support for intervention refinement. The team bases determination of special education candidacy on teacher information regarding student response to what is, in reality, insufficiently refined or accommodated instruction. The CLD student is then referred for evaluation.
4. The Child Study Team combines potentially biased formal evaluation measures with insufficient classroom-based evidence of student skills. Eighty percent of students referred for special education are found eligible for and placed in programs for the disabled (Collier, 2006).
5. The Child Study Team's perceived and self-stated ability to 'diagnose' student learning problems in tandem with a non-problem solving intervention process reinforces teacher precepts that the goal of the prereferral process is to *get your student tested*.

As outlined in this sequence, the Child Study Team's perceived ability to diagnose actually serves to undermine and devalue the less biased information available via documented cycles of individualized intervention in the classroom. When implemented as designed (Figure 5.1), intervention supports facilitate the learning, assessment and modification cycles necessary to determine when, how, and under what conditions the student *does* learn. Teachers who learn to problem solve in this manner not only become more adept at distinguishing disabilities from differences in individual students, they become more capable and responsive teachers of CLD students overall.

Findings from this study suggest that in contrast to a competency building cycle, a reinforcing incompetence results whereby a teacher's lack of skills to teach and interpret the learning behaviors of CLD students fails to grow through exposure to the proper provision of intervention supports. The problems are determined to reside within the student and the sources of non-problem solving data (e.g. student response to unaccommodative instruction) are validated by the Child Study Team diagnosis.

When specific study findings are considered in terms of recommended intervention design (Figure 5.2), it becomes evident that improved understanding of, or adherence to, policies and principles of the intervention process for CLD students would significantly increase the information available at this level.

Figure 5.2 Confirmatory Intervention Cycle.



Practical Significance

At the level of practical significance, the findings from this study will have implications for institutions of higher education, special education directors, ESOL and professional development coordinators, administrators, and grade-level as well as ESOL teachers. Each of the practical implications discussed in this section was based upon the data collected and analyzed by the researcher in the course of this study. The researcher has attempted to enhance the trustworthiness and reliability of this study through the triangulation of the data collection tools and methods as described in Chapter Three.

The demographics of our nation and student population reflect growing numbers

of CLD families. Therefore the major findings of this study suggest significant practical implications for *Institutions of Higher Education* which must prepare teachers and CST members to meet the needs of culturally and linguistically diverse learners. Institutions charged with the professional preparation of teachers, administrators, curriculum specialists, psychologists, speech pathologists, social workers and counselors must include within these programs provision of the knowledge bases and resources necessary to meet the needs of culturally and linguistically diverse learners. In particular, those professionals whose evaluation methods may include administration of standardized tests (psychologists, speech-language pathologists) must be provided substantial understandings of the caveats posed in utilization of these tools with CLD students.

An extensive review of the current literature indicated that teacher preparedness, non-problem solving intervention practices and disproportional placement are interrelated phenomena which lead to, and emanate from teacher misperception of CLD student learning. Issues related to poor teacher preparation and the consequent impact on the processes leading to special education referral resonated throughout the analysis of findings from this study. For example, evidence that teachers form opinions about CLD student language proficiency based largely upon observation suggest that targeted teacher coursework and trainings on the critical relationship between language and learning could have a positive and durable impact on teacher preparedness to teach CLD students. Specifically, teachers need to acquire better understandings of second language acquisition phenomena and, in particular, the difference between Basic Interpersonal Communication Skills and the Cognitive Academic Language Proficiency (Cummins, 1981) necessary for full participation in the second language curricula. Findings that

teachers disregard the CLD student's language assets and needs throughout the instructional and prereferral processes evidence the need for targeted coursework in several areas. For one, teachers would benefit from exposure to theories such as the *Interdependence Hypothesis* (Cummins, 1981) which provides a schema to understand the reciprocity between L1 and L2 competencies, and the *Prism Model* (Thomas & Collier, 1997) which informs the design of CLD student instruction to meet the linguistic, academic, cognitive, and sociocultural needs of CLD students. Secondly, teachers would benefit from preservice and inservice opportunities to apply these learnings in the implementation of classroom practices which are inclusive to both CLD and special education students. Such trends in teacher training would likely increase teacher confidence and success within the grade level class and thereby reduce teachers' tendencies to view diagnosis and placement as the primary means by which student learning problems are resolved in today's schools.

The primary practical implication of this study for *special education directors* is that greater attention must be paid to the policies and procedures stipulated in the Public Law to prevent inappropriate special education actions (referral, assessment and placement) involving CLD students. Findings from this study exposed high numbers of referrals that were not in compliance with the spirit, if not actual mandates, of the reauthorized (2004) Individuals with Disabilities Education Act. In addition to promoting policy adherence, this study indicates that Special Education Directors can address over-referral of CLD students in several distinct ways. At the most basic level, under the leadership of the Special Education Director, Child Study Team members can be encouraged to increase their own knowledge bases regarding the learning and assessment

accommodations necessary to effectively teach CLD students. These increased understandings will aid CST members' ability to critically review, and more highly regard, classroom-based and parent-provided evidence of CLD student learning when planning for, or proceeding with, special education evaluation. Increased CST confidence with this level of information is contingent upon the degree to which the practical implications to follow result in the instructional changes necessary to impact CLD student success prior to consideration for referral.

This study also yielded practical implications for *ESOL and professional development coordinators*. Working in conjunction with one another, ESOL and professional development coordinators can provide critical trainings to on-site personnel such as ESOL Teachers, lead teachers, and Child Study Team members to enhance the abilities of each group to serve as resources to the grade level teacher of CLD students. By increasing the types and targeted nature of accommodations afforded the general education population, CLD students will be less likely to exhibit the experience or language related learning problems so often misperceived as evidence of disability.

