1

Distinguishing Between Language Acquisition and Learning Disabilities Among English Learners

Background Information

Michael J. Orosco, Estella Almanza de Schonewise, Carmen de Onís, Janette K. Klingner, and John J. Hoover

First, who are English learners? English learners (ELs) are students who speak a language other than English as their first language and who are in the process of acquiring English as a second or additional language. They are not yet fully proficient in English. For this reason, we might refer to them as "emerging bilinguals." Some are immigrants; others were born in the United States. Their demographic characteristics vary widely. In this chapter, we begin with a comprehensive overview of the changing demographics associated with English learners (ELs) in today's schools, providing a summary by the US Department of Education, National Center for Education Statistics (NCES) of EL demographics as a backdrop to the discussions that follow in subsequent chapters regarding the linguistic and literacy development of ELs. We then present a brief description of the phenomenon of disproportionate representation, next describe learning disabilities, and finish the chapter with an overview of what we know from

research about distinguishing between learning disabilities and language acquisition among ELs.

EL DEMOGRAPHICS

A large and increasing proportion of students in US schools come from a home in which a language other than English is spoken. The United States continues to be the world's leader in immigration and is central to the growth and identity of the United States (Pew Research Center, 2013). Immigrants now compose approximately 13 percent (40 million foreign-born people) of the US population (Congressional Budget Office, 2013, p. 1). In 2014, there were 18.7 million children under the age of eighteen who were immigrants (Child Trends, 2014, para. 1). About 4.40 million students enrolled in public schools were not yet fully proficient in English in the 2012–2013 school year, representing nearly 9.2 percent of the total public school student enrollment (National Center for Education Statistics [NCES], 2015, para. 1). Demographic figures show the EL population has continued to grow over the past decade.

In addition, results from the 2011 American Community Survey (Ryan, 2013) showed that 60.6 million individuals aged five or older spoke a language other than English at home (p. 2). This was a 29 percent increase from the 2000 US Census report. While EL students are spread throughout the United States, their greatest density, or share they represent of total public school enrollment in a state, varies greatly. Western states, such as California (24.5 percent), Texas (15.2 percent), Colorado (13.3 percent), and Washington (10.2 percent), continue to have the largest share of ELs in the country. Meanwhile, eastern and southern states like New York (9 percent), Massachusetts (7 percent), Florida (10 percent), Virginia (8 percent), and North Carolina (7 percent) continue to grow in their EL population (Ruiz Soto, Hooker, & Batalova, 2015, p. 2). While students speak many different languages in public schools, Spanish remains the language most frequently spoken by individuals who speak a language other than English in the United States, representing 71 percent of children (five years and over) with emerging English proficiency (p. 1). However, the percentage of Spanish-speaking students has decreased 8 percent since the first edition of this book was published (i.e., 79 to 71 percent), reflecting an increase in other languages in today's schools. See Table 1.1, compiled from information found in Ruiz Soto et al. (2015, p. 1.) for a list of the most commonly spoken languages other than English in US schools.

Immigrant ELs vary in the extent to which they attended schools in their home countries. Center for Immigration Studies (Camarota, 2012) pointed out that "many immigrants arrive in the United States with relatively few years of schooling" (p. 5). In the United States, Latinos

Table 1.1   Top Ten Languages Spoken by Linguistically Diverse Populations in the United States

Rank Language (estimate)	Language	English Learners (estimate)	% of English Learners (estimate)
1	Spanish	3,598,451	71%
2	Vietnamese	88,906	3%
3	Hmong	70,768	1%
4	Chinese, Cantonese, and Mandarin	46,466	4%
5	Korean	43,969	1%
6	French/Haitian Creole	42,236	2%
7	Arabic	41,279	2%
8	German	37,157	1%
9	Filipino, Tagalog	34,133	1%
10	Yiddish/Jewish	27,029	1%

(e.g., Mexican, Honduran, Guatemalan) represent the largest immigrant group and one of the least educated, which is significant to US schools because children from families with high levels of education tend to have higher academic achievement than those from families with little formal education (Camarota, 2012).

