



## Disproportionality: Inappropriate Identification and Placement of Multilingual Learners in Special Education Programs



### What is Disproportionality?

Disproportionate representation refers to “*unequal proportions of culturally and linguistically diverse students in special education programs*”. Research demonstrates that Multilingual Learners with the least amount of language instruction (ESL/ELD Instruction, strategic use of L1 and/or Bilingual Education) are most likely to be referred for an evaluation for special education. (Artiles and Ortiz, 2007)

Mid-Atlantic Equity Center [English Learners & Disproportionality in Special Education](#)

Approximately 15 percent of all students in U.S. K–12 schools receive special education services. However, some subgroups of culturally and linguistically diverse populations receive special education services at rates that are significantly higher or lower than the overall national rate. In Pennsylvania, 1 out of 8 Multilingual Learners (MLs) has an Individualized Education Plan (IEP). [The largest numbers of Multilingual Learners who receive Special Education services are in the Learning Disability category.](#) The percentages of MLs with IEPs are greater in districts with fewer than 20 MLs, while the percentage of MLs with IEPs in urban LEAs has been increasing disproportionately. Despite the growing numbers of MLs in the United States, [their representation in gifted and talented programming continues to lag behind](#) traditional learner populations.

**Why is Disproportionality a concern?** Inappropriately labeling students as disabled leads to:

- unwarranted services and supports
- limited access to rigorous curricula and lower expectations
- a false impression of the child’s intelligence and academic potential
- students remaining in special education programs with little or no opportunity to exit
- social stigma
- disproportionality that may contribute to significant racial inequities

**Is it a language barrier or a learning disability?** The first step to answer this question is to know your core Language Instruction Educational Program (LIEP).

[CCSSO English Learners with Disabilities Guide \(2017\)](#)

[Rtl Action Network Rtl-Based SLD identification Toolkit: Considerations for English Language Learners \(2012\)](#)

[USDE English Learner Tool Kit Chapter 6 Addressing English Learners with Disabilities \(2018\)](#)

[WIDA RtI2 for ELLs - Developing a Culturally and Linguistically Responsive Approach to Response to Instruction & Intervention \(RtI2\) for English Language Learners \(2013\)](#) [WIDA RtI2 Planning Form](#)

- **Are we implementing the Language Instruction Educational Program (LIEP) with fidelity, coherence, and rigor?** PDE Basic Education Circular [Educating English Learners](#); U.S. Office of Special Education Programs. [Effective Practices for English Learners Brief 1 Meeting the Needs of English Learners Through a Multitiered Instructional Framework](#); English Learner Institute for Teaching and Excellence ELITE [Multi-tiered Instructional Models for English Learners](#); Lesaux, Nonie and Kieffer, Michael [Exploring Sources of Reading Comprehension Difficulties Among Language Minority Learners and Their Classmates in Early Adolescence](#).
- **Is there an LIEP Handbook with procedures and guidelines?** [PDE District ELD Administrator/Coordinator Handbook \(2018\)](#)
- **Is the LEA administration monitoring the results of assessments to measure program effectiveness?** USDE English Learner Tool Kit, Chapter 9 [Evaluating the Effectiveness of the EL Program](#)
- **Are the [WIDA ELD Standards \(2020\)](#) implemented both in the ELD classroom and in the content area classrooms?**

“Factors such as first and second language acquisition, methods and programs for instruction in the native language, the interaction between linguistic, cognitive, and academic development are all areas to be mastered, so that evaluation of ELLs, whether via screening or progress monitoring, can be applied equitably and appropriately.” Brown, J. E., and Doolittle, J. (2008). [A Cultural, Linguistic, and Ecological Framework for Response to Intervention with English Language Learners](#). *Teaching Exceptional Children*, 40(5), 66-72.

**How can multi-disciplinary teams determine whether a particular student’s learning difficulties stem from an English language barrier or a diagnosable learning disability?** Below are [evidence-based recommendations](#) that can assist in the decision-making process. (Park, S., Martinez, M., & Chou, F. 2017).

#### Form collaborative teams

- Parents and family members
- Students
- English Language Development/bilingual education teachers and experts
- Cultural liaisons
- General education teachers
- Special education teachers
- School administrators

Other school personnel, such as psychologists, speech pathologists, and trained interpreters.

#### Be culturally and linguistically responsive

Create a classroom that values Multilingual Learners’ assets and fosters their success:

- Integrate students’ cultural and linguistic backgrounds
- Build and nurture positive relationships with students, parents, and families
- Select assessments that provide valid results for Multilingual Learners
- Consider students’ skills in English and their native languages
- Hold high expectations in language acquisition and content learning.

#### Use multiple measures

Consider these data sources when assessing Multilingual Learners’ eligibility for special education services:

- Student health and attendance records
- Parent interviews and surveys
- Classroom and home observations
- Student work samples
- Standardized test results including ACCESS for ELLs data, PVAAS for ELs
- Local assessments
- Teacher interviews
- Student performance data
- Oral language samples

History of interventions provided to students

Ensure that the student’s data sources are compared to [true peers](#).

