Assessing L2 Students with Learning and Other Disabilities

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Edited by

Dina Tsagari and George Spanoudis

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INTRODUCTION

DINA TSAGARI AND GEORGE SPANOUDIS

One of the recent tendencies in the field of education nowadays is that the population of students is becoming increasingly diverse, both culturally and linguistically. As a result, the numbers of children diagnosed with *Specific Learning Differences* (SpLD), e.g. dyslexia, specific language impairment, attention deficits, as well as those with other disabilities, e.g. visual, hearing or physical impairments, are steadily growing. So is the number of students enrolled in special education. This situation, combined with greater awareness of individual human rights, has led to an increased demand for appropriate testing and assessment provision. This is of particular concern to *Second/Foreign Language* (L2/FL) test providers (Taylor 2012) and teachers (Kormos and Smith 2012), who are very often faced with the challenge of having to offer special arrangements (accommodations) to *Second Language Learners* (SLLs) with disabilities.

Within this framework, the present volume seeks to discuss the theoretical, ethical and practical considerations involved in assessing SLLs with disabilities. More specifically, it explores theoretical models and research findings that identify the special needs of SLLs with SpLD and other disabilities and evaluates the effectiveness of accommodation practices employed. Studies of both high-stakes tests and classroom-based assessments related to the special needs of SLLs are presented by professionals and researchers working in the area of psychology, special education and L2/FL testing and assessment. Cross-sectional and longitudinal studies are included, as well as studies conducted among young and adult SLLs with SpLD and other disabilities. Related issues are examined through multidisciplinary and multifaceted approaches. As such the volume explores recent thinking and research in the fields of special education, psychology and language testing and assessment and critically expands work already done in these fields by presenting new, exciting and uncharted avenues and territories where these fields meet in a dialectic and informative relationship.

This volume is a compilation of fourteen chapters, both theoretical and research-oriented, addressing the fair assessment of this special population of SLLs. The volume consists of three parts. Part I contains six chapters

focusing on issues related to diagnosing SLLs with SpLD and other learning disabilities. Part II consists of five chapters that discuss training needs and assessment procedures. Part III includes three chapters involving the perspective of L2/FL examination boards.

In chapter one, Keira Ballantyne makes detailed reference to the federal educational accountability system in the United States which, as the author explains, does not systematically collect data necessary to measure whether non-native English students are disproportionately represented in special education at the school, district, or state level. The chapter alerts us to the lack of disproportionality data and the inequities caused by misclassification in the US educational system. In the second chapter, Everatt *et al*. discuss research investigating cognitive-linguistic predictors of literacy, i.e. predictors of reading ability among Arabic, Maltese and Persian speaking school children. Findings of their study support the view that phonological skills predict variability at the word level, and measures of language understanding and word decoding predict variability in text comprehension. In the next chapter, Richard Sparks reports on the status of students classified as SpLD students in L2 courses in the U.S. educational context. His comprehensive review discusses problems of definition and diagnostic criteria for *Learning Disabled* (LD) students and studies that reveal long-term relationships between students' L1 (*First Language*) skills and their L2 proficiency as well as studies conducted with LD and non-LD students in L2 courses. The author concludes with a discussion of the practical problems for L2 assessment in the U.S.

In chapter four, Groves *et al*. examine the factors affecting language acquisition of deaf people. The chapter discusses theoretical and practical approaches from a deaf education perspective. Special attention is paid to the potential use of the *Common European Framework of Reference* (CEFR) for languages in the development of language education curricula for deaf learners. In the next chapter, Kung *et al*. provide empirical evidence on the value of curriculum-based reading assessments in identifying young SLLs who can benefit from accommodated reading instruction. In chapter six, Antoniou and Padeliadu explore whether SLLs are identified as SpLD students in unequal proportions compared to native speakers. The authors discuss defining factors of SLL and SpLD, highlight the overrepresentation of SLL students in the SpLD category and emphasise the importance of measuring not only oral language and literacy, but also writing skills, mathematical ability and reasoning capacity when screening for SpLD in SLLs.