Camarota, 2012 also identified trends in the economic and environmental conditions in which English language learners live. "Among the young children of immigrants (under 18), 59.2 percent live in or near poverty, in contrast to 39.3 percent of the children of natives. As a share of all persons in or near poverty, immigrants, and their young children account for 23.8 percent" (p. 26). In addition, because of poverty, immigrants experience residential segregation by income, which is a strong indicator of quality of education provided to children (Fry & Taylor, 2012). Finally, the one hundred largest school districts had a disproportionate percentage of students eligible for the free and reduced-price lunch program relative to all public school districts. According to NCES (Sable, Plotts, & Mitchell, 2010), among the ninety-nine largest school districts that reported free and reduced-price lunch eligibility, 56 percent of students were eligible, compared to 45 percent of students in all districts. Forty-six of these ninety-nine districts reported 50 percent or more of their students as eligible for the free and reduced-price lunch program.

The increase in the English language learner population continues to stymie practitioners because ELs tend to underachieve in comparison with

their White middle-class counterparts on indicators of academic success. For example, according to the National Center for Education Statistics (NCES, 2013), in 2012 only 7 percent of EL fourth graders and 3 percent of EL eighth graders scored at or above proficient on reading assessments, as compared to 37 percent and 35 percent of native English speakers (NCES, 2013). According to NCES (2015), one out of every ten students is a second language learner. Demographers project that by the year 2025, this number will increase to one in every four students. The challenge today is teaching to high standards to students from diverse language, culture, and social class groups (Gay, 2010). Because the number of ELs continues to grow at a rapid rate, it is more important than ever for schools to address misconceptions about how best to meet their needs, including minimizing potential cultural and/or linguistic mismatches between teacher and students.

Teacher Shortages

Culturally and linguistically diverse teachers can have a positive effect on the increasingly diverse student population (Au, 2011; Orosco & O'Connor, 2011). However, supplying enough teachers who are prepared to teach ELs remains a challenge. The benefits of a diverse teaching workforce are numerous including strengths in (a) holding high expectations, (b) ability to increase motivation, and (c) providing positive modeling for English language and other diverse learners, to name a few (Albert Shanker Institute, 2015). The diversity of the teaching workforce has increased from approximately 12 to 17 percent from 1987 to 2012; however, this population of educators continues to be underrepresented in our schools (Albert Shanker Institute, 2015, Publications section, para. 1). The underrepresented minority teaching force, combined with the lack of qualified personnel to meet the needs of the diverse population in our nation's schools, has resulted in a "mismatch" between the teaching force and diverse student populations (de Onís, 2005). For example, "In 2012, 83% percent of full-time public school teachers were White, 7% were Black, 7% were Hispanic, and 1% were Asian (Aud, Hussar, Johnson, Kena, & Roth, 2013)" (Aceves & Orosco, 2014, p. 8), with only about 30 percent of K–12 teachers having training in working with English learners (Ballantyne, Sanderman, & Levy, 2008, p. 9).

Additionally, recent research suggests that a related issue within teacher shortages is found in retention, rather than only in recruitment (Albert Shanker Institute, 2015). Further, issues with recruitment and retention of qualified educators with second language background contribute significantly to persistent educator shortages for ELs.

In regard to the student population in the US public schools, diversity of learners is becoming increasingly culturally and linguistically varied. As discussed, though some progress has been made, teachers and school leaders remain fairly monoracial (US Department of Education, 2013).

Inadequate preparation contributes to the "achievement gap" if teachers enter classrooms with subjective personal and instructional dispositions toward cultural differences (e.g., Orosco & Klingner, 2010). For example, Yoon (2008) found a strong link between teachers' past personal and professional experiences and how these cultural experiences contributed to English learners' positioning of themselves to learn. This positioning was dependent on how well teachers understood ELs' cultural and linguistic identity and how they proactively promoted their learning engagement through interactive teaching experiences. One important conclusion from this research is that teachers who had culturally responsive practice and preparation in schools tended to provide instructional methods that improved English learner engagement and motivation (Yoon, 2008), a type of preparation all educators in today's diverse classrooms should strive to achieve.

