Special Education Considerations for English Language Learners
Special Education Considerations for English Language Learners
DELIVERING A CONTINUUM OF SERVICES

SECOND EDITION

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This is the second edition of a guidebook that we wrote six years ago; the original guide was the result of a workshop that Jack Damico and I developed in response to requests for assistance from schools. Those requests typically took a form of the question: “How can we tell if English language learners (ELLs) have special education needs?” Initially the workshop focused exclusively on the question of how to distinguish between long-term disabilities and normal second-language difficulties that ELLs were having in school. In fact, the workshop became known casually as “the LD/L2 Workshop.” Over the years, however, we came to understand that the question of L2 versus LD was extremely murky, and probably the wrong question to ask.

The foundational principle for our work is that support is more effective if it is provided seamlessly as part of a continuum that is integrated into the students’ everyday school life rather than trying to determine whether academic challenges faced by ELLs stem from a second-language development issue or a long-term disability. In our work in schools over the six years since the publication of the first edition, we have tried to move staff away from needing to know right at the beginning whether an ELL has a disability that can be categorized as a special education need. Rather, the focus is on providing support that uses the benefits of knowledge and experience from both fields: second-language acquisition first, and special education next. Ensuring a continuum of services has become of utmost importance to our framework.

In the past six years, two significant changes have affected ELLs who are facing challenges in school: (1) response to intervention (RtI) is more widely implemented, and (2) testing to check if students are meeting standards has become even more entrenched in daily school life. Each of these changes has both positive and negative consequences for ELLs. In this second edition, we integrate discussions of these two issues throughout the chapters, and provide guidance for improvement when RtI is implemented in nonsensical ways for ELLs, or when the pressure of testing leads to invalid conclusions about ELLs’ academic performance.

Based on a system of extensive information collection we offer suggested interventions for the particular difficulties that ELLs often have in school. Some of these interventions are specific to individual students while others are systemic and would improve the learning context for all ELLs. The interventions we recommend emerge from our knowledge of second-language learning as well as from special education research and practice. We also recommend forming a team consisting of teachers, administrators, and special-
This guide was written with three purposes in mind. First, we wanted to help teachers identify specific challenges that students encounter in school in a way that would lead to useful support for ELLs. Second, we wanted to help educators understand those challenges through extensive information gathering. Third, we wanted to help school staff identify interventions most likely to be effective in alleviating these academic challenges. The framework that we suggest can fit well into an already existing RtI system.

We hope that the guide helps educators in deciding what type of support to provide for these students. Finding assistance that works for any student experiencing academic difficulty is not easy. When those students are ELLs, the challenge is amplified; finding assistance that works becomes much more difficult. This guide helps educators better navigate the intervention options. We offer pragmatic and effective interventions that are rooted in the theoretical tenets of second-language acquisition and acculturation. They are also firmly based on research about effective educational programs for ELLs and they result from our work in schools. The book can be used as a professional development tool for professional learning communities, problem-solving teams, and action research groups.

The approach we propose would not work without a strong collaborative model in which professionals with expertise in different areas come together to solve a problem: what to do about a student or a group of students who are having unusual academic difficulty. The approach requires that individuals from different specializations collaborate and share their expertise with one another. In doing so, they must be open to perspectives different from their own. We call these collaborative groups ECOS (Ensuring a Continuum of Services) teams. It is the ECOS team that coordinates the information gathering, the formulation of interventions, and the support of teachers.

The way that the workshop on which this guide is based was conceived reflects that collaboration directly. Jack Damico is well versed in special education, and my expertise is in ELL education. We brought our areas of expertise together and created the workshop that eventually led to this guide. Later, with the addition of Barbara Marler and Cristina Sánchez-López to the team, new perspectives were introduced. Barbara brought teaching and administrative experience, and Cristina gave us insights from a teacher’s perspective. Cristina’s work with Theresa Young, a speech-language pathologist from the Toronto District School Board, added yet another perspective. Without this evolving collaboration, the ideas in this book would not be as wide-ranging.

The special features in this book were designed to make it easier for schools to begin offering a continuum of services to ELLs who are having academic difficulties. One or more of the following special features appear in various chapters:

**Chronicles:** The chronicles are true stories told by different individuals, running the gamut from a parent to a university professor. They illustrate specific points made in the book and are accompanied by questions for discussion.

**ECOS Team Activities:** This feature sets up discussions, challenges, and practical activities that help ECOS teams understand and further investigate issues presented in the chapters. Many of these items are also effective as professional development activities.

**Steps for ECOS Teams to Take:** Chapters 2 to 4 summarize the steps that ECOS teams need to take to begin the process through which the continuum of services framework becomes part of the everyday working of a school.
These lists are cumulative in that steps are carried forward from chapter to chapter and are italicized to indicate that they have already appeared in an earlier chapter.

**Checklists, Rating Scales, and Questionnaires**: The guide offers many tools to assess aspects of the program or the way that support is provided to students, evaluate the current situation in a school, and develop the process for establishing a continuum of services.

**Questions for Discussion**: Chapters 5 to 11 include questions that are intended to prompt further discussion of the integral factors that need to be considered in designing interventions for ELLs experiencing academic difficulties. These questions get teams to think about their own specific setting and to apply the concepts to their student population.

**Questions for Study Groups**: This is a new feature of the second edition to elicit general discussions about issues that appear in the chapter. It is intended for teachers who participate in professional learning communities in their schools or districts.

The book also has extensive material in the appendices—open-ended worksheets, an evaluation form, and augmentative information—and a glossary, with definitions of some of the key concepts presented in the text.

We hope that the suggestions in this guide are helpful in setting up a system in schools whereby ELLs receive the support they need in a seamless way. We would be gratified if the book also inspired educators to move away from the status quo and join with colleagues to do what is most effective for ELLs who are having more than the average share of challenges in school.

—*Else Hamayan*
Every day, teachers struggle to determine if an English language learner (ELL) has needs beyond second-language learning and cultural adjustment. With the advent of response to intervention (RtI), schools have come closer to meeting the needs of ELLs. However, because of the popularity of RtI, designed systems of assessment and intervention do not always reflect what we know about second-language and literacy development or offer culturally and linguistically responsive interventions that account for the learner’s second-language status. Instead, all too often, these systems were designed for native speakers who are proficient in English and familiar with U.S. cultural norms, values, and life experiences and then applied without any meaningful modifications to ELLs. Caution must be exercised because the decision to refer an ELL to special education services may come as a result of the RtI process. Because of this possibility, each step along the way must be optimally constructed to resolve students’ issues within a general education context, ultimately preventing unnecessary and unwarranted referrals or the need for more intensive and costly interventions.

Teachers apply the RtI process because they see that students are not succeeding and they want their students’ needs to be met; this is a wonderful motive. However, these systems are usually not constructed for second-language learners or based on the research concerning language and literacy development of second-language learners, and because of this, fail to result in ELL success. This book exposes the myths and inaccurate assumptions behind RtI and referral processes for ELLs and proposes a comprehensive alternative that aids caring educators in reaching their intended goal: responsive, effective, and equitable education for second-language learners.