In the opening chapter of Part II, Loumbourdi and Kracic argue that foreign language teachers should be better prepared to cope with students' literacy problems in English. The chapter presents data from teacher trainees' interviews at the beginning and end of their studies exploring their knowledge of issues related to dyslexia and at-risk students in the EFL classroom, as well as their familiarity with various methods of assessment. In chapter eight, Ann Margaret Smith considers the complexity of providing appropriate exam arrangements to SLLs in linguistically "super-diverse" communities. The chapter describes the process of developing and trialing task design and considers practical constraints when assessing SLLs in contexts where resources and funding are limited. In chapter nine, D'Este and Ludbrook examine issues of validity arising from the assessment of the English language proficiency of students with SpLDs in the Italian university system. The chapter focuses on a case study in order to describe measures that have been developed and adopted to allow dyslexic students at Venice University access to the CEFR B1 level English entrance test. In their chapter, Erbeli and Pižorn examine the latent structures of Slovene EFL students with *Specific Reading Differences* (SRDs) and students with no SRDs. Their findings indicate that well-developed fluency and orthography skills in EFL are important for efficient EFL reading competence. The authors propose assessment accommodations and modifications for the group of students with SRDs. In the last chapter of Part II, Brannen and Kozlowska address issues related to students with hearing and visual impairments aiming at increasing awareness and helping teachers adapt to the emerging L2 teaching context in ESL courses at the *Université du Québec à Montréal*. The chapter identifies common as well as divergent accommodations needed for handicapped populations of students.

Part III comprises three chapters that present the perspective of examination boards. In the first chapter of this section, Taylor and Khalifa consider some of the theoretical and practical aspects associated with test accommodations offered by *Cambridge English Language Assessment* to SLLs with disabilities. The chapter explores current issues and challenges in this area by examining the perspectives of four different stakeholder groups involved in accommodated language tests for test takers with disabilities. Based on qualitative and quantitative data, the authors investigate the match between policy and practice, and identify areas that merit further attention.

In the next chapter, Banerjee *et al.* present a case study of the process by which CaMLA, a large-scale test provider, prepares modified test forms for test takers with special needs. The chapter considers the production of

Braille versions of two high-stakes language tests and addresses the challenges of providing test takers with modified test forms to appropriately accommodate their disabilities. In the final chapter of the volume, Arras *et al*. address current accommodation practices used in the *Test of German as a Foreign Language* (TestDaF) for blind test takers and discuss issues of validity and fairness of the test.

Overall, the chapters of the volume raise important questions and demonstrate the beginning of a new era of conscious epistemological traffic between various disciplines. We remain hopeful that this volume will contribute to recent discussions about the assessment of SLL with learning and other disabilities, and will offer an effective answer to the needs of these special groups of SLLs in our increasingly globalised multicultural world. For this, we would like to sincerely thank all authors for sharing their expertise and experience with us.

We would like to propose a few directions that could be followed in the future based on what we learnt by putting these chapters together. Other than overcoming practicalities involved in meeting the assessment needs of this special group of SLLs, much more research is needed to provide the basis of clearer definitions, classifications and identification of SpLD and other disabilities in the SLL population that expand on our current classification systems. We would also like to recommend that future researchers should replicate SpLD studies that have been conducted among monolingual students. Data from both cross-sectional and longitudinal studies should be used in order to develop a classification system that can provide developmental language and cognitive benchmarks and simplify the identification procedures of SpLD children. It is also important to develop identification strategies that can improve understanding of comorbid conditions such as attention deficits and intellectual disabilities.

Furthermore, assessment tools should be developed in order to accurately and validly measure student behaviors, and interactions in the contexts of school, community, and home and help teachers identify language, literacy, and academic competencies in SLLs with SpLDs. In tandem with designing appropriate accommodations for standardized accountability assessments, research should also provide empirical evidence that assessment practices for SLLs with learning and other disabilities are appropriate and work well (Abedi *et al*. 2007). We hope to see more developments and research in the field in the years to come that can follow up on the work presented in this volume.