Additionally, ELs and their families look to teachers to meet their needs and help them to be successful in our nation's schools, assisting them in the attainment of the "American Dream" (Ladson-Billings, 2009). When there are significant differences between the student's culture and the school's culture, teachers can easily misread students' aptitudes, intent, or abilities because of variations in styles of language use and interactional patterns (Orosco & Hoover, 2009; Orosco & O'Connor, 2014). Second, when such cultural differences exist, teachers may utilize styles of instruction and/or discipline that are at odds with community norms (Harry & Klingner, 2014; Orosco & Klingner, 2010). Added to a lack of cultural awareness, many teachers have received little or no training in English as a second language (ESL), English language acquisition, or bilingual/bicultural education (Herrera, Perez, & Escamilla, 2015), leading to a teaching force that is inadequately prepared to face the growing challenge of educating culturally and linguistically diverse learners. According to the Center for American Progress (Samson & Collins, 2012), teachers were least likely to be very prepared for (a) integrating grade or subject level common standards with ELs' learning needs, (b) addressing the language needs of limited English proficient or culturally diverse students, and (c) addressing the needs of students with disabilities. Since teachers have the main responsibility and play an integral role in the education of ELs, their preparation is crucial to student success.

Students With Limited/Interrupted Formal Education (SLIFEs)

A select subpopulation of English learners (ELs) possesses unique learning experiences reflective of limited or interrupted formal schooling, particularly in their native countries (see WIDA *Focus,* 2015. Reasons for limited or interrupted schooling vary by country due to one or more factors such as poverty, war, natural disasters, isolated geography with

limited transportation resources, or supporting family financial needs, to name a few. Whatever the reasons for limited or interrupted schooling, many of these ELs possess limited skills in literacy, functioning below grade level in one or more academic areas (WIDA *Focus*, 2015.) Additionally, cultural differences often indicate variations in the required number of years for schooling or minimum age (i.e., compulsory education may be through Grade 9 in one country while in another a student must remain in school until age 18). Though current statistics are not readily available (WIDA *Focus*, 2015), estimates are that up to 20 percent of secondary ELs are SLIFEs, with many learners missing a minimum of two or more years of school. Montero, Newmaster, & Ledger (2014) report that the dropout rate of refugee learners is 75 percent higher at the secondary level of education. Additionally, according to Calderón (2008), SLIFEs are typically identified in the 4th–12th grades, though missing early elementary school or even preschool instruction in some countries represents limited or interrupted formal schooling.

Students with limited/interrupted formal schooling bring a variety of learning needs to the classroom which directly impact reading and which may be misinterpreted as indicators of a learning disability. As emphasized throughout this book, limited experiential background or exposure to formal schooling and lack of literacy knowledge and skills due to interrupted schooling do not represent reasons for classifying a student an EL with learning disabilities. To best meet the reading needs of this ever-growing population of ELs, educators in both elementary and secondary education should be cognizant of learning characteristics and qualities often seen in SLIFEs, summarized below from material found in Calderón (2008) and the WIDA Consortium (WIDA *Focus*, 2015):

- Newcomers to the district typically enter missing two or more years of schooling.
- Many students may attend US schools, return to their original country for a brief period of time, and subsequently return to US schools.
- Language of instruction may vary and be inconsistent, such as instruction occurring in native language in kindergarten and first grade, English in second grade, and returning to native language instruction in Grade 3.
- Attendance may include two or more schools in relatively brief periods of time (e.g., two schools attended in a six-month time frame).
- Literacy background may be limited and have gaps relative to grade-level peers in US schools.
- Many learners have experienced emotional trauma and therefore have social-emotional developmental needs in addition to literacy.

These and similar educational needs shape the learning of a SLIFE, requiring additional instructional considerations often beyond best practices typically used with ELs who have not experienced limited or interrupted formal schooling. DeCapua and Marshall (2011) concluded from their research that an effective framework for instruction to meet unique needs of a SLIFE requires educators to "accept conditions for learning, combine processes for learning, and focus on academic tasks with familiar language and content" (p. 65). Additionally, instructional recommendations specific to SLIFEs exist and are summarized below from material found in Calderón (2008) and the WIDA Consortium (WIDA *Focus,* 2015):

a. Address acculturation needs (i.e., adjustment to new and unfamiliar environments).

b. Focus on social-emotional needs as well as academic literacy.

c. Provide secondary learners with literacy instruction appropriate for adolescents.

d. Integrate content and language instruction (i.e., develop and teach toward both language and content objectives).

e. Address the higher risk of dropping out through culturally and linguistically responsive instruction (i.e., employ literacy best practices appropriate for age and grade level).

f. Build supportive learning environments to meet immediate needs upon school entry, such as a newcomer center.

g. Collaborate with colleagues, family members, community organizations, and support staff to best help students during initial time of entry to ease stress and simultaneously address literacy and social-emotional needs.

h. Provide intensive literacy and language instruction, increase use of sheltered instruction, and adapt required standards to make curriculum more accessible.

