

Language Difference v Language/Learning Disability: The art and science of distinguishing between diversity and disorder

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- *How an ESOL or mainstream teacher can recognize when an English language learner student should be referred for further assessment*
- *How an ESOL teacher can be an effective team member and advocate in this process*

This article will discuss briefly from the perspective of an ESOL teacher some of the issues involved in the referral of an ELL student for assessment for possible speech, language or other learning disability in the public schools. Realizing the complexity of this topic and the time and space limitations of this article, it is my hope that reading this will inspire you to open or enrich a dialogue and collaborative relationship with your special services and A-Team colleagues regarding the challenges and importance of “doing it right” and “doing right by” the students and families with whom we are privileged to work.

As educators we are guided and bound both by the law and by our personal and professional ethics. U.S. law is very clear regarding the civil rights of individuals with disabilities, immigrants, and those who speak a language other than English, both in and outside of the public schools. The Americans with Disabilities Act (ADA), the Individuals with Disabilities Educational Act (IDEA), and No Child Left Behind (NCLB), as well as numerous court decisions, all are very clear: Neither ethnicity, language, socioeconomic status, legal status as an immigrant, nor disability is an acceptable barrier to a child’s access to education and educational success. As educators, we are also bound by our professional and personal ethical guidelines to advocate for the students and families we serve, to provide them with every opportunity to succeed academically, and to strive to remove barriers to that success.

The assessment and intervention of culturally and linguistically diverse (CLD) populations is complex and fascinating. The phrase CLD encompasses more than English language learners (ELL’s.) It may also describe a student who speaks a dialect or dialect-influenced form of Standard American English (SAE) or a student who comes from a non-mainstream culture. But, an ESOL teacher in the public schools plays a special role in the instruction of and advocacy for language/culture minority (CLD) students who are ELL’s. One aspect of that role is participation as a team member in the determination of whether or not an ELL student who is not academically successful may be struggling with something more than language, cultural, and/or socioeconomic differences and need the assistance of a special educator and/or medical intervention. Special educators who provide such assistance either as a direct service providers or as a consultants in the public schools include specialists such as: speech-language pathologist, occupational therapist, physical therapist, educational psychologist, teacher of the visually impaired, teacher of the hearing impaired, and *resource teachers* or *special ed teachers* or *teachers of exceptional children* (take your pick: their job is as broad, complex and politically sensitive as the selection of titles would imply.)

The topic of special education and ELL’s is a sensitive one, in part because many educators and civil rights advocates have fought long and hard to carefully distinguish ELL’s as “students with special learning needs” (Ortiz, 2004) from students who have special learning needs *because of a learning disability*. It is an important distinction for reasons of civil rights, ethics and best educational practice. For special educators such as speech-language pathologists, who are also health care professionals, the distinction is also one of professional ethics, liability and licensure. Nonetheless, there will be ELL’s who fall into both categories. Specialists tell us we can expect approximately the same proportion of learning disabled individuals in any population. What that means for educators is that statistically about 12% of the language minority population in the United States may require special education (Olson, 1991). These individuals have the same rights under the law as any other student, and as educators we have the obligation and privilege to uphold those rights.

So, how do you uphold those student rights and fulfill your ethical and professional obligations as an ESOL teacher? First, remain clear and open about the responsibilities and limits of your role as an ESOL teacher. A well-trained and experienced ESOL teacher knows what “normal” second language acquisition and learning looks like in and out of the classroom, and – working with the mainstream classroom teacher – is responsible for referring a student who is not succeeding academically *after appropriate educational interventions* to your school’s A-Team or Child-Study Team (Olson, 1991) (Ortiz, 2004). It is my belief that an ESOL teacher also has the responsibility and privilege of participating in the team that is considering the need for further intervention and assessment of an ELL student and, post-assessment, for determining the educational implications of test results (if any.) An ESOL teacher should assist the mainstream teacher with ensuring that an appropriate pre-referral process (including classroom accommodations and interventions, such as after school programs and/or pull-out ESOL direct instruction) is accomplished before a student is referred for psychoeducational testing for speech, language, and/or other learning disability. The ESOL

teacher typically also fills the role of an advocate and a 2-way informant during this process: s/he informs the student and student's family about procedure, rights, and educational and cultural issues; and, s/he informs his/her colleagues about the same.

While ESOL teachers are second language acquisition experts and specialists in the area of educating ELL's as well as members of the team of educators who serve the ELL student, even a well-trained and experienced ESOL teacher is not qualified to determine whether or not an ELL student has a disability. (This remains true even if you do not agree with a team's disability determination!) ESOL teachers are well-qualified for and are important members of teams deciding whether or not to assess, how to assess, how to most accurately interpret test results, what the implication of test results are for a student's academic progress as an ELL, and appropriate educational interventions and placement for the ELL student both pre and post referral and testing. But, disability determination and eligibility for special education services is, under IDEA, a team decision based largely upon the findings and recommendations of the special educator who is qualified and credentialed to administer/oversee testing protocol and interpret assessment results.