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EDITORIAL

JUDIT KORMOS

Second-language users and learners constitute a diverse group. Some use two or more languages routinely in their everyday and professional lives, and need to be competent in multiple languages to complete even simple routine tasks. In contrast, other students encounter another language only in a classroom context, and the target language is nothing more than an object of study for them. Notwithstanding the variety of language learning contexts and situations for bi- and multilingualism, learners also show variations in their personality, learning style, family background, motivation to learn and cognitive and physical abilities. While a search in Google Scholar using the term *individual differences and second-language learning* results in over two million possible hits, indicating how widely individual differences factors in the field of second language learning are researched, the term *disabilities and second language learning* produces considerably fewer results. It is only in recent years that specific learning differences and perceptual and physical impairments have been focused on, and volume-length publications have been published (e.g. Kormos and Kontra 2008; Kormos and Smith 2012; Martin 2009).

Although the notion of test-fairness has long been central to assessment, little research has been done on—and often insufficient consideration has been given to—the needs of disabled students in second language testing. The lack of attention to students who have some kind of impairment that prevents them from fully participating in social activities is disheartening, as disabled people constitute approximately 20 percent of the population (see, e.g., United States Census Bureau 2010). These are students for whom their impairment causes a social barrier and who are often deprived of equal chances in education, despite adequate legislative stipulations being in place.

In the context of multilingualism, assessment and disability, we need to consider two important issues: how to identify specific learning differences in two or more languages and how language assessment practices can be made more inclusive. The variety of language learning and multilingual settings makes the assessment of literacy-related learning

differences a daunting task. The assessment of learning differences needs to take into account cognitive, behavioural and educational aspects, and present a comprehensive description of the nature of the difficulties a learner might experience. The cognitive aspects of learning differences are inherently linked to the characteristics of the language(s) to be acquired. Learners from different language backgrounds might have different strategies for processing spoken and written language. If one works with students who constitute a fairly large group and whose language is shared by the assessor, it is advisable to develop tests that are based on the learners' first language. There are contexts, however, in which this might not be possible. In these cases one has no choice but to find a battery of tests that are not language specific and that focus on what is shared by all languages and the cognitive processes that are common to different language backgrounds.

Although the importance of validated and standardized tests of learning differences is unquestionable, the assessment of learning differences might not always take place via formal tests administered by specialists. Continuous assessment performed by teachers via teachers' observations also provides invaluable insights into students' difficulties and rates of progress, and reveals how these are influenced by their linguistic and cultural background.

Learning differences are also relative to the educational context. Some students do not experience any difficulties in inclusive educational contexts, whereas others face particular challenges because of the nature of their instructional setting. Therefore, both the developers of assessment tools and those who apply them should thoroughly consider the learners' cultural background and educational context. Consequently, the assessment of learning differences in a bi- and multilingual setting cannot consist of a single battery of cognitive tasks; rather, it needs to provide room for an in-depth and comprehensive understanding of individual learners in their own contexts.

Another significant issue is how fairness in the assessment of the second-language competence of students with specific learning differences and physical disabilities can be ensured. Language examinations often involve very high stakes, as they serve as gatekeepers to school and university admissions, and job recruitment procedures. Although one often thinks of classroom assessment as involving low stakes, this might also have important consequences for learners, such as progression to another grade or to the next stage of education.

Achievement in tests can have substantial influence on students' self-esteem, self-confidence and self-worth, and might impact on motivation.

Tests also impinge on the teaching process through influencing what will be taught and how (Alderson and Wall 1993; Wall 2000). Therefore, it is of great importance that assessment procedures are: valid, i.e. they should give accurate information about learners' competence; and fair, i.e. they should provide adequate opportunities for learners to display what they know. However, striking a balance between fair and valid assessment procedures is not easy. Many of the skills that language tests seek to measure, such as reading, writing and spelling, are precisely those that are problematic for students with *Specific Learning Differences* (e.g. dyslexia). Therefore the results may not fully reflect the learners' language competence.