The practical significance and implications for *administrators* lie in two major aspects of her or her role as the educational leader. The most significant implications for administrators will pertain to the climate and educational model(s) of the school. In addressing the impact of climate, this study revealed unacceptably low levels of parent contact and involvement when a CLD student was being referred for the intervention processes which can lead to special education evaluation and placement. Furthermore, as described in the section titled *Language Disregard*, several of the interviewed teachers exposed ongoing or prior school climates which were overtly negative towards CLD

students' use of the home language. This finding reflects the aspect of school climate that relates to whether CLD student histories and competencies are viewed through a deficit model (Baca, 1998) or one which acknowledges and accesses student assets that may be different than those assumed by a traditional curriculum. For example, a CLD student may enter school with relatively little exposure to English or educational media (e.g. books) and therefore lack skills the teacher associates with academic 'readiness.' The perception may be that no learning can or will occur until that student can demonstrate what he/she knows through traditional oral (L2) and written (print language) means. Yet, *if provided the opportunity*, the same student may be able to deeply discuss curricular concepts in the L1, or convey complex understandings through alternative (e.g. artistic, demonstrative) modes. A school climate that acknowledges diverse aptitudes will recognize these skills as critical keys to the assessment and advancement of CLD student learning. Although the manifestations of school climate may be most obvious in classroom contexts, it is primarily the school administrator who sets the climate which either *promotes* or *demotes* the value of students' individual, cultural and linguistic assets.

Beyond fostering a positive climate for CLD students, the findings of this study also have implications for more effective utilization of school personnel who speak languages other than English. Because research suggests a correlation between program models and CLD student academic success (Thomas & Collier, 1997, 2002), effective administrators may choose to reconsider reliance upon instructional models associated with the achievement discrepancies that mirror disabilities in CLD learners. Even where insufficient numbers of bilingual personnel exist to provide school wide programs such as

dual language or developmental bilingual support, administrators may choose to reassess and refocus the manner in which any such assets are utilized in specific schools (Miramontes, Nadeau, & Commins, 1997). For example, many of the interviewed teachers noted the presence of an ESOL para who also spoke Spanish. In most cases, however, this person's Spanish language skills were accessed only to communicate with parents or clarify the school's behavioral expectations with individual students. Proactive administrators will consider using bilingual personnel in ways that facilitate instructional objectives rather than limiting their use to the conveyance or clarification of rules. Specifically, school administrators may find that bilingual staff can be much more effectively utilized to foster parent-provided curricular support and/or provide targeted L1 content reinforcement to enhance the overall achievement of CLD students.

Grade Level teachers represent the nexus of points at which the practical implications of this study converge. As interrelated are the phenomena which undermine CLD student learning, so too are the implications described throughout this section. Although addressing systemic change requires administrative support, it is the instruction to and from the grade level teacher through which the greatest student impact will occur. Of practical significance, this study revealed that while lesser degrees of ESOL coursework may impact teacher reflection, application of concepts during intervention occurred only among those having completed the full ESOL endorsement. Therefore, grade level teachers would benefit from access to the ESOL coursework necessary to attain the complete body of understandings required of an ESOL endorsement. This study also revealed the need for ESOL teachers to assist classroom teachers in understanding the meaning, implications and relevance of each CLD student's language proficiency test

results. The findings described herein indicate that teacher knowledge of language test scores does not translate into understandings which foster appropriately accommodated instruction and interpretation of the student learning response. This type of information paired with expanded knowledge about language acquisition and the support of adjunct personnel will increase teacher capacities to independently interpret and modify instruction for CLD students.

RECOMMENDATIONS FOR FURTHER RESEARCH

The 24th Annual report to Congress on the Implementation of the Individuals with Disabilities Education Act (U.S. Department of Education, 2002) provides data which reveal that CLD students continue to be overrepresented in educational programs designed for the disabled. In response to this and related data, the Individuals with Disabilities Education Act (reauthorized 2004) includes language to assure that multiple sources of information (e.g. parent, student response to intervention) and appropriate means to assess learning (e.g. primary language) are considered when CLD students are referred for special education evaluation. This study found that in the participating district, policies and procedures implemented to assure compliance with the federal mandate were inconsistently adhered to by teachers, general education support teams, and the building level administrators when bilingual CLD students were referred for evaluation. The extent to which such patterns may also be evident among non-CLD referrals cannot be conjectured on the basis of this study alone. However, findings described herein indicate a need for further examination of all referrals in this setting.

Research is also needed regarding the role and perceptions of CLD parents. A

study probing the perceptions and experiences of CLD parents with a child in the referral process would likely provide much needed information to the fields of general and special education. For example, how does the CLD parent perceive his/her role in the intervention process? When parents support the need for testing, what is the basis for this opinion? Since parental agreement is required for evaluation, it would be important to determine the extent to which parents form opinions about their child's abilities based upon teacher reports rather than their own impressions of student capabilities. Do teacher misperceptions of CLD student ability like those noted in this study influence a parent's perception of his/her child's innate ability or educational future? Equally important information would be derived from parents who support the teacher's concern by citing home-based evidence of speech-language, learning or behavior problems. Because innate disabilities occur across settings, this type of information would provide teachers and support teams valuable examples and increased understanding of this critical concept.

Analysis of the findings revealed from this study revealed that teachers form opinions about CLD student language proficiencies based upon observations within the school setting. Because this significantly impacts pre-referral instruction and the ensuing evaluation process, there is a need to determine the reliability of these impressions when compared with other indicators of language such as language proficiency evaluations, rating scales or rubrics such as the Student Oral Language Observation Matrix (SOLOM) (California State Department of Education, n.d.) and parent report. The results of this study indicate that disregard for the CLD student's language profile derails the provision of appropriate academic supports and perpetuates the misperceptions of student (dis)ability that lead to overreferral for special education. Therefore, explicit data

revealing the (in)adequacy of teacher observation as a primary source of information regarding student language proficiencies is needed to further inform the fields of general and special education.

Finally, educational policies (e.g. NCLB) which require CLD students to demonstrate grade level academic achievement in English after relatively minimal exposure to the language should be explored for the particular impact these mandates have on teachers' referral of CLD students for special education.