Of critical importance is the perspective that it is essential to teach to the whole learner tapping into one's existing funds of knowledge (i.e., skills and knowledge acquired as a result of cultural and home teachings; Moll, Amanti, Neff, & Gonzalez, 1992). Overall, delivery of the best practices discussed in the remaining chapters of this book, along with making instructional adjustments to address the above features unique to students with limited/interrupted formal schooling, creates a rich learning environment that engages students, accesses and builds on prior knowledge, and supports affective development in addition to reading.

ELS AND DISPROPORTIONATE REPRESENTATION

Disproportionate representation has often been defined as an over- or underrepresentation of a particular culturally and linguistically diverse population in a specific disability category (Klingner et al., 2005), and it is often assessed by calculating a group's representation in a specific special education category in comparison with its proportion of the total school-aged population, or in reference to the representation of a comparison group, most often White students (Donovan & Cross, 2002). There is not one agreed-upon best way of determining disproportionate representation, and several procedures and formulas have been proposed and used throughout the history of this problem.[1] Whichever index we use, the disability categories in which we are most likely to see disproportionate representation are intellectual disability, emotional/behavioral disorders, and learning disability (LD). The most common ethnic groups involved in overrepresentation include African American, Chicano/Latino, American Indian, and a few subgroups of Asian American students (see Artiles & Trent, 2000; Donovan & Cross, 2002). Concerns about disproportionate representation focus on the "judgmental" categories of special education, or, in other words, those disabilities usually identified by school personnel rather than a medical professional after the child has started school (Klingner et al., 2005). The school personnel making placement decisions typically exercise wide latitude in deciding who qualifies for special education through a process that is quite subjective (Harry & Klingner, 2014). Notably, overrepresentation does not exist in low-incidence disability categories (such as visual, auditory, or orthopedic impairment; Donovan & Cross, 2002).

When we examine changes in special education identification over the years, one of the most striking findings is the "epidemic" increase in the risk of children of all racial/ethnic groups except Asian/Pacific Islanders for the LD category (Donovan & Cross, 2002, p. 47). Looking at current national averages, Hispanic/Latino students are only slightly overrepresented in programs for students with LD (Klingner et al., 2005). However, placement rates vary widely across states and districts. In some schools, Latino students are actually underrepresented in LD programs based on what would be expected given their percentage in the overall school population. In other schools, they are overrepresented. Artiles, Rueda, Salazar, and Higareda (2005) examined placement patterns in special education programs in eleven urban districts in California with high proportions of ELs and high poverty levels. They found that ELs were not overrepresented in LD in the primary grades, but were overrepresented in Grades 5 and higher. Secondary level ELs were almost twice as likely to be placed in special education as their peers. Furthermore, ELs in English Immersion programs, where there was no primary language support, were almost three times more likely to be identified for special education than EL students in bilingual classrooms. This work suggests that specific

patterns become obscured when data are aggregated above district levels (Rueda & Windmueller, 2006). It also suggests the need to broaden examinations of disproportionate representation to include language proficiency in addition to ethnicity.

There are numerous possible reasons for disproportionate representation (Harry & Klingner, 2014). Because ELs tend to underachieve in comparison with their mainstream counterparts, this puts pressure on practitioners to find ways to give the EL student extra assistance to help close the achievement gap. Practitioners may perceive that special education is the only viable option for providing this support and refer the child to special education, or mistakenly assume that the student's struggles are due to an LD rather than a normal consequence of the language acquisition process. These actions can result in the placement of students in special education who do not truly have an LD. On the other hand, some practitioners may be fearful of referring ELs into special education because they believe it is wrong to refer students before they are fully proficient in English, or they might assume that a student's struggles are due to language acquisition when in fact the student does have an LD. When this happens, students who have an LD go without services and continue to struggle with the general education curriculum. These different kinds of inappropriate decisions characterize the complexities of disproportionate representation among ELs.