Researching fairness and validity in the context of special educational needs is a difficult task. In high-stakes contexts, one needs to demonstrate that adjustments offered to students do not compromise the validity of the test, in other words they do not affect the construct the test aims to measure. Research in the cognitive validity of tests that investigate the underlying mental processes in test performance offers a promising new direction in this regard. At the same time, however, we also have to consider that any accommodations should offer meaningful help to test-takers and, also, be viable for institutions that administer the assessment. Hence we would need a far larger number of impact studies that elucidate the attitudes and views of various stakeholder groups, such as those of the test-takers, test designers and test administrators.

Research in the field of dyslexia and second-language learning is often conducted within the psychometric paradigm, using a quantitative design, and aims at findings that are generalizable across a wide range of settings. Consequently, many studies apply biological and medical models of disability, and many of them adopt an etic perspective, in which the researcher remains an outsider in the research context. Studies conducted within this paradigm mainly apply survey instruments and language tests that are administered to dyslexic and non-dyslexic students to compare their disposition to learning. Evidence gained from studies that compare the performance of students with special needs to the performance of those who have not been identified as requiring assistance is indispensable for making decisions in high-stakes assessment situations. However, the field would also benefit from more qualitative research in students' test-preparation and test-taking experiences and strategies. Research that aims to present students' and other stakeholders' perspectives, and which adopts an insider's perspective, is rare in this area.

This field would greatly benefit from studies that view language learners with special needs as a diverse group interdependent with the

social and instructional context. This could help us better understand the barriers that are present in current assessment practices and educational policies. This volume, which represents a wide range of countries, language backgrounds, educational settings and learners with different types of disability, takes an important first step in this direction.

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PART I:

DIAGNOSING SLL'S LEARNING AND OTHER DISABILITIES

CHAPTER ONE

DISPROPORTIONAL REPRESENTATION OF ENGLISH LEARNERS AMONG STUDENTS IDENTIFIED WITH DISABILITIES: EQUITY AND THE FEDERAL ACCOUNTABILITY SYSTEM

KEIRA GEBBIE BALLANTYNE

Almost four and a half million students in the United States are identified as English learner students—non-native English-speaking students who are not able to meet academic content standards in classes where English is the language of instruction. By law, these students are provided with services to enhance their English language proficiency. Almost half a million of these students are also identified as students with disabilities. Historically, students from marginalized populations have been found to be disproportionately identified as having disabilities—both over- and under-represented. Educators have been particularly challenged by English learner students. They often work with these students without sufficient training in second language acquisition processes, or appropriate tools to adequately assess whether these students have disabilities. English learner students thus run the risk of being misclassified as students with disabilities. The current chapter finds that despite this risk, the federal educational accountability system in the United States does not systematically collect the data necessary to measure whether or not English learner students are disproportionately represented in special education at the school, district, or state level. Because disproportionality data are not systematically collected, the inequities created by misclassification become invisible. There is no impetus to provide resources such as more accurate assessments, increased staffing, or additional professional development for teachers.

1. Introduction

There are approximately 50 million students served by US public schools. Of these students, 4.4 million are identified as being English learner (EL) students, and 5.8 million are students with disabilities (SWDs). The categories of English learners and students with disabilities intersect, and approximately 480,000 students are identified as being EL SWDs (Ed Data Express, IDEA Data Accountability Center).

Providing an appropriate education for the population of English learners with disabilities has proved to be a particularly challenging problem for schools and districts. This challenge extends to ensuring that English learner children are not misclassified as having language or learning disabilities when no such disability exists. Conversely, it ensures that when an EL child does have a disability, the disability is accurately identified by educators.

Large-scale patterns of such misclassification, when they are specific to a particular demographic group, are referred to in the literature as *disproportionalities*. Disproportionalities can be measured via a calculation of the *relative risk ratio* for a particular demographic group. The risk ratio is a measure of the relative risk that membership of a particular demographic group increases the likelihood of being identified as a student with a disability. If demographic group membership has no correlation with the risk of being identified as a SWD, then no disproportionality exists.