FINAL THOUGHTS

Current data suggest that CLD students continue to be overreferred for, and overrepresented in, special education. This study found that inconsistent implementation of referral procedures and instructional disregard for the language needs of CLD students occurred in high numbers of cases where CLD students had been referred for special education evaluation. Analysis of the referral form and qualitative data indicated that inadequate intervention supports and conflicted understandings of student language proficiencies factored in these referrals. As the numbers of CLD students in U.S. schools continues to grow, it is imperative that schools and districts advance the individual and collective knowledge bases needed to serve these students. This study revealed that stronger attention to the language needs and experiences of CLD students at every level is necessary to reduce the number of CLD students erroneously referred for special education. These actions are critical because misidentification and placement of a CLD student in special education not only stigmatizes that student as less capable but invariably limits the student's access to mainstream opportunities and potentially impairs

his/her long range academic and social development. The intensification of student learning problems and increased dropout rates associated with mislabeling cautioned in the reauthorization of IDEIA (2004) compel responsible, ethical educators to vigorously address the phenomena described herein which lead to over-referral of CLD students for special education.

References

- Abedi, J. (2004). The No Child Left Behind Act and English language learners: Assessment and accountability issues. *Educational Researcher*, 33(1), 4-14.
- Artiles, A. J., & Harry, B. (2004). *Addressing culturally and linguistically diverse student overrepresentation in special education: Guidelines for parents*. NCCRESt Practitioner Brief Series. Denver, CO: National Center for Culturally Responsive Educational Systems.
- Artiles, A. J., Rueda, R., Salazar, J., & Higuera, I. (2005). Within-group diversity in minority disproportionate representation: English language learners in urban school districts. *Exceptional Children*, 71, 283-300.
- Artiles, A., & Trent, S. C. (1994). Overrepresentation of minority students in special education: A continuing debate. *The Journal of Special Education*, 22, 410-436.
- Artiles, A., & Zamora-Duran, G. (1997). *Reducing the disproportionate representation of culturally diverse students in special and gifted education*. Reston, VA: The Council for Exceptional Children.
- August, D., & Hakuta, K. (Eds.). (1997). *Improving schooling for language-minority children: A research agenda*. Washington, DC: National Academy Press.
- Baca, L. (1998). Bilingualism and bilingual education. In L. M. Baca & H. T. Cervantes (Eds.), *The bilingual special education interface* (pp. 26-45). Upper Saddle River, NJ: Merrill.
- Baca, L., & Cervantes, H. (2004). *The bilingual special education interface* (4th ed.). Columbus, OH: Merrill.

- Biddle, B. J., & Berliner, D. C. (2002). Research synthesis: Small class size and its effects. *Educational Leadership, 59*(5), 12-23.
- Bogdan, R. C., & Biklen, S. K. (1992). *Qualitative research for education: An introduction to theory and methods*. Boston: Allyn and Bacon.
- Brown, C. L. (2004). Reducing the over-referral of culturally and linguistically diverse (CLD) students for language disabilities. *NABE Journal of Research and Practice, 2*(1), 225-243.
- Brown, C. L. (2005). Ways to help ELLs: ESL teachers as consultants. *Academic Exchange Quarterly, 9*(4), 255-260.
- Brown, C., & Bentley, M. (2004, Fall). ELLs: Children left behind in science class. *Academic Exchange Quarterly, 8*(3), 152-157.
- Caldwell, L. D., & Siwatu, K. (2003). Promoting academic persistence in African American and Latino high school students. *High School Journal, 87*, 30-38.
- California State Department of Education. (n.d.). *Student oral language observation matrix* (SOLOM). Unpublished instrument. Sacramento: Author.
- Cartledge, G. (1999). African-American males and serious emotional disturbance: Some personal perspectives. *Behavioral Disorders, 25*(1), 76-79.
- Cazden, C. B. (1992). *Language minority education in the United States: Implications of the Ramirez Report*. Santa Cruz, CA: National Center for Research on Cultural Diversity and Second Language Learning.
- Chinn, P., & Hughes, S. (1987). Representation of minority students in special education classes. *Remedial and Special Education, 4*, 41-46.

- Cochran-Smith, M., & Lytle, S. (1990). Research on teaching and teacher research: The issues that divide. *Educational Researcher*, 19(2), 2-11.
- Collier, C. (2004). The assessment of acculturation. In *Handbook of Multicultural School Psychology* (in press). Retrieved January 30, 2007, from www.crosscultured.com/articles.asp?category=158
- Collier, C. (2006, May). *Pinpointing the problem: Language or disability*. Presentation at Emporia State University, Emporia, KS.
- Collier, V. P., & Thomas, W. P. (2004). The astounding effectiveness of dual language education for all. *NABE Journal of Research and Practice*, 2(1), 1-20. Available online at <http://njrp.tamu.edu/2004.htm>
- Coutinho, M., Oswald, D., & Best, A. (2002). The influence of sociodemographics and gender on the disproportionate identification of minority students as having learning disabilities. *Remedial and Special Education*, 23(1), 49-59.
- Cummins, J. (1979). Linguistic interdependence and the educational development of bilingual children. *Review of Educational Research*, 49, 222-251.
- Cummins, J. (1981). The role of primary language development in promoting educational success for language minority students. In California State Department of Education (Ed.), *Schooling and language minority students: A theoretical framework* (pp. 3-49). Los Angeles: National Dissemination and Assessment Center.
- Damico, J. S., & Hamayan, E. V. (1991). Implementing assessment in the real world. In E. V. Hamayan & J. S. Damico (Eds.), *Limiting bias in the assessment of bilingual students* (pp. 303-316). Austin, TX: Pro-Ed.