THE EVOLVING LEARNING DISABILITIES CATEGORY

What are learning disabilities, and how are they best identified for ELs? For nearly five decades, definitions and terminology reflecting perspectives about LD have evolved and been applied in school settings for all learners, including ELs (see Table 1.2).

After more than forty-five years of discussions, revisions, and advocacy, the field of LD continues to struggle to develop an operational (working) definition, especially for culturally and linguistically diverse learners. A brief review of the evolution of the definition and terminology is presented below to frame an understanding of the contemporary views about LD seen in today's schools.

Historical Overview About LD

In the early 1960s, Samuel Kirk (1962) coined the term "learning disability." Bateman (1965) was dissatisfied with Kirk's definition and developed a different one that was the first to refer to an IQ-achievement discrepancy. This was the beginning of forty years of implementation of the IQ discrepancy-based model, which classified students with LD

Table 1.2   Historical Timeline of Key LD Definitions and Initiatives

- *1962 Samuel Kirk:* A learning disability refers to a retardation, disorder, or delayed development in one or more of the processes of speech, language, reading, writing, arithmetic, or other school subject resulting from a psychological handicap caused by a possible cerebral dysfunction and/or emotional or behavioral disturbances. It is not the result of mental retardation, sensory deprivation, or cultural and instructional factors. (Kirk, 1962, p. 263)

- *1965 Barbara Bateman:* Children who have learning disorders are those who manifest an educationally significant discrepancy between their estimated potential and actual level of performance related to basic disorders in the learning process, which may or may not be accompanied by demonstrable central nervous system dysfunction and which are not secondary to generalized mental retardation, educational or cultural deprivation, severe emotional disturbance, or sensory loss. (Bateman, 1965, p. 220)

- *1977 US Department of Education:* The term "specific learning disability" (SLD) means a disorder in one or more of the psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, speak, read, write, spell, or do mathematical calculations. The term does not include children who have LD that are primarily the result of visual, hearing, or motor handicaps, or mental retardation, or emotional disturbance, or of environmental, cultural, or economic disadvantage. (US Office of Education, 1977, Federal Register, p. 65083)

- *1981 National Joint Committee on Learning Disabilities:* Learning disabilities is a generic term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual and presumed to be due to central nervous system dysfunction. Even though a learning disability may occur concomitantly with other handicapping conditions (e.g., sensory impairment, mental retardation, social and emotional disturbance) or environmental influences (e.g., cultural differences, insufficient/inappropriate instruction, psychogenic factors), it is not the direct result of those conditions or influences. (Hammill, Leigh, McNutt, & Larsen, 1981, p. 336)

- *1997 Individuals with Disabilities Act (IDEA) Amendments:* The term "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. *Disorders Included*—Conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, and *Disorders Not Included*—Learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (IDEA Amendments of 1997, Sec. 602(26), p. 13)

- *IDEIA 2004:* The act maintains the SLD definitions found in IDEA 1997 and earlier versions of the law; however, it seeks to update and improve the criteria for SLD identification and eligibility by eliminating the requirement that students must exhibit a severe discrepancy between achievement and intellectual ability in order to be found eligible for services under IDEA (regardless of age). Instead, states may consider how a student responds to research-based interventions when making eligibility determinations, as determined through multi-tiered system of supports (MTSS).

- *MTSS 2010–Present:* This framework incorporates the practice of response to intervention used, in part, to determine a suspected learning disability (Council for Exceptional Children [CEC], 2008; Kovaleski, VanDerHeyden, & Shapiro, 2013), de-emphasizing the IQ-achievement discrepancy method.

based on a significant difference between potential (IQ) and academic performance (actual performance).

At the time, the model was validated by Rutter and Yule's (1975) research, which classified two types of impaired readers based on associations between IQ (potential) and achievement (actual performance). In other words, Rutter and Yule found a cluster of impaired readers at the low end of the scale who seemed to share common characteristics and could be categorized as having reading disabilities because they demonstrated significant discrepancies between expected and observed reading scores. The researchers defined the second type of impaired reader as having "general reading backwardness." These students did not demonstrate a discrepancy between expected and observed reading skills but instead exhibited general learning problems. In subsequent years, researchers determined flaws in Rutter and Yule's research, due to a cluster of impaired readers exhibiting problems resulting from testing procedures (e.g., Stuebing et al., 2002). In fact, students' reading and IQ scores fall along a continuum—there is no cluster at the bottom of the scale.