In the United States, education is managed by a patchwork of jurisdictions at the federal, state, and district level. At the federal level, the *Elementary and Secondary Education Act* (ESEA)—reauthorized in 2001 as *No Child Left Behind* (NCLB)—aims, in part, to reduce academic achievement gaps between relatively disadvantaged groups of students. The accountability system laid out in the legislation is the mechanism by which this civil rights aim is measured. A key innovation of the 2001 reauthorization of the legislation was to require states and districts to "disaggregate" data by demographic categories including ethnicity, socioeconomic status, and English language proficiency. The law is currently due for reauthorization by the US Congress.

NCLB has been criticized widely for its reliance on standardized test scores as accountability measures and also for punitive consequences when test score targets are not met. Johnson and Avelar (2010) argue that accountability systems which rely too heavily on outcome measures like test scores can miss other inequities which are made visible by other types of data. They term this the *wallpaper effect*—inequities hidden because of

gaps in data collections or questions not asked within accountability systems. These gaps matter because large-scale data collections have influence on resource allocations. They affect decisions about when to create new or more accurate assessments, when to increase staffing in schools and districts, and when to offer increased teacher education and professional development. Federal data collection efforts, in particular, because of their nationwide influence, have broad implications not only at a national level but also at the school and classroom levels, where data are collected.

In this paper, I aim to demonstrate that the needs of English learner students with disabilities—and those who are misclassified—are in danger of being *wallpapered* because data gaps mean that equity issues are made invisible. Specifically, I examine exhaustively current national requirements for the collection of demographic data on this population of students. Also, I discuss best practices for uncovering disproportionalities. Finally, I conclude that given the current nature of the data collection system, these best practices cannot be applied. Despite this, there is a means to compare the proportion of EL students to the population of EL students with disabilities which might uncover evidence of disproportionality. I find that, at a national level, there generally appears to be no disproportionality in the assignment of EL students to special education services. However, there is a greater degree of variation at the state level. Earlier findings from the literature indicate that disproportionalities which are not apparent on a macro scale can be uncovered at finer levels of granularity. State level data from the current analysis should be viewed with some caution. Furthermore, more detailed analyses at the district, school, grade, or program type level may be required in order to truly understand the exact manifestations of disproportionality for this population of students.

Top-down pressure from required federal data collections is one method to ensure that the data required to carry out such analyses are collected. Without accurate and comparable counts of the number of EL students, the number of students with disabilities, and the number of students who fall into both of these categories, disproportionalities can remain hidden. The key finding of the current study, therefore, is not the numerical findings which emerge from the method of analysis employed herein. It is rather that the commonly accepted metric for assessing disproportionality cannot be applied given the available data. Accountability for any inequities due to the disproportional representation of English learner students in special education is hence not a structural component of the accountability system.

I begin by presenting a brief synopsis of the definition of *disproportionality* and of key assumptions underpinning the concept. I then move to an overview of the literature on disproportionalities and English learner students. This is followed by a discussion of the role of the accountability system in detecting inequities generally. I next provide a technical explanation of the risk ratio formula, and then a review of publicly available federal data on EL and SWDs. These data are analyzed by state to reveal percentage point differences in the population of English learner students and the population of students with disabilities who are English learners. I conclude with a discussion of the limitations of these data and particularly the limitations incurred when the risk ratio formula cannot be employed.

2. What is disproportionality?

The documented history of the intersection of ethnic and racial categories and disability in education extends at least to the onset of the last century. Historians have documented that Black and Latino students were categorized as having disabilities at proportions greater than White students (Artiles *et al*. 2011). Multiple commentators within the special education literature have noted that students are not proportionally represented within the population of students with disabilities (see, e.g., Artiles *et al*. 2001; Harry and Klingner 2006; Artiles *et al*. 2011). Instead, students from particular demographic backgrounds tend to be more or less at-risk as being identified as having a disability. This is referred to in the literature as *disproportionality*: the number of children from a particular demographic background who are diagnosed as having a disability is out of proportion to their share of the general population of children.