- Denzin, N. (1978). *The research act: A theoretical introduction to sociological methods*. New York: McGraw-Hill.
- De Valenzuela, J. S., Copeland, S. R., Qi, C. H., & Park, M. (2006). Examining educational equity: Revisiting the disproportionate representation of minority students in special education. *Exceptional Children, 72*(44), 425-441.
- Donovan, M. S., & Cross, C. T. (2002). *Minority students in special and gifted education*. Washington, DC: National Academy Press.
- Dunn, L. M. (1968). Special education for the mildly mentally retarded: Is much of it justifiable? *Exceptional Children, 23*, 5-21.
- Eitle, T. M. (2002). Special education or racial segregation: Understanding variation in the representation of African American students in educable mentally handicapped programs. *The Sociology Quarterly, 43*, 575-605.
- Escamilla, K., Chavez, L., & Vigil, P. (2005). Rethinking the "gap": High stakes testing and Spanish-speaking students in Colorado. *Journal of Teacher Education, 56*(2), 132-144.
- Feiman-Nemser, S., & Remillard, J. (1996). Perspectives on learning to teach. In F. B. Murray (Ed.), *The teacher educator's handbook: Building a knowledge base for the preparation of teachers* (pp. 63-91). San Francisco: Jossey-Bass.
- Figuroa, R. (2005). Dificultades o discapacidades de aprendizaje. *Learning Disability Quarterly, 28*, 163-167.
- Figuroa, R., & Newsome, J. (2006). The diagnosis of LD in English learners: Is it nondiscriminatory? *Journal of Learning Disabilities, 39*, 206-214.

- Finn, J. D. (1982). Patterns in special education placement as revealed by the OCR surveys. In K. A. Heller, W. H. Holtzman, & S. Messick (Eds.), *Placing children in special education: A strategy for equity* (pp. 322-381). Washington, DC: National Academy Press.
- Fletcher, T. V., & Navarrete, L. A. (2003, Fall). Learning disabilities or difference: A critical look at issues associated with the misidentification and placement of Hispanic students in special education programs. *Rural Special Education Quarterly*, 22(4): 37-46.
- Flugum, K. R. & Reschly, D. J. (1994). Prereferral interventions: Quality indices and outcomes. *Journal of School Psychology*, 32, 1-14.
- Ford, D. Y. (1998). The underrepresentation of minority students in gifted education: Problems and promises in recruitment and retention. *The Journal of Special Education*, 32(1), 4-14.
- Ford, D. Y., & Harris, J. J., III. (1998). *Multicultural gifted education*. New York: Teachers College Press.
- Fradd, S., & McGee, P. (with Wilen, D.). (1994). *Instructional assessment: An integrative approach to evaluating student performance*. Reading, MA: Addison Wesley.
- Gándara, P., Rumberger, R.W., Maxwell-Jolly, J., & Callahan, R. (2003). English learners in California schools: Unequal resources, unequal outcomes. *Educational Policy Analysis Archives*, 11. Retrieved January 31, 2007, from <http://epaa.asu.edu/epaa/v11n36/>

- Garcia, E. (1983). *Early childhood bilingualism*. Albuquerque: University of New Mexico Press.
- Garcia, O., Kleifgen, J. A., & Falchi, L. (2008). *From English language learners to emergent bilinguals*. Equity Matters: Research Review No. 1. New York: Columbia University.
- Garcia, S. B., & Malkin, D. H. (1993). Toward defining programs and services for culturally and linguistically diverse learners in special education. *Teaching Exceptional Children*, 26(1), 52-58.
- Gersten, R., & Woodward, J. (1994). The language minority student and special education: Issues, trends, and paradoxes. *Exceptional Children*, 60(4), 310-322.
- Goetz, J. P., & LeCompte, M. D. (1984). *Ethnography and qualitative design in educational research*. New York: Academic Press.
- Goldman, A. (2003, December). *Inclusion of LEP students in NAEP*. Presentation at the National Center for Educational Statistics, Washington, DC.
- Green, C., Arreaga-Mayer, C., Utley, C., Gavin, K., & Terry, B. (2001). Classwide peer tutoring learning management system. *Remedial and Special Education*, 22(1), 34-37.
- Guba, E., & Lincoln, Y. (1989). *Fourth generation evaluation*. Beverly Hills, CA: Sage.
- Hakuta, K. (1986). *Mirror of language: The debate on bilingualism*. NY: Basic Books.
- Hamayan, E., Marler, B., Sanchez-Lopez, C., & Damico, J. (2007). *Special education considerations for English language learners: Delivering a continuum of services*. Philadelphia: Caslon.

- Harry, B., Allen, N., & McLaughlin, M. (1995). Communication versus compliance: African-American parents' involvement in special education. *Exceptional Children, 61*, 364-377.
- Harry, B., & Klingner, J. (2006). *Why are so many minority students in special education? Understanding race and disability in schools*. New York: Teachers College Press.
- Henderson, A. T., & Mapp, K. L. (2002). *A new wave of evidence: The impact of school, family, and community connections on student achievement*. Austin, TX: National Center of Family & Community Connections with Schools, Southwest Educational Development Laboratory. (ERIC Document Reproduction Service No. ED474521)
- Herrera, S., & Murry, K. (2005). *Mastering ESL and bilingual methods: Differentiated instruction for culturally and linguistically diverse (CLD) students*. Boston: Allyn and Bacon.
- Hosp, J. L., & Reschly, D. J. (2003). Referral rates for intervention or assessment: A meta-analysis of racial differences. *The Journal of Special Education, 37*(2), 67-80.
- Hosp, J. L., & Reschly, D. J. (2004). Disproportionate representation of minority students in special education: Academic, demographic, and economic predictors. *Exceptional Children, 70*(2), 185-199. Retrieved May 27, 2005, from <http://journals.sped.org>
- Individuals with Disabilities Education Act (IDEA). (1997, 1999). 20 U. S. C. 1400 et. Seq. (Statute). 34 C. F. R. 300 (Regulations)

Individuals with Disabilities Education Improvement Act of 2004, Pub. L. No. 108-446.

Retrieved December 12, 2006, from www.copaa.org/pdf/IDEA2004.pdf

Kindler, A. (2002). *Survey of the states' limited English proficient students and available educational programs and services: 2000-2001 summary report*. Washington, DC: National Clearinghouse for English Language Acquisition.

Klee, T., & Carson, D. (2000). Improving the positive predictive value of screening for developmental language disorder. *Journal of Speech, Language, and Hearing Research, 43*, 821-833.

Klingner, J. K., & Vaughn, S. (2002). The changing roles and responsibilities of an LD specialist. *Learning Disability Quarterly, 25*, 19-31.

Knotek, S. (2003). Bias in problem solving and the social process of student study teams: A qualitative investigation. *The Journal of Special Education, 37*, 2-4.