In 1975, Congress passed public law (PL) 94–142, the Education for All Handicapped Children Act (EAHCA). This is the precursor to the Individuals with Disabilities Education Act (IDEA; 1991, 1997; IDEIA, 2004). However, it was not until 1977 that the US Office of Education put forth a definition of LD, as shown in Table 1.2. This conceptual definition became the most commonly used LD perspective in the United States' public education system. It is important to note that the federal government never explicitly or clearly explained the LD definition or stated how to operationalize it to identify children for special education. Thus, they left state and local educational agencies to figure this out on their own. Rather, the federal government assumed that the definition would provide a theoretical framework for use in identification (Hallahan & Mercer, 2002). Since the inception of EAHCA in 1975, intermittent amendments have passed without any major changes to the LD definition thus continuing the trend of lack of clarification and difficulties reaching consensus in developing LD identification criteria (Gallego, Zamora Durán, & Reyes, 2006).

In 1978, several major LD professional organizations along with the Adults and Children with Learning and Developmental Disabilities Organization (ACLD) formed the National Joint Committee on Learning Disabilities (NJCLD) to attempt to provide a united front in addressing issues pertaining to LD (Hallahan & Mercer, 2002). In 1981, NJCLD put forth its own definition of LD (see Table 1.2). Notably, there was no mention of psychological processes in this definition. The committee omitted this because of negative reactions to the perceptual-motor training programs in the field at that time (Gallego et al., 2006).

Reformation efforts continued through the 1980s and 1990s by various organizations that were unhappy with the federal definition. At the same time, the US Department of Education continued to fund studies to

solidify the federal definition and develop effective methods for identification. Despite the NJCLD's strong position and the popularity in some circles of its alternative definition, the federal LD definition remained intact within the reauthorization of the Individuals with Disabilities Education Act of 1997 and 2004.

Contemporary Perspective About LD

As the new millennium began, the IQ-discrepancy criterion was under increased scrutiny. In 2001, the US Office of Special Education Programs (OSEP) sponsored the LD Initiative Summit to discuss various aspects of LD (Gallego et al., 2006). The purpose of this summit was to develop a LD research synthesis that could provide useful information to practitioners when making decisions concerning identifying students with LD. There were eight major points, generated as consensus statements, resulting from this summit (Table 1.3).

As shown in Table 1.3, the results from the summit indicated that the discrepancy-based model was insufficient and ineffective for identifying

Table 1.3   Learning Disability Initiative Summit: Eight Major Consensus Statements

Consensus 1: Concept of specific learning disabilities (SLDs)—Research evidence supports the validity of SLD as an intrinsic disorder of learning and cognition—"LD is not socially constructed."

Consensus 2: Students with SLD—Learners with SLD have the right to receive special education and related services at no cost.

Consensus 3: SLD as lifelong condition—Students' needs with SLD extend beyond the classroom.

Consensus 4: Exact SLD prevalence unknown—Estimates are that 6 percent of students receive instruction and resources that require SLD special education.

Consensus 5: Continued discrepancy between IQ and achievement—There are opposing arguments on this issue. However, the majority opinion supports that a discrepancy is unnecessary and insufficient for identifying LD. The minority opinion supports the discrepancy-based model for identifying LD but believes it is not sufficient to verify underachievement.

Consensus 6: Processing deficits—Some deficits have been linked to SLD.

Consensus 7: Effective interventions—Effective interventions for SLD students are effective with regard to consistency, appropriate intensity, and fidelity.

Consensus 8: Response to intervention (RTI)—Alternative methods must be developed to identify students with SLD. RTI is an alternative model that is the most promising method of alternative identification that can also promote effective school practices and help close the gap between identification and treatment.

students with LD and that further research was needed on the discrepancy-based model in order to verify its validity (Gallego et al., 2006). The position of decreased emphasis on discrepancy, and increased emphasis on response to instruction, is a position that is still held today by many researchers (e.g., Fuchs & Fuchs, 2006; Hoover, 2010; Klingner et al., in press; Kovaleski et al., 2013). Additionally, the "consensus statements" were attempts to put into operation key features that characterize learning disabilities (e.g., effective instruction, response to instruction, evidence of processing issues, etc.). These features are important as they served to frame the contemporary perspective of a learning disability in today's schools.