Finally, an ESOL teacher has available many tools to use to determine whether and when an ELL student should be referred to an A-Team for further intervention and/or assessment. Not least among them are an educator's "traditional sources of insight and guidance" (Genesee, 2000) such as: experience, teaching and learning theory, the guidelines of curriculum and standards, and developmental norms. Following are a few references and some other suggested considerations for the referral of an ELL student in a checklist format.

References:

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An ESOL Teacher's Checklist for A-Team Referral/Recommendations

- ___ 1. Do you know what is happening in the mainstream classroom?
- ___ Does the mainstream teacher suspect there may be more than language/culture learning impeding the student's academic and/or social progress?
 - ___ Is the mainstream teacher using appropriate teaching techniques and accommodations for ELL's?
 - ___ Does the student appear frustrated (more than the typical ELL student?)
 - ___ Does it appear that other students are aware of differences?
(This is not something you learn by asking; it is something you/the mainstream teacher learn by observing!)
 - ___ Is the student's attendance record cause for concern?
 - ___ Have you observed the student in the mainstream classroom?
 - ___ Have you and the mainstream teacher considered cultural differences and the cultural adaptation process as a possible factor in the student's lack of academic progress?
 - ___ Have you and the mainstream teacher considered the child's developmental level(s) as a possible factor?
 - ___ Is the student really failing to make adequate academic progress *compared to other ELL students at the same linguistic level?*
- ___ 2. Do you know what is happening at home?
- ___ Are parents/caregivers concerned about the student? Do they suspect there may be a problem?
 - ___ What types and levels of stressors is the child/family dealing with at home? Might it/they be contributing significantly to the student's lack of academic progress?
 - ___ What is the educational background and work schedule of parents/caregivers? Does the school need to provide additional academic support that parents cannot provide?
 - ___ Is the family able to provide the student's basic needs? (i.e. food, shelter, health care, adequate clothing) Have you consulted with the school social worker regarding this issue, if necessary?
 - ___ Have you/the mainstream teacher provided parent(s)/caregiver(s) with information and/or materials so that they can participate in their child's education and in this pre-referral intervention process? Was the information/material provided in the parents' native language?
- ___ 3. Have you reviewed/gathered information about the student's educational background/history?
- ___ Has anyone ever expressed concern about the student's academic progress before?
 - ___ Has the student been A-Teamed and/or tested before?
 - ___ What educational experiences did the student have prior to arrival in this grade/school/school district/country?
 - ___ Has the student had the opportunity to attend school on a regular basis?
- ___ 4. What is the student's health history and current health status?
- ___ Have you consulted with the student's family about the student's health?
 - ___ Do parent(s) report any developmental delays, pregnancy/delivery complications, childhood illnesses, health problems, "differences" from other children?
 - ___ Has the student had recent hearing and vision screenings? (Were they accomplished in an appropriate way for an ELL?)
 - ___ Have you asked the parent(s) specifically about ear infections?
 - ___ Is the student absent from school because of illness frequently (or is the student present but appears ill frequently?)
 - ___ Have you consulted with the school nurse regarding any of the above issues/concerns?

- ____ 5. Have you documented appropriately? (*"If it is not documented, it did not happen."*)
- ____ Documentation that the ESOL teacher and the mainstream teacher have provided appropriate interventions and accommodations to attempt to improve academic progress. (Yes, ESOL can be considered an intervention, but it should not be the only intervention provided!)
 - ____ Documentation that the student's civil rights with regard to being an immigrant/ELL have been upheld. (Yes, this would include home/school communication with parent(s) in their native language and mainstream classroom accommodations!)
 - ____ Documentation of communication/consultation with the student's family regarding academic concerns.
 - ____ Documentation of the student's academic performance (including work samples and state wide/district wide assessment results!)
- ____ 6. Have you completed and documented language proficiency testing in both native language and English?
- ____ Have you gathered information about the student's family/home language usage (current and historic?)
 - ____ Do you have clear in your mind what "kind" of ELL the student is (i.e. subtractive bilingualism, sequential bilingualism, etc.) and what the educational implications of this may be.
 - ____ Has the student's "dominant" language (if any) been determined?
 - ____ Do you have a clear picture of what the student should/should not be able to do at his/her language level(s)? Does the mainstream teacher?
- ____ 7. Do you know your school's pre-referral and referral process?
- ____ Are you following this process?
 - ____ Is the referral process an appropriate one for ELL's? (If not, do you know the procedure for getting this corrected?)

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