Kohnert, Y. (2004). Processing skills in early sequential bilinguals. In B. Goldstein (Ed.), *Bilingual language development and disorders in Spanish-English speakers* (pp. 53-76). Baltimore: Paul H. Brookes.

Kovaleski, J. F. (2002). Best practices in operating prereferral intervention teams. In A. Thomas & J. Grimes (Eds.), *Best practices in school psychology IV* (pp. 645-656). Washington, DC: National Association of School Psychologists.

Krashen, S. D. (1991). The input hypothesis: An update. In James E. Alatis (Ed.), *Georgetown University round table on languages and linguistics* (pp. 409-431). Washington, DC: Georgetown University Press.

Krashen, S., & Biber, D. (1988). *On course: Bilingual education's success in California*. Los Angeles: California Association for Bilingual Education.

- Krefting, L. (1991). Rigor in qualitative research: The assessment of trustworthiness. *The American Journal of Occupational Therapy*, 45(3), 214-222.
- Lambert, M. C., Puig, M., Rowan, G. T., Lyubansky, M., & Winfrey, T. (1998). *Adult perspectives on behavior and emotional problems in African American children*. Manuscript submitted for publication.
- Langdon, H. (2002). Factors affecting special education services for English-language learners with suspected language learning disabilities. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 5(1), 66-82.
- Latham, A. (1999). The teacher-student mismatch. *Educational Leadership*, 56(7), 84-85.
- Limbos, M., & Geva, E. (2001). Accuracy of teaching assessments of second-language students at risk for reading disability. *Journal of Learning Disabilities*, 34(2), 136-151.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Newbury Park, CA: Sage.
- Lindholm, K. J., & Molina, R. (2000). Two-way bilingual education: The power of two languages in promoting educational success. In J. V. Tinajero & R. A. DeVillar (Eds.), *The power of two languages 2000: Effective dual-language use across the curriculum* (pp. 163-174). New York: McGraw Hill.
- Lofland, J., & Lofland, L. (1995). *Analyzing social settings: A guide to qualitative observation and analysis*. Belmont, CA: Wadsworth.
- Losen, D. J., & Orfield, G. (2002). *Racial inequity in special education*. Cambridge, MA: Harvard Education.

- MacMillan, D. L., Gresham, F. M., & Bocian, K. M. (1998). Discrepancy between definitions of learning disabilities and school practices: An empirical investigation. *Journal of Learning Disabilities, 31*, 314-326.
- MacMillan, D. L., & Reschly, D. J. (1998). Overrepresentation of minority students: The case for greater specificity or reconsideration of variables examined. *The Journal of Special Education, 32*, 15-24.
- Maldonado, J. A. (1994). Bilingual special education: Specific learning disabilities in language and reading. *Journal of Education Issues of Language Minority Students, 14*(2), 127-147.
- Maloney, J. (2002, July/August). Washington update. *LDA Newsbriefs, 37*(4), 5-6.
- Mercer, J. (1973). *Labeling the mentally retarded*. Berkeley: University of California Press.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis* (2nd ed.). Thousand Oaks, CA: SAGE
- Miramontes, O. B., Nadeau, A., & Commins, N. L. (1997). *Restructuring schools for linguistic diversity*. New York: Teachers College Press.
- National Association of State Boards of Education. (1998). *The numbers game: Ensuring quantity and quality in the teaching workforce*. Alexandria, VA: Author.
- National Center for Education Statistics (NCES). (1998). *The condition of education 1998*. NCES 98-013. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.
- No Child Left Behind Act, Pub. L. No. 107-110, 115 Stat. 1425, 2002 U.S.C. (2002).

- Nieto, S. (1996). *Affirming diversity: The socio-political context of multicultural education* (2nd ed.). White Plains, NY: Longman.
- Ochoa, H., Robles-Pina, R., Gracia, S., & Breunig, N. (1999). School psychologists' perspectives on referrals of language minority students. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 3(1), 1-14.
- O'Reilly, C. C., Northcraft, G. B., & Sabers, D. (1989). The confirmation bias in special education eligibility decisions. *School Psychology Review*, 18, 126-135.
- Ortiz, A. (2004, September). *Language acquisition and assessment: Distinguishing differences from disabilities for English language learners*. Presentation at Emporia State University, Emporia, KS.
- Ortiz, A. A., & Wilkerson, C. Y. (1989). Adapting IEPs for limited English proficient students. *Academic Therapy*, 24(5), 555-568.
- Ortiz, A., Wilkinson, C., Robertson-Courtney, P., & Kushner, M. (2006). Considerations in implementing intervention assistance teams to support English language learners. *Remedial and Special Education*, 27(1), 53-63.
- Ortiz, A., & Yates, J. (1983). Incidence of exceptionality among Hispanics: Implications for manpower planning. *NAEE Journal*, 7, 41-54.
- Oswald, D. P., Coutinho, M. J., Best, A. M., & Singh, N. N. (1999). Ethnic representation in special education: The influence of school-related economic and demographic variables. *Journal of Special Education*, 32(4), 194-206.
- Overton, T., Fielding, C., & Simonsson, M. (2004). Decision making in determining eligibility of culturally and linguistically diverse learners: Reasons given by assessment personnel. *Journal of Learning Disabilities*, 37(4), 319-330.

- Pasternack, R. (2002, March). *Children with learning disabilities*. Presentation at the annual convention of the National Association of School Psychologists (NASP), Chicago, IL.
- Patton, J. M. (1998). The disproportionate representation of African Americans in special education: Looking behind the curtain for understanding and solutions. *Journal of Special Education, 31*, 26-33.
- Patton, M. Q. (1990). *Qualitative evaluation and research methods* (2nd ed.). Newbury Park, CA: Sage.
- Pike, K. L. (1967). Language in relation to a unified theory of the structure of human behavior (2nd ed.). The Hague & Paris: Mouton.
- Piper, T. (2003). *Language and learning: The home and school years* (3rd ed.). Upper Saddle River, NJ: Merrill Prentice Hall.
- President's Commission on Excellence in Special Education. (2002). *A new era: Revitalizing special education for children and their families*. Washington, DC: Author.
- Proctor, B. D., & Dalaker, J. (2001). *Poverty in the United States: 2001*. Washington, DC: U.S. Government Printing Office; 2002 U.S. Census Bureau, Current Population Reports, P60-219.
- Ramirez, J. D., Yuen, S. D., Ramey, D. R., Pasta, D. J., & Billings, D. K. (1991). *Final report: Longitudinal study of structured immersion strategy, early-exit and late-exit transitional bilingual education programs for language-minority children* (Vols. I and II). Washington, DC. San Mateo, CA: Aguirre International.