Specifically, when Congress reauthorized the same LD definition in the Individuals with Disabilities Education Improvement Act in 2004, it also incorporated the summit's recommendations regarding LD identification procedures. By far, the most dramatic change was the elimination of the requirement that a severe discrepancy between intellectual ability and academic achievement be shown in order to qualify as a LD. This clarification and change in practice established the foundation upon which learning disabilities is currently viewed.

As discussed above, the origin of the LD definition lies in the traditional medical model of disabilities. Historically, the field has considered LD a condition needing diagnosis that is centered within the child rather than in the educational environment (Lloyd & Hallahan, 2005). This model is a deficit-based approach (Gallego et al., 2006) that primarily looks for "problems" within the learner with little to no consideration of the quality of instruction. As a result of the 2004 LD Initiative Summit and the revised IDEA, a greater emphasis is now placed on quality of instruction within the contemporary framework known as multi-tiered system of supports (MTSS) (see Chapter 2 for detailed discussion of MTSS). Educators in the field of cultural and linguistic diversity and special education are encouraged by the potential of MTSS effects on the identification of ELs for a learning disability, due to its initial emphasis on ruling out poor or inappropriate instruction as a potential cause for the learners' problems. That is, for ELs, culturally and linguistically responsive reading instruction is required prior to referral to make certain misplacement is reduced.

WHAT WE KNOW FROM RESEARCH ON ELS WITH LD

In a series of large scale studies, Swanson, Orosco, and colleagues investigated ELs who struggle with reading and who may have LD in trying to identify better methods for accurate identification and assessment (e.g., Swanson, Orosco, & Kudo, in press; Swanson, Orosco, & Lussier, 2012; Swanson, Orosco, Lussier, Gerber, & Guzman-Orth, 2011), thus, seeking to improve the LD definition for ELs. In this research, Swanson,

Orosco, et al. wanted to find out what instructional and cognitive components were most effective in accurately identifying EL children with LD. Research indicates that cognitive candidates most often referred to in the literature as potentially at risk for LD exhibit issues related to language development (e.g., phonological processes and vocabulary; see Farnia & Geva, 2011; Lesaux & Geva, 2006, for a review) and working memory (see Swanson, Saéz, Gerber, & Leafstedt, 2004, for an example). In general, the results from Swanson, Orosco, et al. support the notion that native language development (e.g., phonological processing and vocabulary) as well as a general working memory system underlie second language acquisition and LD in children. In addition, their research indicated that cognition is a complicated process influenced by many instructional factors, including but not limited to the sociocultural environment, language proficiency in the first language, attitudes, personality, and perceived status of the native language in comparison with English (e.g., Orosco & R. O'Connor, 2011; Orosco & R. E. O'Connor, 2014). One major theme that emerged from this research was the critical importance of intensive, interactive instruction with ELs that promotes not only English as a second language but also native language development (e.g., Orosco & R. O'Connor, 2011; Orosco & R. E. O'Connor, 2014). This effective instruction focuses on explicit instruction and intervention in teaching core academic elements and oral language development that fosters native and English language academic development (e.g., Orosco, 2014; Orosco, Swanson, O'Connor, & Lussier, 2013).

The Swanson, Orosco, et al. research falls along the line of an early synthesis conducted by Klingner, Artiles, and Barletta (2006) on ELs who struggle with reading and who may have learning disabilities (LDs). In this study, Klingner et al. (2006) found that cultural conflict and affective considerations, such as quality of instructional engagement (e.g., motivation) appear to be of critical importance when considering why students might be struggling, yet practitioners often overlook these factors. Behaviors that appear to indicate LD might be normal for the child's cultural background or be a by-product of the acculturation process. Practitioners involved in referral and placement decision making should consider various characteristics in relation to a child's culture, language, and acculturation. Similarly, they should consider the learning context when considering why a student is not thriving.

Finally, more research is still needed to help us better understand how ELs with and without reading disabilities may differ. By understanding the characteristics of subpopulations of students with different features, the educational community develops more effective identification tools and procedures to address disproportionate representation and more accurately determines which students are most likely to benefit from special education services in reading.