As someone who has worked in bilingual/cross-cultural special education for over 25 years and knows first hand the complexities involved in the decisions teachers must make for struggling ELLs, this practical, comprehensive, and extremely well-researched book is a welcome addition to educators everywhere.

My primary reason for recommending this guide, however, is not the diagnostic assessment component that takes place through the RtI process, important as that is. Instead it is because the fairest, least-biased, and most valid assessment means nothing without follow-up in the form of delivery of quality educational services, and that is my primary interest in recommending this book. The authors understand what matters in serving learners well and the mechanisms to get there within an RtI framework that takes into account the specific needs of ELLs.
Special Education Considerations for English Language Learners represents the integration of best practice from the fields of bilingual, multicultural, second-language, and special education. Using a research-based approach, it details a step-by-step process for serving all ELLs effectively from the start. Grounded in the paradigm of ecological assessment, the authors identify the essential information that needs to be gathered and the means of gathering that information so that educators can distinguish second-language development and learning difference. They then show practitioners how to deliver responsive interventions to learners.

Else Hamayan, Barbara Marler, Cristina Sánchez-López, and Jack Damico are deeply familiar with each of the seven learner factors that must be addressed. Where they break new ground is in their discussions of physical and psychological factors, previous schooling factors, and cultural and linguistic factors that affect student performance. They offer sound guidance for conducting comprehensive assessments and recommend effective, research-based interventions for at-risk students. This is precisely what has been missing from the field—sound and comprehensive pedagogy for ELLs who are having learning difficulties at each stage of the RtI process.

I highly recommend this volume to school-based, collaborative decision-making, and intervention-focused teams that aim to serve learners fully and well through informed practice. The many useful tools and resources offered for assessment and the templates and instructional guidelines offered to plan responsive interventions will produce satisfactory outcomes for our learners. This welcome resource will engender productive and meaningful conversations among school-based practitioners, and the subsequent actions those professionals take will lead naturally to the delivery of a rich continuum of services for all ELLs throughout the RtI process.

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1 A FRAMEWORK FOR CONSIDERING THE SPECIAL NEEDS OF ENGLISH LANGUAGE LEARNERS 1
   Key Concepts 1
   Reasons for the Misidentification of Special Needs among ELLs 2
   Assessment 2
   Prevalence of a Medical Model 5
   Availability of Categorical Funding 7
   The Need to Provide Relevant Services in a Timely Manner 7
   Some Myths Regarding ELLs and Special Education 8
   The Continuum of Services Framework 9
   A Collaborative Model 10
   Information Gathering 11
   Describing before Diagnosing 12
   Providing Support: A Continuum of Services 13
   The Seven Integral Factors 14
   Questions for Study Groups 17

2 A COLLABORATIVE MODEL OF INFORMATION GATHERING AND SERVICE PROVISION 18
   Key Concepts 18
   Responsibilities of ECOS Teams 19
   Information Gathering 19
   Interpreting Information 20
   Suggesting Interventions 21
   Monitoring Progress 21
Contents

Makeup of ECOS Teams 22
ESL/Bilingual Specialists 23
Special Education Specialists 23
Other Professionals 24

Building Professional Bridges across Specializations 24

Characteristics of an Effective ECOS Teams 25
Clear and Congruent Principles 25
A Shared Language 25
Loosening of Disciplinary Boundaries 27
Respectful Questioning 27
Effective Interpersonal and Communication Skills 29

How to Form Effective ECOS Teams 30

What ECOS Teams Can Accomplish 31
Professional Reflection 31
Capacity Building 32
Redefining Roles 32
The Big Picture 33
Catalysts for Change 33

An Innovative Approach 33
Questions for Study Groups 34

3 DESCRIBING BEFORE DIAGNOSING:
OBSERVATION OF SPECIFIC BEHAVIORS
THAT ELLS MAY EXHIBIT 35

Key Concepts 35
The Importance of Describing before Diagnosing 36
Similarity of Surface Behaviors 37
The Tendency to Choose Disability 38
The Nature of Second-Language Acquisition 38

The Process of Data Collection and Explanation 40
Step 1: Generating an Inventory of Specific Observable Behaviors 40
Step 2: Explaining the Observed Behaviors 44

Reframing the Issue: Describe, Explain, and Support 50
Questions for Study Groups 52

4 DELIVERING A CONTINUUM OF SERVICES 53

Key Concepts 53
Providing Support in a Timely Manner 54
Getting a Head Start 54
Response to Intervention 57
Potential Benefits of RtI for ELLs Experiencing Significant Challenges 59
A Solution-Seeking Approach Based on Meaning 60

Seeking ELL Educators’ Expertise to Generate ELL Interventions 61
Seeking Special Educators’ Expertise to Generate Special Education Interventions 62

Challenges to This Continuum of Services Framework 67

Shifting Practices 67
Regulatory and Fiscal Constraints 71
The Challenge of Inertial Concepts 74

A Forum for Crafting and Evaluating Interventions 76

Key Principles for Crafting and Evaluating Interventions for ELLs 76

Validating Difficulties and Intervening across Contexts 81
An Example of Validating the Source of Difficulties 82

Home Language and Culture as Resources 83
Bilingualism and Disabilities 83
Monolingual Educators in Multilingual Settings 84

A Sample Process 86
An Introduction to the Seven Integral Factors 86

Questions for Study Groups 88

5 THE LEARNING ENVIRONMENT CREATED FOR ELLS 89

Key Concepts 89

Key Factors in the Learning Environment 90

Teachers 90
Resources Available 94
Design of the Instructional Program 97
Range of Services Offered 100
Role of the Home Language 100
Role of the Home Culture 102
Characteristics of Instruction 104
Characteristics of Assessment 104

Suggestions for Information Gathering and Evaluating the Adequacy of the Learning Environment 105

Suggestion for Systemic Interventions 106
Suggestions for Specific Interventions 106

Questions for Study Groups 108
6 PERSONAL AND FAMILY FACTORS 109
Key Concepts 109
Key Factors in the Student’s Personal and Family Background 110
Socioeconomic Status 110
Family Dynamics 112
Expectations 114
Student Interests 114
Student Motivation 114
Experiential Background 115
Parental Engagement 117
Suggestions for Information Gathering 117
Suggestions for Systemic Interventions 121
Suggestions for Specific Interventions 123
Questions for Discussion 123
Questions for Study Groups 124

7 PHYSICAL AND PSYCHOLOGICAL FACTORS 125
Key Concepts 125
Key Physical and Psychological Factors 126
Disease or Medical Condition 126
Impaired Vision or Hearing 127
Malnutrition and Chronic Hunger 127
Post-Traumatic Stress Syndrome/Disorder 129
Fear 130
Current Psychological Stress 132
Social and Emotional Development 132
Feelings of Belonging to the School and Wider Community 133
Suggestions for Information Gathering 134
Suggestions for Systemic Interventions 134
Suggestions for Specific Interventions 137
Questions for Discussion 137
Questions for Study Groups 138