- Richardson, V., Casanova U., Placier, P., Guilfoyle, K. (1989). *School children at-risk*. New York: Falmer Press.
- Rosier, P., & Holm, W. (1980). *The Rock Point experience: A longitudinal study of a Navajo school program (Saad Naaki Bee Na'nitin)* (Bilingual Education Series No. 8). Washington, DC: Center for Applied Linguistics. (ERIC Document Reproduction Service No. ED195363)
- Ruiz, N. T. (1989). An optimal learning environment for Rosemary. *Exceptional Children*, 56(2), 130-144.
- Salend, S. J. (2005). *Creating inclusive classrooms: Effective and reflective practices for all students* (5th ed.). Columbus, OH: Merrill.
- Shapiro, E. S., & Eckert, T. L. (1993). Curriculum-based assessment among school psychologists: Knowledge, use, and attitudes. *Journal of School Psychology*, 31(4), 375-383.
- Simon, P. (1980). *The tongue-tied American: Confronting the foreign language crisis*. New York: Continuum.
- Telzrow, C. F. (1999). IDEA Amendments of 1997: Promise or pitfall for special education reform? *Journal of School Psychology*, 37(1), 7-28.
- Thomas, W. P., & Collier, V. P. (1997). *School effectiveness for language-minority students*. Washington, DC: National Clearinghouse for Bilingual Education.
- Thomas, W. P., & Collier, V. P. (2002). *A national study of school effectiveness for language minority students' long-term academic achievement* (Final Paper No. 1.1). Santa Cruz: University of California, Center for Research on Education, Diversity & Excellence.

- Thomas, W. P., & Collier, V. P. (2003). *What we know about effective instructional approaches for language minority learners*. Arlington, VA: Educational Research Service.
- Thompson, G. (1952). *Child psychology*. Boston: Houghton Mifflin.
- Thompson, L. W. (2004). *Literacy development for English language learners: Classroom challenges in the NCLB age*. Monterey, CA: CTB/McGraw-Hill.
- Truscott, S., Cohen, C., Sams, D., Sanborn, K., & Frank, A. (2005). The current state(s) of prereferral intervention teams: A report from two national surveys. *Remedial and Special Education, 26*(3), 130-140.
- U.S. Census Bureau. (2002). *The foreign born population in the United States*. Retrieved August 18, 2006, from <http://www.census.gov/population/pop-profile/1999/chap17.pdf>
- U.S. Department of Education. (2002). *Twenty-fourth annual report to Congress on the implementation of the Individuals with Disabilities Education Act*. Washington, DC: Author. Retrieved February 3, 2007, from www.ed.gov/about/offices/list/osep/research.html
- Valdes, G., & Figueroa, R. A. (1994). *Bilingualism and testing: A special case of bias*. Norwood, NJ: Ablex Publishing.
- Wagner, R. K., Francis, D. J., & Morris, R. D. (2005). *Identifying English language learners with learning disabilities: Key challenges and possible approaches*. *Learning Disabilities Research & Practice, 20*, 6-15.

- Walton, P. H., Baca, L., & Escamilla, K. (2005). *A national study of teacher education preparation for diverse student populations*. Center for Research on Education, Diversity and Excellence. Retrieved February 6, 2007, from <http://www.crede.org/research/pdd/2.les.html>
- Wilkerson, C., & Ortiz, A. (1986). *Characteristics of limited English proficient and English proficient learning disabled Hispanic students at initial assessment and at reevaluation*. Austin: University of Texas, Department of Special Education, Handicapped Minority Research Institute. (ERIC Document Reproduction Service No. ED283314)
- Willig, A. (1985). A meta-analysis of selected studies on the effectiveness of bilingual education. *Review of Educational Research*, 55, 269-317.
- Wong-Fillmore, L., & Valadez, C. (1986). Teaching bilingual learners. In M. Wittrock (Ed.), *Handbook on research on teaching* (pp. 648-685). Washington, DC: American Educational Research Association.
- Yates, J. (1988). Demography as it affects special education. In A. Ortiz & B. Ramirez (Eds.), *Schools and the culturally diverse exceptional student: Promising practices and future directions* (pp. 1-5). Reston, VA: ERIC/Council for Exceptional Children.
- Ysseldyke, J., & Algozzine, B. (1983). LD or not LD? That's not the question! *Journal of Learning Disabilities*, 16, 29-31.

- Zehler, A. M., Fleischman, H. L., Hopstock, P. J., Stephenson, T. G., Pendzick, M. L., & Sapru, S. (2003, September). *Descriptive study of services to LEP students and LEP students with disabilities*. Volume 1 Research Report. Arlington, VA: Development Associates. Available at www.ncele.gwu.edu.
- Zhang, D., & Katsiyannis, A. (2002). Minority representation in special education: A persistent challenge. *Remedial and Special Education*, 23, 180-187.