Disproportionalities in special education continue to this day. For instance, African American male students constitute approximately 9% of the total student population, but close to 20% of the total population of students who are identified with an intellectual disability[1]. Fig. 1 illustrates this disproportionality.

[1] Note that until October 2010 the term *mental retardation* rather than *intellectual disability* was used in the Individuals with Disabilities Education Act, and the former term is retained in some data collections (National Dissemination Center for Children with Disabilities 2011).

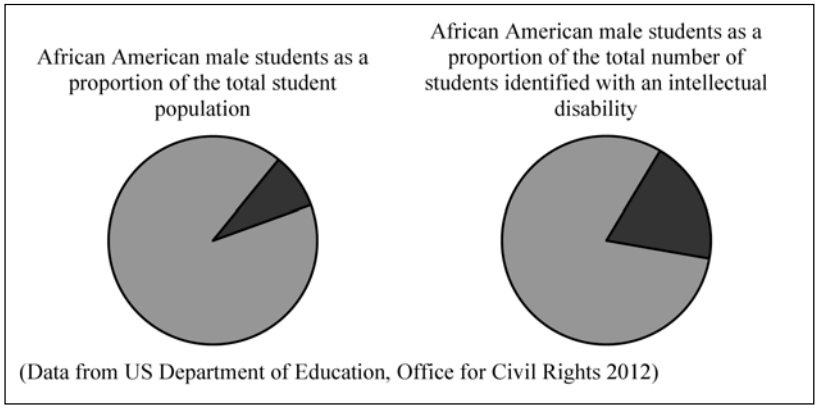

Fig. 1. Example of disproportionality

The definition of disproportionality relies on the assumption that, all other factors being equal, disabilities ought to be equally distributed among the population. As Samson and Lesaux put it, "[t]here is no empirical reason to expect that disabilities should occur in some subgroups more than others" (2009, 149). If a particular group of students is found to be more or less heavily represented in the population of students with disabilities than they are in the general student population, the assumption is that something is amiss. Either some of these students have disabilities which are not being identified (*underrepresentation*), or students who do not have a disability have been misclassified as having one (*overrepresentation*).

This paper will take the assumption of baseline proportionality to be axiomatic for the purposes of analysis. Artiles, Sullivan *et al*. (2010) note three potential causes of disproportionality that have been identified in the literature. First, biases may exist in the professional practices of educators, which may result in overrepresentations, combined with the deficit perspectives of students from diverse backgrounds.

The second type of analysis—sociohistorical—traces the roots of the problem to complex intersections of historical factors, structural inequities, race, class, and ethnicity. As Artiles, Kozleski *et al*. put it,

> [w]e assume disproportionality is a symptom of larger cultural and historical processes that shape the educational experiences and opportunities of students from historically underserved groups.[2]

[2] Artiles, Kozleski *et al*. 2010, 296.

Finally, sociodemographic accounts attend to individual or community characteristics which might lead to disproportionate incidences of disability, particularly in communities in poverty, such as low birth weight, or prematurity (see also Artiles, Kozleski *et al*. (2010) on the problem of essentializing such characteristics as inherent to populations rather than emerging from environmental conditions). To these, high levels of lead could be added, as well as other pollutants which may engender negative health effects (Federal Interagency Forum on Child and Family Statistics 2008).

While causative factors may emerge from a combination of the origins put forth by each of these types of analyses, sociodemographic factors would in fact result in *actual* disabilities being present at a greater degree in some populations over others. In other words, if sociodemographic factors are truly resulting in disproportionalities, then it is not the case that students are being misclassified. However, if these contributory factors to poor health and learning outcomes are preventable in middle class communities, then they ought to be preventable in all communities too, given the political will. So such a finding would mean that efforts to stop the inequities, which result from disproportionality, should involve the health of the wider community outside of the sphere of just the school and the education system.