8 PREVIOUS SCHOOLING FACTORS 139
Key Concepts 139
Key Factors in Previous Schooling 140
Amount of Formal Schooling in the Home Language 141
Quality of Formal Schooling in the Home Language 143
Amount of Formal ESL Instruction 144
Quality of Formal ESL Instruction 145
Congruence of Educational Approaches 146
Suggestions for Information Gathering and Evaluating the Adequacy of Previous Schooling 146
Suggestions for Systemic Interventions 147
Suggestions for Specific Interventions 150
Questions for Discussion 151
Questions for Study Groups 151

9 ORAL LANGUAGE AND LITERACY DEVELOPMENT 152
Key Concepts 152
Key Factors in Oral Language Development 153
First-Language Acquisition 153
Acquisition of a Second or Additional Language 154
Social and Academic Language Proficiency 155
Evidence of Instruction in Oral Academic Language 160
Reinforcing Academic Language at Home 161
Key Factors in Literacy Development 163
Literacy Development in Home Language and English 164
Social Language and Academic Language 168
Evidence of Appropriate Literacy Instruction in Home Language and English 169
Literacy in the Home and Community 170
Understanding the Relationship between Students’ Home Language and English 171
Language Use Patterns 173
Suggestions for Information Gathering 176
What to Assess in Oral Language and Literacy 176
How to Assess Oral Language and Literacy 177
Comparisons with Peers 180
Suggestions for Interventions 181
Questions for Discussion 183
Questions for Study Groups 183

10 ACADEMIC ACHIEVEMENT 184
Key Concepts 184
Key Factors in Academic Achievement for ELLs 184
Taking into Account All Content Areas: Core Academic Areas, Special Classes, and Electives 185
Language Proficiency versus Knowledge of Concepts 186
Suggestions for Gathering Information about Academic Achievement 187
Standardized Norm-Referenced Testing and Performance Assessment 187
Contents

Obtaining Information in Students’ Home Language and English in All Language Domains 189
Comparisons with Peers 189
Current and Past Data 192
Evidence of Instruction 193
What Happens at Home 194

Suggestions for Systemic and Specific Interventions 195
Coordination 196
Time and Resources 196
Coherent Learning 196
Common Framework 197
Wide Scope 199

Questions for Discussion 205
Questions for Study Groups 206

11 CROSS-CULTURAL FACTORS 207

Key Concepts 207

Key Characteristics of Culture 208
What Constitutes Culture? 208
The Multiple Determinants of Culture 211
Culture as a Dynamic Process 212
Adapting to a New Culture 212
The Impact of Culture on Learning 216

Suggestions for Information Gathering and Evaluating Cultural Difference Factors 217
Assessing the Student’s Ability to Function in the School’s Culture and the School’s Attitude toward Cultural Reciprocity 219

Suggestions for Systemic Interventions 219
Capitalizing on Diversity 219
Bridging across Cultures 220
Contextualized Instruction 220
Building Staff Knowledge and Understanding 221
Cultural Therapy 222
Home–School Communication 223

Suggestions for Specific Interventions 224
Questions for Discussion 224
Questions for Study Group 224

12 PUTTING IT ALL TOGETHER: HOW DO WE KNOW THAT WHAT WE ARE DOING WORKS? 226

Key Concepts 226

Identification of ELLs Who Experience Significant Challenges in School 227
A Framework for Considering the Special Needs of English Language Learners

KEY CONCEPTS

To serve the needs of English language learners who are experiencing significant challenges in school, a system must be set up to provide support in a continuum, without interruption, in a way that is integrated into the learners’ schooling experience and immediately following the identification of those challenges.

When English language learners (ELLs), students who are developing proficiency in a new language and who are learning academic content through a nonproficient language, are perceived as having an inordinate amount of difficulty in school, the issue presents a tremendous challenge to teachers, special education specialists, and administrators. Almost immediately the question arises as to whether those ELLs have a long-term disability (Fradd & Weismantel, 1989). More often than not, when a teacher feels that an ELL is having greater than expected difficulty at school, there is an inclination to jump to the conclusion that the student has a special education need.

Historically in the United States, there has been a tendency to refer ELLs inappropriately to special education, which in turn has led to the over-identification of ELLs as having special education needs and a disproportionate representation of these students in special education (Artiles & Ortiz, 2002; Caesar & Kohler, 2007; Cummins, 1984; Gottlieb & Hamayan, 2006; Ortiz, Garcia, Wheeler, & Maldonado-Colon, 1986). The over-representation of ELLs is particularly acute in programs for the learning disabled (e.g., Jitendra & Rohena-Diaz, 1996; McNamara, 1998; Ortiz et al., 1985). The path to the special education door is well worn because it is often discussed as a familiar way of getting help for students who are experiencing significant challenges in school. Owing to the lack of other effective remedial options, special education may also be perceived as being the only means available to teachers to find help for these students. Teachers are likely to choose special education as the source of support for ELLs because it does generate help, funding is still available, and even if they know that it may not be appropriate, it assuages their feelings of guilt and satisfies the need for accountability.
Unfortunately, this perceived solution frequently results in negative consequences. Because most special educators who serve monolingual English-speaking students are not well trained in diversity education, second-language acquisition, or bilingual education (e.g., Caesar & Kohler, 2007; Kritikos, 2003; Roseberry-McKibbin, Brice, & O’Hanlon, 2005), their best attempts at assistance often are misdirected and may not be what is most effective for ELLs. Additionally, placing an inappropriate special education label on ELLs results in changed expectations for those students and often provides a convenient, if incorrect, excuse for the ELLs’ observed or perceived difficulties (Coles, 1987; Gutierrez-Clellen, Simon-Cereijido, & Sweet 2012; McDermott & Varenne, 1995; Ogbu & Simons, 1998; Taylor, 1991). Finally, if ELLs are served in special education, the school system may believe that the students’ needs are met and may not provide the language-rich support needed by those ELLs. It is important, therefore, that this apparent “solution” not be employed inappropriately.

Reasons for the Misidentification of Special Needs among ELLs

To ensure that misidentification does not occur, this guide proposes a different approach to assessment and service delivery for ELLs that can overcome many of the problems in assessment and remediation directed toward this student population. Before highlighting solutions, however, we present three reasons why such misidentification is likely to occur in this population: problematic assessment practices, the influence of the medical model when addressing educational issues, and funding biases toward special education. Each is briefly discussed here.