The LD Definition and ELs

As will be discussed in detail in the remaining chapters of this book, characteristics of LD and second language acquisition can appear quite similar. Essential to the education of ELs is the development of language in appropriate learning environments (Lesaux, 2013). The lack of appropriate language development instruction and environments contribute, in part, to practitioners having assessed and diagnosed many ELs as having LD when they may not actually have disabilities (Ortiz et al., 2011). Over the years, a growing number of ELs have met the requirements for LD and have been properly placed for special services. However, for many other ELs, the LD definition, referral, and identification criteria have not adequately taken into account students' linguistic and sociocultural differences, limiting their usefulness and leading to misplacements (Gallego et al., 2006; Ortiz et al., 2011). Though the contemporary emphasis is moving away from IQ-achievement discrepancy through MTSS, many practitioners continue to look for a discrepancy between achievement and intellectual ability in one or more areas related to language processing skills when determining placement into special education. On one side, many practitioners continue to believe that the discrepancy-based model is the foundation of the LD diagnosis, while on the other side, many practitioners favor a more ecologically based identification process that accounts for instructional quality, home-community connections, and contextual considerations (Bronfenbrenner, 1995; Council of Chief State School Officers [CCSSO], 2015; Klingner et al., in press; Orosco, 2010).

Researchers and practitioners continue to question referral, assessment, and identification practices that often do not take into account students' cultural and linguistic backgrounds (Basterra, Trumbull, & Solano-Flores, 2011; Hoover & Klingner, 2011; Ortiz et al., 2011; Hoover & Erickson, 2015). As long as federal regulations do not specify *how* to identify LD in ELs and states must design their own identification criteria, practitioners will struggle with identification and placement procedures. Because LD identification criteria vary widely from state to state, a student may be LD in one state yet not in another. These challenges are compounded when the student is an EL. It is within this backdrop that the remaining chapters are written: *how might we distinguish language acquisition* from language or learning disabilities within the existing parameters of IDEIA 2004 and MTSS for ELs?

Review of Changing Demographics and Educational Features

Though the EL student demographics and associated instructional elements remain consistent since the publication of the first edition of this book, select features stand out and are summarized below to show

some of the key changes that have occurred with the EL population and education over the past decade:

a. Though Spanish remains the predominant language other than English in today's schools, the share of Spanish has decreased reflecting continued increases in other second languages that also require attention in the education of ELs who struggle with reading.

b. The practice and framework of response to intervention (RTI) has evolved into the more comprehensive multi-tiered system of supports (MTSS) including emphasis in both academic and affective learning features.

c. Numbers of students with interrupted or limited formal schooling (SLIFE) have increased significantly requiring adjustments to reading instruction to address this contemporary demographic.

d. School systems have continued to de-emphasize identifying LD through consideration of the IQ-achievement discrepancy, placing greater emphasis on effects of multi-tiered support systems.

e. The diversity of teacher demographics is still not commensurate with the changing student demographics.

f. Disproportionate representation of ELs in special education for a reading learning disability continues to exist in select school systems nationwide.

These continuing issues highlight the need for additional emphasis on developing and implementing culturally responsive instruction, referrals, and assessment in the area of reading for ELs, with particular attention to distinguishing between language acquisition and a language or learning disability.

SUMMARY

Practitioners who educate ELs continue to face challenges as the field of LD struggles to (a) establish an acceptable definition; (b) clarify conceptual and operational frameworks for developing adequate referrals, assessments, and interventions, particularly for ELs; and (c) transition from a discrepancy-based identification approach to an MTSS model. Although the research base on ELs who struggle with reading is incomplete, practitioners still have much to draw upon as they continue to strive to make informed decisions about how best to assess and teach ELs. It is through these efforts that ELs who struggle will receive appropriate reading instruction, while inappropriate referrals and placement into special education are reduced.

NOTE

1. The *risk index,* or RI, is calculated by dividing the number of students in a given racial or ethnic category served in a given disability category by the total enrollment for that group in the school population. Thus, a risk index of six for African American students in a given category means that 6 percent of all African Americans were given that label. The *composition index* is calculated by dividing the number of students of a given racial or ethnic group enrolled in a particular disability category by the total number of students (summed across all groups) enrolled in that same disability category. The sum of composition indices for all the groups will total 100 percent. This index does not control for the baseline enrollment of a given group. Finally, the *odds ratio* divides the risk index of one group by the risk index of another (most often White) for comparative purposes. Odds ratios greater than 1.0 indicate greater risk of identification.