Appendix A

Relative Effectiveness of Educational Programs for Bilingual Students Over Time

- Program 1: Two-way developmental bilingual education (BE)
- Program 2: Late-exit bilingual education + ESL taught through academic content *
- Program 3: Early-exit bilingual education + ESL taught through academic content *
- Program 4: Early-exit bilingual education + ESL taught traditionally
- Program 5: ESL pullout - taught traditionally

* ESL through the curriculum/LAC language across the curriculum

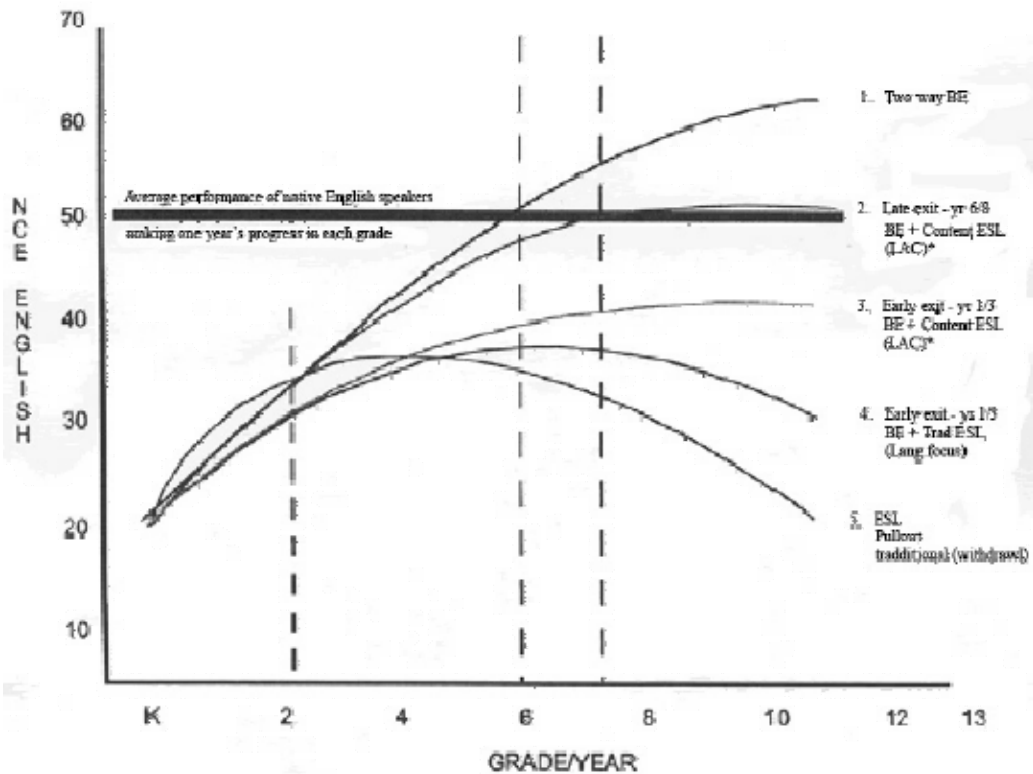


Chart III

General Pattern of K-12 Language Minority Student Achievement on Standardized Tests in English: Compared across Five Program Models

(Data aggregated from a series of 3-6 year longitudinal studies from well-implemented, mature programs in five school districts and from the Ramirez 1994 dataset.)

Source: Thomas and Collier (1997)

Appendix B

Bilingual Evaluation Referral Form

Student Information:

Name: _____ Home Language: _____
School: _____ Age: _____ Grade: _____ Retained: yes/no

Teacher Information:

Years of teaching experience: _____
ESL course work: _____ none, _____ 1-6 hrs, _____ 7+ hrs, _____ ESL endorsed

1. Please list the teacher's primary concerns and supportive data:

-
-
-

2. Prior to initiating this referral to GEST, the interventions included (note effectiveness):

-
-
-

3. Additional interventions recommended/attempted during the GEST process included (note effectiveness):

-
-
-

4. Parent involvement in GEST (please check all that apply):

- _____ parent was advised of the GEST process (How? _____)
- _____ parent was invited to attend GEST meetings (written/oral)
- _____ parent attended one or more GEST meetings

5. The student currently receives:

- _____ not sure
- _____ no ESL services (circle one: waived/exited)
- _____ ESL pull-out services: _____ minutes per (circle one: day/week)
- _____ ESL content support in the regular class: _____ min per (day/week)
- _____ native language academic support: _____ min. per (day/week)

6. The teacher's impression of the student is that he/she:
- has a well developed first language but limited English
 - has well developed first and second languages
 - has limited skills in both the first and second languages
 - has limited first language skills but well developed English

What is the source of this impression or data?

7. Does the teacher feel the student's English language skills are adequate for participation and learning in his/her setting and grade level?

8. Does the teacher feel the student demonstrates language/learning problems that cannot be accounted for on the basis of his/her current or prior experiences as a second language learner? yes no not sure

If yes, why?

9. Does the teacher feel his/her classroom materials and techniques are appropriate for ESOL students? yes, no, not sure

10. Does the teacher feel his/her preservice training prepared him/her to teach ESOL students? yes, no, not sure

11. Does the teacher feel this student would benefit from special education even if found not to be innately disabled?

12. What would the teacher like to see happen as a result of this evaluation?

Appendix C

SEMI-STRUCTURED INTERVIEW QUESTIONS

Prior to beginning the interview, the participant will be reminded that his/her participation is completely voluntary and may be withdrawn at any point. Each participant will also be advised that his/her responses will be entirely confidential and reviewed with him/her at a later date to confirm the accuracy of recorded information. Participants will also be reminded not to use names or information that would identify any particular staff member or student.

- 1. Without using his/her name, can you tell me a bit about the student you referred?**
- 2. Since we're talking about an ESOL student, what role, if any, do you think language proficiency had in the learning concerns that prompted you to refer this student?**
- 3. Have you experienced the intervention and referral process for non-CLD students?**
- 4. How, if at all, was intervention development or the GEST process different for this student?**
- 5. Did prior experience or training with regard to ESL students impact your choice of interventions for this student? Why or Why not?**
- 6. What did you think were the primary reasons this student continued to struggle despite interventions?**

- 7. How, if at all, did your understandings of this particular student's skills and abilities change as a result of the intervention process? (Example?)**

- 8. How did you feel about the outcome of this particular evaluation?**

- 9. If the student did not qualify for SPED do you feel he/she would have benefited from special education regardless? Why or Why not?**

- 10. In your opinion, did the information provided by any particular team member (including yourself) factor more in the team's decision (not) to place?**

- 11. Did you come away with an understanding of why the student did or did not qualify for SPED? (Please explain):**

Now I'd like to share some of my findings in examining sources of referral data from our region. For each I will ask you to consider whether the data is consistent with your perception of the preassessment and referral process in your school or district.