Assessment

The first and most significant reason for the tendency to over-identify ELLs as in need of special education is that the assessment of proficiency and academic achievement among ELLs is fraught with difficulty. Assessment as a process is a complex enterprise that requires consideration of multiple factors, including symbolic proficiency, affect, previous experience, cultural and linguistic learning and application, expectations, and contextual variables (Carroll, 1993; Damico, 1992; Goldstein & Horton-Ikaard, 2010; Gutkin & Nemeth, 1997; Hamayan & Damico, 1991; Lubinski, 2000; Müller, 2003; Wentzel & Wigfield, 1998). However, this complexity and the methods to address it are not typically considered in school settings. Consequently, a number of biases that orient the assessment process away from the best interests of the ELL become operational. These biases include a focus on superficial behaviors rather than underlying proficiency as indices of difficulty, the collection of inadequate data—often in the form of norm-referenced and standardized test results—that do not enable sufficient descriptions of proficiency, a lack of recognition of several consequences of bilingualism during assessment, and the application of inappropriate discrepancy formulas for interpretation purposes.

At a superficial level, the way that academic and language challenges manifest among ELLs is very similar to the way such difficulties manifest among students with long-term disabilities or special needs (Crago & Paradis, 2003; Cummins, 2000; Damico & Damico, 1993a; Salameh, Håkansson, & Nettelbladt, 2004). For example, Paradis (2005) found that ELLs’ accuracy rates and error patterns in producing grammatical morphemes in English were similar.
Reasons for the Misidentification of Special Needs among ELLs

to those reported for same-age monolingual English-speaking children with a specific language impairment. Similarly, both ELLs and monolingual English-speaking learning-disabled* students may frequently search for words in English even though they have understood the concept. That is not to say that the possible sources of these difficulties are the same in the two populations. Rather, there are only so many ways that language and learning difficulties manifest behaviorally, despite the underlying causal variables (i.e., disability or difference). It is not enough to focus only on the superficial indices of difficulty; one must also determine whether deeper or more complex variables are operating (e.g., Ahlsén, 2005; Armstrong, 2005; Damico, Smith, & Augustine, 1996; Holm & Dodd, 1999; Perkins, 2005; van Kraayenoord, 2010).

Language and learning disabilities are generally due to factors intrinsic to the learner, such as a neurological impairment or a problem with symbolic processing (Perkins, 2005), whereas second-language learning challenges are typically due to factors extrinsic to the learner, such as the language learning process itself or cross-cultural differences (Damico & Hamayan, 1992; Jia & Fuse, 2007; Sloan, 2007). In the case of vocabulary usage, for example, if an ELL frequently forgets a common word that has been taught, it is possible that the visual aid used to represent the concept may have been culturally irrelevant for that student (e.g., the Liberty Bell representing the concept of freedom or independence that is specific to American history); hence the visual symbol would not provide any help for that student in learning new vocabulary. For students with special education needs, the same observable behavior—that is, forgetting common words that have been taught—may result from a completely different set of reasons. The student may have oral language comprehension or production difficulties as a consequence of word retrieval problems, or the student may have memory problems. In such cases, the pedagogical needs of the two populations are different: students with special education needs require support in creating compensations to overcome their difficulties (e.g., Damico et al., 1996; Dunaway, 2004; Paradis, Genesee, & Crago, 2011; Westby, 1997), whereas second-language learners need to develop further proficiency in academic language.

Another difficulty in assessment is that the data gathered as part of the referral and evaluation process or even as part of the universal screening process in Response to Instruction and Intervention (RtI) are frequently inadequate or inappropriate. There is a tendency to rely too heavily on norm-referenced and standardized test scores, which give only a very narrow and potentially quite inaccurate view of what a student is able to do (Caesar & Kohler, 2007; Flynn, 2000; Gutiérrez-Clellen & Peña, 2001; Laing & Kamhi, 2003; Tetnowski & Franklin, 2003; Xu & Drame, 2008). As discussed by Damico (1991), norm-referenced and standardized tests typically focus on superficial aspects of language structure, have validity and authenticity concerns, provide numbers that have a differentiating function rather than an interpretive function, and focus on identifying students’ weaknesses; consequently, these tests do not give us a good sense of what ELLs are able to do. Further, ELLs, who are often unfamiliar with the cultural context of test items, are likely to give the wrong answers, not because they do not have the specific skill being assessed, but because they do not understand the question. This constellation of factors promotes unreliable test results that give an inaccurate view of the student

*The term learning disability is used in this guide to refer to the variety of cognitive, perceptual, language, or mathematical disabilities that lead to difficulties in learning in an academic setting.
(Aspel, Willis, & Faust, 1998; Gunderson & Siegel, 2001; Müller, 2003; Portes, 1999).

In addition, norm-referenced and standardized assessment tools, including screeners and progress-monitoring tools, typically do not account for the fact that the students being tested are bilingual. Instead, tests designed for monolingual students are developed or translated from one language to another, and different norms are collected. Even assuming that the tests developed are valid and reliable (a dangerous assumption), factors relating to bilingualism as a process are not always carefully considered (Chamberlain & Madeiros-Landurand, 1991; Genesee et al., 2004; Grosjean, 1998; Oller & Eilers, 2002; Pacheco, 2010). For example, although many studies have demonstrated that ELLs are highly variable in their performance, based on individual, contextual, affective, and developmental factors as well as proficiency (e.g., Bialystok, 2001; Genesee et al., 2004; Goldstein, 2011; Thordardottir, Rothenberg, Rivard, & Naves, 2006), these variables are rarely considered in the scoring criteria or in the interpretive instructions for these tools (Damico, 1991, 1992; Lubinski, 2000; Wilson, Wilson, & Coleman, 2000). Similarly, although numerous studies have indicated that ELLs’ test performance should be interpreted using both languages via conceptual scoring—that is, scoring the meaning of a response regardless of the language in which it is produced (e.g., Bedore, Peña, García, & Cortez, 2005; Hammer, Lawrence, & Miccio, 2007; Marchman & Martinez-Sussman, 2002; Oller & Eilers, 2002; Pearson, Fernández, & Oller, 1993, 1995)—this is not typically done. Failure to take into account the complexity of the bilingual process during assessment further reduces the effectiveness of traditional assessment and diagnostic tools when focusing on ELLs.

Finally, the discrepancy model for identifying learning disabilities, which was initially useful as a gatekeeping mechanism, does not serve ELLs well, since it is normal for ELLs to have lower scores on verbal tasks in English than on tasks that do not require as much verbal processing (Campbell, 1996; Campbell & Kenny, 1999; Cummins, 1996; Kohnert, 2004). This discrepancy may provide an accurate description of monolingual students with special education needs (Fletcher et al., 1998; Sternberg & Grigorenko, 2002). However, it also describes quite precisely a characteristic of normally developing ELLs! Perhaps because of these problems, the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004 has given districts permission to go beyond the discrepancy formula to embrace a model that assesses how students respond to different interventions and instructional activities. This moves the definition of learning disability out of the domain of a discrepancy between performance and potential and into the domain of RtI. The RtI model seeks to improve the learning environment for all students in the classroom by supporting both teachers and students and subsequently keeping track of students who do not respond to these interventions. We discuss the potential advantages and disadvantages of using this model to identify ELLs with disabilities in Chapter 4.