2.1 EL and disproportionality

In general, there has been greater attention to disproportionalities across racial and ethnic groups than to those across linguistic groups. The literature on disproportionalities among EL students is more scant, although with some uptick in recent years. A number of causes for misidentification of ELs have been put forward. These include a lack of understanding of typical second language acquisition trajectories on the part of education professionals, misinterpretation of difficulties with highly demanding language tasks, inadequate instruction, and inappropriate assessments for identification.

Artiles, Kozleski *et al*. (2010) remind us that diagnosis of high-incidence learning disabilities has a heavy subjective component. Educators may not have had sufficient specialised training so as to distinguish typical second language acquisition processes from language impairments. Furthermore, they may misunderstand the educational needs of ELs, and students may not have access to linguistically proficient educators. Educators who do not have sufficient experience in or training for working with students who are in the process of second language

acquisition may employ mistaken assumptions about causes of language difficulties in the second language. They may attribute the lack of full comprehension and fluency to a learning disability (Klingner *et al*. 2006; Samson and Lesaux 2009).

Because both students with learning disabilities and EL students can have difficulty with highly demanding English language tasks, educators are required to have specific knowledge, experience, and tools to tease out the causes of such difficulty. Lacking such tools, they may overidentify or fail to identify disabilities in EL students. Furthermore, EL students, with or without disabilities, may not receive adequate instruction as they progress through schooling, which can lead to additional problems in identification (Sullivan 2011).

Finally, assessments—both for identification and for other purposes—may not be appropriate when English is the medium of assessment. Moreover, appropriate assessment instruments may not be available in the native languages of culturally and linguistically diverse students. A number of commentators recommend bilingual assessments for bilingual children, particularly in the case of assessments to detect language disabilities (see, e.g., Peña *et al*. 2011; Thibeault 2009).

In general, measured at a national level, EL students are no more or no less likely to be identified as having disabilities than are White[3] students. This macro level proportionality, however, masks disproportionalities that exist at other units of analysis. Descriptions in the literature uncover disproportionalities in two directions. English learner students may be *overrepresented* in the special education category when they are identified as having disabilities at rates higher than the White population. At this point, there is a concomitant assumption that a subset of these students is identified as having a disability when none is present. Conversely, EL students with disabilities may not be identified, resulting in *underrepresentation* and a situation where students are not provided with the services they need in order to access an optimal learning environment.

Sullivan cautions that in order to truly uncover the inequities that disproportionality indicates, data should be explored at multiple levels—school, district, and state. Her 2011 study finds that disproportionality occurs for EL students in some disability categories (overrepresentations in the categories of learning disabilities and intellectual disabilities). A number of additional studies which examine fine-grained data have

[3] I follow the convention of using White students as the comparison group, as explained by Artiles *et al*. (2005).

brought the open disparities into play, which would have been missed if data had been analyzed only at the macro level.

Disproportionalities may manifest differently at different grade levels. Rueda *et al*. (2002) find that identification of ELs who require special education services increases around the fifth grade. They hypothesize that this may be due to decreasing first language support in the later grades. In an analysis of data from the *Early Childhood Longitudinal Study*—Kindergarten Cohort (ECLS-K)—Samson and Lesaux (2009) find that linguistic minority children are underrepresented in special education services in kindergarten and first grade, but overrepresented by third grade. They also note that linguistic minority children who have communication difficulties are often identified as having speech impairments in the early childhood grades. In later grades, the same children are more often identified as having a learning disability. They speculate that teachers may be reluctant to refer ELs to special education services until they develop English proficiency. Furthermore, they support that educators may hold the mistaken belief that students are not eligible to access services for language instruction and for special education simultaneously.

The type of instructional program may also impact disproportionality. Students in US schools may be instructed in programs that use the students' home language in addition to English, or they may be in programs that use English alone. The specific type of program in place is dependent upon multiple factors. These include state regulations and policy, the availability of resources for a particular language group, the demographics of the student population, and specific policies at the school and district level. Artiles *et al*. (2005) find that the type of instructional program makes a difference. EL students in programs where the home language was not used as a language of instruction were more likely to be referred to special programs than such students in programs where instruction was in two languages.