My data revealed that:

- Most teachers reported feeling adequately prepared to teach ESOL students.

- Most teachers base their impressions of language proficiency in both languages on teacher observation.

- The majority of intervention documents either did not cite intervention effectiveness at all or cited interventions as having little to no effect.

- Most intervention descriptions provided little guidance or insight into how the instructional process was modified, and/or the degree of modification necessary for student success.

- Although all students in this referral subgroup were reported to require bilingual special education evaluation, only about 7% of the interventions noted any use of the student's home/primary language as a component of the intervention.

Appendix D

KANSAS STATE UNIVERSITY

INFORMED CONSENT

PROJECT TITLE: Student Learning Behaviors and Intervention Practices Cited Among Midwestern Teachers Referring Bilingual CLD Students for Special Education Evaluation

APPROVAL DATE OF PROJECT: 3/26/07 **EXPIRATION DATE OF PROJECT:** 3/26/08

PRINCIPAL INVESTIGATOR: Socorro Herrera, Ed.D

CO-INVESTIGATOR(S): Robin Morales Cabral, M.A.

CONTACT NAME AND PHONE FOR ANY PROBLEMS/QUESTIONS:

Dr. Socorro Herrera - ph: (785) 532-2125, email: sococo@ksu.edu

IRB CHAIR CONTACT/PHONE INFORMATION: *(This information is for the subject in case he/she has questions, or needs or wants to discuss any aspect of the research with an official of the university or the IRB)*

- Socorro Herrera. Professor, Elementary Education, Bluemont Hall 219 Kansas State University Manhattan, KS 66506 (785) 532-2125.

SPONSOR OF PROJECT: N/A

PURPOSE OF THE RESEARCH: The purpose of this research is to learn more about the student behaviors, and responses to common intervention practices, noted by teachers referring bilingual students for special education evaluation.

PROCEDURES OR METHODS TO BE USED: Participants involved in the audiotaped interview process will be drawn from a larger pool of teachers who have referred a bilingual student for evaluation during the second semester of the 2006-2007 school year. Each of the selected participants who consent to an interview will be asked structured questions about the referral process and response to preliminary study findings.

ALTERNATIVE PROCEDURES OR TREATMENTS, IF ANY, THAT MIGHT BE ADVANTAGEOUS TO SUBJECT: N/A

LENGTH OF STUDY: Structured interviews are anticipated to be 15 to 30 minutes in duration.

RISKS OR DISCOMFORTS ANTICIPATED: No known or foreseeable participant risks or discomforts are anticipated.

BENEFITS ANTICIPATED: Participants will benefit from the study by:

- gaining increased awareness of learning behaviors that are shared by students with language difference and those with a potential disability
- gaining an increased awareness of the need for interventions which specifically address the role of language as a facilitator or inhibitor of instruction
- extrapolating and sharing individual insights gained via access to the preliminary study findings
- an improved prereferral process or guide that results from district

EXTENT OF CONFIDENTIALITY: The researcher will ensure confidentiality and anonymity to all participants. Each participant will be assigned a pseudonym or numerical identifier and will be referred to only by these pseudonyms in all/any forms of documentation.

IS COMPENSATION OR MEDICAL TREATMENT AVAILABLE IF INJURY OCCURS: N/A

PARENTAL APPROVAL FOR MINORS: N/A

TERMS OF PARTICIPATION: I understand this project is research, and that my participation is completely voluntary. I also understand that if I decide to participate in this study, I may withdraw my consent at any time, and stop participating at any time without explanation, penalty, or loss of benefits, or academic standing to which I may otherwise be entitled.

I verify that my signature below indicates that I have read and understand this consent form, and willingly agree to participate in this study under the terms described, and that my signature acknowledges that I have received a signed and dated copy of this consent form.

Participant Name: _____

Participant Signature: _____

Date
: _____

Witness to Signature: (project staff) _____

Date
: _____


Appendix E



University Research
Compliance Office
203 Fairchild Hall
Lower Mezzanine
Manhattan, KS 66506-1103
785-532-3224
Fax: 785-532-3278
<http://www.ksu.edu/research/comply>

TO: Socorro Herrera
Elementary Education
218 Bluemont Hall

Proposal Number: 4261

FROM: Rick Scheidt, Chair 
Committee on Research Involving Human Subjects

DATE: March 27, 2007

RE: Proposal Entitled, "Student Learning Behaviors and Intervention Practices Cited Among
Midwestern Teachers Referring Bilingual CLD Students for Special Education Evaluation"

The Institutional Review Board (IRB) for Kansas State University has reviewed the proposal identified above and has determined that it is exempt from further review.

This exemption applies only to the proposal currently on file with the IRB. Any change affecting human subjects must be approved by the IRB prior to implementation and may disqualify the proposal from exemption.

Exemption from review does not release the investigator from statutory responsibility for obtaining the informed consent of subjects or their authorized representatives, as appropriate, either orally or in writing, prior to involving the subjects in research. The general requirements for informed consent and for its documentation are set forth in the Federal Policy for the Protection of Human Subjects, 45 CFR 46.116-117, copies of which are available in the University Research Compliance Office and online at <http://ohrp.osophs.dhhs.gov/humansubjects/guidance/45cfr46.htm#46.116>. In cases of remote oral data collection, as in telephone interviews, oral consent is sufficient and the researcher is required to provide the respondent with a copy of the consent statement only if the respondent requests one. The researcher must, however, ask the respondent whether he or she wishes to have a copy. The initiative in requesting a copy must not be left to the respondent. Regardless of whether the informed consent is written or oral, the investigator must keep a written record of the informed consent statement, not merely of the fact that it was presented, and must save this documentation for 3 years after completing the research.

The identification of a human subject in any publication constitutes an invasion of privacy and requires a separate informed consent.

Injuries or any unanticipated problems involving risk to subjects or to others must be reported immediately to the Chair of the Committee on Research Involving Human Subjects, the University Research Compliance Office, and if the subjects are KSU students, to the Director of the Student Health Center.