To get a better sense of what an ELL is able to do and what he or she has difficulty with, a considerable amount of information needs to be gathered. In many instances, staff members do not have the time or resources to gather the qualitative information necessary to determine ELLs’ needs. Rarely do school teams use ethnographic approaches to collect data in such a way that the information obtained is meaningful and useful. It is important to adhere to certain standards in order to collect qualitative data that are authentic, and to have the conviction that these data are not inferior to data obtained through more standardized means (Damico & Ball, 2010).
However, staff cannot always collect the amount of information needed for such a determination. At the end of the assessment process, we are often left with something akin to a huge jigsaw puzzle with several pieces missing. Further, these data are often gathered and interpreted by school personnel who are not adequately versed in ELL education issues, second-language acquisition, or cross-cultural education and the implications of these factors for the assessment and instruction of ELLs (García & Ortiz, 1988; Goldstein, 2011; Müller, 2003; Oller & Eilers, 2002; Ortiz et al., 1986; Sox, 2009). Often the bilingual or the English as a second language (ESL) specialist is not involved in making sense out of the gathered information, let alone in the data collection (Chronicle 1.1 describes an instance in which language proficiency testing was overlooked completely).

Prevalence of a Medical Model

A second fundamental reason for the tendency to over-identify ELLs as needing special education services lies in the way in which we conceptualize special education needs in the United States. In the last quarter-century, a medical model has prevailed in the way that many people attempt to understand the special needs that some students have in school. This model is based on the notion that disabilities or challenges can be identified much like the list of ailments that are officially recognized as diseases in the medical field (Coles, 1987; McDermott & Varenne, 1995; Skrtic, 1991a and b; Taylor, 1991, 1993). This tendency to view academic and language learning difficulties from the perspective of human pathology can be seen in the medicalization of learning problems in the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 2000) and the tenth edition of the International Classification of Diseases (World Health Organization, 2002). Whether these medical designations are defensible or not, they do function to create an explicit grounding for the discipline of special education (Skrtic, 1991a and b).

As a result, this prevailing medical orientation has created a set of beliefs about the nature of special education and even about ELLs’ role within special education, and these beliefs inform both our perceptions of academic and language-learning problems and our assessment practices (Damico, Müller, & Ball, 2004; Frick & Lahey, 1991; Klasen, 2000; McDermott, 1993; Taylor, 1993). This situation has falsely suggested to educators that special education needs can be easily identified in a valid and reliable manner, resulting in misidentification, because the complexity of the phenomenon and the individuality of the ELL are often overlooked.

In reality, exceptionality is not an objective and easily verifiable empirical entity. Rather, it is a social construct, and the diagnostic criteria employed for various exceptional traits have been based on a number of sociocultural factors that mirror whatever ideologies are in vogue at any given time (McDermott & Varenne, 1995; Reid, Maag, & Vasa, 1994; Skrtic, 1991a and b), or whatever set of standards are accepted as the norm. For example, the illusionary “autism epidemic” currently referred to in the media is primarily due to drastic changes in the Diagnostic and Statistical Manual’s (DSM-IV) decision (somewhat socially determined) to include two milder variants (Asperger’s disorder and pervasive developmental disorder—not otherwise specified) with dramatically reduced (subthreshold) symptoms that have resulted in 75% of the recent autism diagnoses (Chakrabarti & Fombonne, 2001; Gernsbacher, Dawson, & Goldsmith, 2005). These diagnostic categories may be further complicated by ambiguity and subjectivity, and this lack of definitional rigor...
A Framework for Considering the Special Needs of English Language Learners

6

When my daughter Monica was in third grade, she was getting Cs in everything.

Monica had been in this school since kindergarten. She arrived from Poland not speaking a word of English. The school did not do anything special for her; they didn't give her any special classes in English. Now I know there is something called ESL for children who come with no English. I thought someone should be helping her with English, but I also didn’t want her missing what the teacher was teaching. She needed a lot of help with English, but I figured the school knew best what to do. A lot of people told us to speak English at home, but my English is not so good, and besides, I wanted her to keep up her Polish. So we stayed speaking Polish at home, and it was difficult for her at school. But we worked hard and I knew she was smart, so at a parent-teacher conference I asked whether the school could give Monica a test to determine her level of English proficiency. I was interested in knowing how much English Monica had acquired.

The teachers must have misunderstood. The next thing I knew, we received a "consent to test" permission form to initiate special education testing. I was shocked! I had never imagined that Monica had any kind of learning problems. Here she was learning two languages and doing OK. Sure, it took her a little longer to get things in class, but she seemed to be managing. I have a friend who is a bilingual teacher at another school, so I asked her what I should do. She said not to test her. She said that if they tested her it would probably be in English, and even if it were in Polish, Monica would not do well on the test, but not because she had a learning problem. She said that we should talk to the teachers and see if they would give Monica some more help with English.

The school was not happy that we were not signing the form, and they did nothing to help Monica. They told us to get her tutoring at home. We did that in English, math, and English history. I can't say that it was easy, but we worked at it, and little by little, Monica's English became better and better. When Monica finished grade 8, she graduated with high honors.

Monica is now fully bilingual, and she just graduated from high school and will be starting college in September. I guess we made the right decision, but it was very difficult. What if Monica did have a problem? Well, I don’t worry much about it. She did well, and most important, she's going to college, and she can speak and read both English and Polish.

Questions for Discussion

- What beliefs that the parent had are supported by research?
- What misconceptions does the parent have, if any?
- What did the school do that was effective?
- What did the school do wrong, if anything?

may result in various types of problems that start with inappropriate diagnoses and then proceed to a cascade of other psychological and academic problems (Damico et al., 2010). Indeed, the extreme over identification of ELLs as learning disabled and language disordered, when no such over-representation exists in categories that can, in fact, be medically validated, such as visual or hearing impairment, is a clear demonstration of the problem (e.g., Goldstein & Horton-Ikard, 2010; Jitendra & Rohena-Diaz, 1996; McNamara, 1998; Ortiz, et al., 1985; Stow & Dodd, 2005).
Availability of Categorical Funding

The third reason for the misidentification of ELLs as having disabilities lies in the categorical status of special education. The legal status of special education gives impetus to the tendency to formally identify separate categories of disabilities. When Public Law 94-142 (The Education Act for All Handicapped, also known as IDEA) passed in 1975, it provided legal support for special education and subsequently created a separately funded category within the educational system. Since then, students have had to be identified formally as having special education needs before additional funding for supplementary assistance can be received by the school for that individual student. Thus, the identification of these disabilities is connected with additional funding that gives the school much-needed resources. Having additional funding attached to the categorization of students in special education may make it less objectionable for schools to identify special education needs. The gate or hurdle that would keep students from being needlessly categorized into special education is simply not there. It is too tempting to place students in special education when they are perceived to fall outside of what is considered “normal,” regardless of the underlying reasons.