Artiles *et al*. (2011) raise a number of additional equity questions regarding EL students with disabilities. They note Zehler *et al*.'s (2003) finding that EL students with disabilities are less likely than other EL students to be educated in settings with home language support. They consider the literature on charter schools, and question whether the market-driven forces of charter schools represent a structural disincentive to provide services to ELs, students with disabilities, and of course ELs with disabilities. Finally, Albus *et al*. (2009) study on state assessment data found that, nationwide, 30 states did not disaggregate assessment data for EL students with disabilities.

The valuable work which has been done to uncover these complex inequities has relied upon individuals or small research teams working with individual schools, districts, or states to collect the data required. To date, however, there is no systematic collection of national data which allows for the critical review of disproportionalities, affecting English learner students in special education programs.

3. Accountability and educational equity

For the past several decades, a key concept in education policy making in the United States has been that of accountability. In a nutshell, it is the notion that taxpayer-funded schools, districts, and state offices of education ought to have metrics in place to ensure that public education indeed provides that which it sets out to do. While the specific purpose or purposes of the educational enterprise remain contested, since the 2001 reauthorization of the *Elementary and Secondary Education Act* (ESEA), known as *No Child Left Behind* (NCLB), there has been intensified focus on disaggregating accountability data. The aim is to uncover disparate educational outcomes across ethnic and linguistic groups (National Academy of Education 2009). Under NCLB,

> [states must complete annual] report cards [which provide] [...] information, in the aggregate, on student achievement at each proficiency level on the State academic assessments […] (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged).[4]

The federal policy imperative to report these data has resulted in increased efforts nationwide to enhance data collection. Data do not include only students' academic achievement, but also population counts of students and of students in specific subgroups, including English learners. At the same time, data collections required under the *Individuals with Disabilities Education Act* (IDEA) have made data collections on SWDs more comprehensive and accurate. More sophisticated data collections on behalf of state education agencies are paired with the launch of user-friendly online data tools which make these data available to the general public. This means that accountability data are now available for public examination in ways that have not been possible before. So, researchers, advocates, policy-makers and educational stakeholders now have available data which more than ever before can provide compelling

[4] ESEA §1111(h)(2).

arguments for educational equity. Armed with a detailed picture of the disparities in outcomes for linguistic minorities, advocates have the capacity not only to change hearts and minds but also to provide clear evidence of educational inequities to legislators and the legal system. They can pinpoint the particular needs and requirements of their local educational systems. They can also push legislators and funding sources to meet the teaching, assessment, and professional development and instructional needs of those students who require the most help.

New examinations of available data are a key point of leverage for education policy advocates. A frank appraisal of what is not explicitly measured is just as critical as an examination of the types of inequities the available data might uncover. If the purpose of metrics within the educational accountability system is ultimately to effect change within that system (either by explicitly requiring change at the legislative level, or by providing, by extension, data which give rise to policy pressure), then an analysis of educational policy must also consider what is *not* measured and reported.

Artiles, Sullivan *et al*. (2010) note that while states are required to report and examine disproportionalities according to race and ethnicity categories, they are not required to do so for the category of English learner students. I argue below that not only are they not required to report and examine disproportionalities, but also disproportionality cannot be calculated in a systematic fashion, given the data reported.

4. Calculating disproportionality: The risk ratio

Assessing numerically whether students from particular groups are disproportionately assigned to special education categories rests on the availability of data establishing the proportion of students of a particular group in the special education population. Such data also allow for the comparison of the previously mentioned proportion to the proportion of a control group in the special education population. The most commonly used method is the *risk ratio.* It is a ratio which numerically represents disproportionate assignments of students in specific demographic groups to special education (Skiba *et al*. 2005; Sullivan 2011). To calculate the risk ratio for English learner students identified as students with disabilities, the percentage of total EL students identified as SWDs is compared with the percentage of White students identified as SWDs (see Fig. 2).