This categorization of special education could also have the opposite effect. In some districts, because of fear of monitoring agencies or potential litigation, the gatekeeping mechanisms are overused. Students have to fail or wait beyond an assimilation period before they are even referred to special education. The implementation of RtI has somewhat improved the situation; however, if RtI is not implemented in a culturally and linguistically responsive manner, in a way that makes developmental sense, or at all, the pre-referral process becomes so complex and time-consuming that students who do need support never get it (Stow & Dodd, 2005). Additionally, much of the work that has recently been done in RtI has not effectively employed this mandated innovation. Rather than using this multi-tiered approach to address the problems of over-identification due to poor testing and teaching procedures, many of the problematic procedures have simply been repackaged under the RtI rubric (van Kraayenoord, 2010).

The Need to Provide Relevant Services in a Timely Manner

The accurate identification of the special needs of ELLs is important for two reasons. The first reason has to do with the stigma of the label (Cummins, 2000; Damico et al., 2010; Goffman, 1964; McDermott & Varenne, 1995). As much as we try to make it sound as though a special education placement is within acceptable limits, the label still carries a certain stigma that remains with a student, formally and informally, for a long time (Coles, 1987; Danzak, 2011; McDermott, 1993; Taylor, 1991). This stigma is especially problematic insofar as many in mainstream society perceive ELLs as having lower status; many in the general society do not value the languages and cultures that ELLs and their families bring with them. Immigrants and refugees, as well as ELLs born in the United States, are often marginalized and do not participate fully in what the larger society has to offer. So the added burden of yet another stigmatizing label is not helpful at all (Harry & Klingner, 2006).

The more compelling reason for not placing ELLs erroneously into special education is that we must ensure the most effective learning environment for these students. This is not only an ethical issue; it is also a requirement under IDEA 2004 when RtI is implemented in a school. If an ELL is experienc-
ing significant challenges in school because of the typical process of second
language development, the best support for that student would come from
expanding proficiency in English as a second language, and not from special
education interventions (e.g., Damico & Hamayan, 1992; Freeman & Free-
man, 2001; Genesee et al., 2004; Hodgson et al., 2007; Janzen, 2008). Studies
have shown that Hispanic students who were classified as learning disabled
performed at a lower level after three years of special education placement
(Wilkinson & Ortiz, 1986). Thus, these students may not benefit at all from
the support they receive in that setting.

Another difficulty with the way special education services are provided
to students in general is that it often takes a long time before any support is
given to ELLs who may require assistance in addition to that which is pro-
vided through their bilingual/ESL program in school. Many school districts
feel compelled to wait until a full-fledged referral has resulted in a formal cat-
egorization into special education before providing specialized support. Thus,
the student remains without those specialized interventions for too long. This
situation is somewhat alleviated with the implementation of RtI, but it is still
often the case that the challenges that ELLs face are seen as the sole respon-
sibility of the bilingual education or the ESL department even when additional
specific support from special education would benefit the student. This state
of affairs is significantly influenced by some myths regarding ELLs in need of
special education services.

Some Myths Regarding ELLs and Special Education

Several myths prevail in the area of special education for ELLs. These myths
can misguide us in the way we approach education in general, in the way
we interpret students’ behaviors, and in how we teach and assess students.
The following are commonly held misconceptions regarding ELLs and special
education.

**Myth 1:** If we label an ELL as having special education needs, at least he
or she gets some help.

**Response:** A special education placement when none is warranted does not
serve the student well. First, we are bestowing on the student a stigmatizing
label that the student does not need. Second, interventions that are specifi-
cally geared to help processing, linguistic, or cognitive disabilities often do
not help children acquire second-language proficiency. In fact, traditional spe-
cial education services can limit the kind of learning that ELLs need (Gersten
& Woodward, 1994). Special education interventions tend to target a narrow
selection of skills to enable mastery, and discrete skills are often practiced out
of context (Damico & Damico, 1993a; van Kraayenoord, 2010; Westby & Vin-
ing, 2002; Xu & Drame, 2008). This complicates the learning process for ELLs
because they need a meaningful context in order to comprehend the language
that surrounds them (Genesee, 2012). In addition, special education inter-
ventions often use reading materials with controlled phonics and vocabulary
and they focus on surface structures of language, which reduces the meaning-
fulness of the task and constricts language usage, making it more difficult for
ELLs to understand and retain information (Damico & Nelson, 2010; Gersten
& Woodward, 1994).

**Myth 2:** We have to wait three to seven years for ELLs to develop their
English language skills before we can rule out language as a cause for
the student’s difficulty.
Response: Although it takes four to seven years for ELLs to show what they know on academic achievement tests in English (Cook, Boals & Lundberg, 2011; Cummins, 2012), there is no need to withhold any kind of support services that an ELL might need in the meantime. The timeline suggested by research was meant to give teachers a sense of how much time to expect students to learn through a language that was not yet fully developed, especially in abstract academic concepts. Besides, if a student truly has an intrinsic difficulty, then it exists in all the student’s languages and in most use contexts. The sooner these exceptionalities are identified and supported, the better opportunity the student has to be successful in school.

Myth 3: When an ELL is identified as having special education needs, instruction should be only in English, so as not to confuse the student.

Response: Children with speech, language, or learning impairment can become bilingual (Genesee et al., 2004; Perozzi, 1985; Perozzi & Sanchez, 1992). There is even emerging evidence that children with Down syndrome can be bilingual and that bilingualism does not hinder their language development (Kay-Raining Bird, et al., 2005). The majority of people in the world are bilingual, and some of them have special education needs. Disabilities certainly do not arise from being bilingual. They manifest in all or most contexts. The decision to shift to instruction in English exclusively is usually based on lack of knowledge of the research, ignorance of the students’ home language, or convenience. Developing the native language can help students with specific language impairment make better progress in the second language (Cardenas-Hagan, Carlson, & Pollard-Durodola, 2007; Gutierrez-Clellen, et al., 2012; Konhert & Goldstein, 2005). In addition, for ELLs with significant disabilities, it is especially important to maintain the home language, because the students’ main caregivers will be their parents well after they have left the school system and have entered adult life. It is important that parents and family be able to communicate with and have close ties to their children.

The Continuum of Services Framework

Because of the tremendous difficulties associated with identifying ELLs as having special education needs, an altogether different approach to this dilemma is needed. Two major changes must occur in the school culture for this new approach to be implemented. First, we must dispose of the urge to formally and quickly categorize a student into a special education placement. Instead, we must gather information as extensively as possible about the student and his or her surroundings. As more information is gathered, we introduce instruction and interventions that we believe to be most effective for specific observable behaviors into students’ everyday routines (Sánchez-López & Young, 2003). As an added advantage of this approach, these interventions may very well be helpful to other students in the classroom, not just the particular ELLs in question. Second, we must circumvent the compulsion to provide only the interventions allowed by specific funding sources. Instead, meaning-based instruction and interventions, both systemic and specific, must be introduced independently of the category or the specific funding program that eventually supports the students. In fact, this support must be introduced as soon as significant challenges are identified.

As interventions are put into practice, an informal monitoring of student progress will guide teachers as to which ones to maintain and which ones to change or omit. Somewhere along this process, the team that is coordinating
the interventions and information gathering may decide that a full-fledged referral is needed, and the results of that referral may place the student formally in a special education category. The interventions that are deemed effective will become part of the student’s individualized education plan (IEP) and will continue to be used. It is only through such a framework that the needs of ELLs who are having significant academic and linguistic challenges can be met in a cohesive way that makes sense from the student’s perspective.

This framework is supported by the current trend to use an RtI approach in assessing the need for and providing special needs support to students who are experiencing significant academic difficulties. In this model, specific interventions are made and the student’s response to those interventions is used as a basis for further decision making. There are several advantages to a well-implemented, culturally and linguistically responsive RtI approach with ELLs (Allington, 2009; Collier, 2010; Howard, 2009). First, it encourages a proactive process that does not wait for ELLs to fail but instead provides enhanced instruction in a timely manner across grade levels. Second, it emphasizes high-quality, consistent, and effective instruction, linked to authentic assessment, for ELLs throughout the day. Third, it focuses on students in a very explicit way. Finally, it requires collaboration across disciplines and creates new roles for problem-solving team members.

A Collaborative Model

The continuum of services framework and the process entailed cannot be implemented without a strong collaborative setup within the school. That is the topic of the second chapter of this guide. It can be subdivided into several parts.

First, the information-gathering that is part of this framework, or the screening that is part of the RtI process, requires the participation of everyone who comes in contact with the students in question. Everyone who knows ELLs is a valuable source of information. It is not unusual for individual staff members to have quite different perceptions of the same student. The ESL teacher may find a student gregarious and an active participant in classroom work, whereas the physical education teachers may think that the same student is shy and reserved. Yet another teacher may perceive the same student as a troublemaker, and parents may see the student completely differently. It is important for all those individuals to contribute their perceptions and assessment of the student.

Second, because a large body of information is to be gathered from a number of people, there needs to be a team of four or five individuals to process and interpret the information. In many schools, these teams are called teacher assistance teams (TAT) or problem-solving teams. In this guide, we refer to these teams as ensuring a continuum of services (ECOS) teams. The ECOS team also manages the delivery of interventions and provides support to the teachers, administrators, and parents in making the changes necessary in the student’s daily school and home life. In that capacity, the team suggests interventions and helps the staff and the parents provide the support that the team has determined to be most effective for the students. The team serves as a sounding board for the teachers as they try the instructional strategies suggested. It undertakes the same role with respect to the parents. The team supports administrators in their effort to make the more general systemic changes in the program or at the district level. The team also helps teachers and administrators monitor student progress and evaluate the effectiveness
of the interventions. Without this collaborative structure, the continuum of services framework will not be effective.

Chapter 2 discusses the makeup of such teams and the roles that various members play. We point to the importance of sharing expertise and building knowledge, and we describe how professional bridges can be built to form a system that serves students better. Chapter 2 ends with a discussion of the appropriation and use of resources, materials, and support.

Information Gathering

The continuum of services framework is characterized by constant information gathering. Rather than attempting to determine immediately whether the academic challenges that ELLs experience are specifically because of a long-term disability (i.e., something that would lead to a special education designation) or are a normal part of the second-language learning process, educators must first acquire extensive information about each student. The following questions must be asked first:

1. What specific observable behaviors have students’ exhibited in different learning environments?
2. What do we know about the particular ELL students?
3. What previous instructional support and interventions have been tried?

Answering these three questions entails gathering information about what students are doing while in school, as well as the characteristics that define those students.

The information regarding the challenges that students are encountering must be as specific as possible—for example, difficulty remembering multiplication facts in English, or difficulty following oral directions in English. It is important to focus observations as much as possible and to try to identify specific academic behaviors or aspects of learning that students are having difficulty with rather than to claim a more ambiguous “learning problem,” as is often the case.

As soon as specific observable academic and linguistic behaviors are identified for a student or a group of students, the ECOS team, which includes experts in both ESL and special education, reflects on possible explanations for those behaviors. The ECOS team then lists possible second language development explanations and possible special education explanations for each behavior that has been observed. As soon as that is done, the ESL and special education specialists identify the specific instructional interventions they believe will best benefit that student, or group of students, for that particular behavior. Thus, some of these interventions come from the field of ESL and serve the purpose of strengthening students’ second-language proficiency. If needed, some interventions and support can come from the field of special education and serve the purpose of helping students with processing strategies and retention.

At the same time, more general information is gathered about seven integral factors in the student’s home and school life. These integral factors cover both the student’s environment and personal characteristics:

1. Learning environment created for the student
2. Personal and family factors, such as literacy habits at home
3. Physical and psychological factors
4. Previous schooling/performance
5. Proficiency in oral language and literacy in both home language and English
6. Academic achievement in both, or all, of the students’ languages, if available
7. Cross-cultural factors

This information serves two purposes. First, it provides an important context within which general instruction and specific interventions are given. Having a better understanding of ELLs’ funds of knowledge (Moll, Amanti, Neff & Gonzalez, 1992) and background gives teachers some sense of how these integral factors influence learning and achievement in general. Thus, the information would be valuable for any teacher who came into contact with ELLs. Second, this information may also lead to more general systemic interventions that could create more linguistically and culturally relevant and enriched learning environments for diverse learners. If we understand what these factors are and how they influence learning, the information may inform data collection and evaluation. By gathering information about these integral factors and changing the extrinsic environment, schools can anticipate and prevent a great many challenges that ELLs encounter. In this way, schools can be proactive about ELL issues. For example, if school administrators know the school is about to receive a group of refugee students from a particular region of the world, it would help if they researched the refugee experience and prepared their social workers and other school staff to identify the rich experiences that these students are likely to be bringing with them to school and to anticipate possible difficulties that these students may experience at school.

It makes sense to concentrate on these factors that are focused on linguistic and cultural diversity because many second-language learners experience difficulties in school when they receive instruction through a language in which they are not fully proficient. On the other hand, only a small proportion (in the United States, around 10%) of students has a long-term disability or disorder that could be diagnosed as a learning disability. Since bilingualism, or the development of proficiency in two or more languages, does not itself lead to the creation of a disability, it is much more likely that many challenges encountered by second-language learners can be remedied by changing what can be changed in these extrinsic factors. Thus, we need to eliminate the likelihood of extrinsic factors causing the student’s difficulty before we conclude that the student may have an intrinsic special education need.

Describing before Diagnosing

In Chapter 3, we describe the first step to be taken once a teacher or another staff member has expressed concern about a student or a group of students: identifying specific observable linguistic and academic behaviors that ELLs exhibit. Specific areas of classroom behavior, performance, or tasks that the student has difficulty with or is likely to have difficulty with must be listed. The chapter provides a limited list of possible observable behaviors exhibited by students with special needs. We show that each of these behaviors can be attributed to either a normal second-language learning process or a disability. Thus, it is essential to describe in as much detail as possible what it is that the student is having difficulty with before rushing to identify a special education need. We also point out in Chapter 3 the importance of addressing extrinsic
environmental explanations for ELLs’ challenges first, before intrinsic explanations are considered.

This information about specific observable behaviors needs to be gathered by all who come into contact with the student, and it must be gathered through a variety of formal and informal means. It is only through a collaborative approach that school staff can come close to having enough of the right kind of information to make an informed decision about the kinds of instruction and interventions that will more effectively support the student at school.

Providing Support: A Continuum of Services

Once the specific behaviors that an ELL has been having difficulty with have been identified, the team discusses possible reasons for those behaviors. They come up with possible second-language learning explanations and contrast these with possible special education explanations. Then the team begins to identify possible support and interventions for each behavior based on the team’s expertise; first, from the field of second-language acquisition, bilingualism and multicultural education and then from the field of special education, if needed (Sánchez-López & Young, 2003). These are the strategies that teachers believe would be most effective to cope with and address those specific observable behaviors. These instructional interventions are introduced as soon as they are identified for a student. We refer to these as specific interventions.

As information continues to be gathered, both about the specific behaviors exhibited by an ELL at school and about the integral factors that describe the ELL, the interventions that would be most appropriate to remedy any of the more general integral factors are also determined by the team. We refer to these as systemic interventions. As we begin to learn more about the student, his or her funds of knowledge (Moll et al., 1992), personal history, home life, and language and academic development, we can begin to build upon the resources that the student brings to the learning process. For example, if we discover that the parents of a Spanish-speaking ELL do not have reading materials in Spanish at home, we would want to ensure that the school library has a collection of high-quality books in Spanish (systemic intervention), and begin to send home books in Spanish for parents to read with their children (specific intervention). Gathering information regarding these seven integral factors can provide a meaningful context within which to understand students’ performance in school. For example, the school social worker may find that some ELLs in the fourth and fifth grades have had a total of one year of formal schooling because of war conditions in their home country, and that fact cannot be changed. What can be changed, however, is that the school seeks to enrich the learning environment for students with limited formal schooling (a systemic intervention). As soon as they enter school, these students could participate in a program in which they would learn about school in the United States and would acquire some of the foundation they missed by not attending school the expected number of years, while receiving culturally and linguistically appropriate counseling and support for trauma they may have experienced in their home country. The interventions, both systemic and specific, that seem to be most effective can become part of the student’s daily routine.

For schools where RtI is in place, these specific and systemic interventions can be applied throughout the various tiers that have been created for students with academic difficulties. Some schools may have a three-tier system,
while others may have as many as five. Depending on the number of tiers that are in place, the intensity, length of time and level of support of the interventions can be varied to fit students’ needs.

As the factors in the student’s life become clearer to teachers and specialists, the specific instructional interventions can begin to take into account the possible conditions that may be leading to the specific behaviors exhibited by the student. For example, if a student has been observed to consistently forget words that have been taught from one day to the next, and, from the extensive information gathering that is taking place, the teacher realizes that he or she has been using visual materials that may not be familiar to the student, a possible instructional intervention might be to give explanations in the student’s home language and with more culturally relevant visual supports. Such explanations could be provided by peers, the parents, or the teacher, if he or she is bilingual. On the other hand, if the parent liaison in the school discovers from talking to the parents that they have observed their child experiencing memory problems and having difficulty recalling words in the home language, the teacher might begin to help the student in using cueing strategies (e.g., focusing on the first sound, number of syllables, descriptions of the word). This intervention could be provided under the guidance of a speech pathologist, who would consult the teacher as to the best way to use these strategies.

The more general systemic support and interventions would be introduced as soon as information emerged about an integral factor in the student’s life. That same information may also lead to refining the instructional intervention in such a way that it begins to make more sense within the larger context of that student’s surrounding. Thus, the two sets of interventions, one set based on specific observations of the student’s behavior in the classroom and the other on information gathered about the seven integral factors, would occur simultaneously and quickly.

The key to providing this support is to begin it immediately, as soon as observable difficulties are identified. In this way the services provided to these students would flow smoothly and continuously. The flowchart in Figure 1.1 diagrams the continuum of services framework for ease of reference.

In Chapter 4, we describe this solution-seeking approach to provide a continuum of services in a timely manner. But this approach is not without its challenges, so we suggest ways to create a structure within the school that would allow teachers to consult one another and provide the support as needed. To show how this process can be implemented in a real-life setting, we offer a case study of a school we have worked with. We present a step-by-step description of how this process was started and how it was developed.

The Seven Integral Factors

The greater part of the guide is concerned with the seven integral factors that must be considered in determining how best to meet the needs of ELLs experiencing challenges in school. Each chapter begins with a discussion of one particular factor and why it is important, and then offers suggestions for assessing the factor and perhaps modifying it. The goal is to help the student learn better. Each chapter ends with suggestions for evidence-based interventions that would make the factor more effective by enriching the learning environment created for these students. Resources to implement these interventions are also provided.

Chapter 5 takes up the first factor, the learning environment created for students, particularly the program designed for ELLs. An RtI system assumes
equitable access to the core curriculum and is based on the supposition that the school provides an adequate learning environment for all students. This is an enormous assumption to make and may not accurately describe many ELLs’ school experience. An effective learning environment for ELLs should have an enriching rather than a compensatory or remedial approach. Unfortunately, many schools still see their role vis-à-vis ELLs from a deficit per-
spective, as offsetting the negative effects of these students’ lack of English proficiency, rather than seeing them as enriching everyone’s experiences by bringing diversity to the school and by seeing the potential that these students have to become fluent in two or more languages. Critical issues to consider here are teachers, available resources, the type of program implemented, and the range of services offered in the school, with special attention paid to the role that the student’s home language and culture play in the learning environment. We provide a rating scale to help determine areas of weakness that need improvement in the learning environment created for these students. We also suggest some systemic and specific interventions that could be used.

Chapter 6 focuses on personal and family factors such as socioeconomic status, family dynamics and mobility, expectations, the student’s interests, and the student’s experiential background. We also discuss how to engage linguistically and culturally diverse families and we suggest ways to gather information about an ELL’s personal and family background, and we stress how important it is to interpret any gathered data in the appropriate cultural context. We end the chapter with suggestions for systemic and specific interventions to support students within this factor.

Chapter 7 focuses on possible physical and psychological factors such as post-traumatic stress, social-emotional concerns, impaired vision and hearing, chronic pain, malnutrition, developmental milestones, and special family situations. We suggest ways to gather information in this area and pay special attention to ethical considerations and to ways of interpreting the gathered information in light of the cultural context of the students and their families. We then discuss interventions for helping students overcome physical or psychological hurdles in culturally responsive ways.

In Chapter 8, we discuss previous schooling, including the quantity and quality of formal schooling that ELLs received before entering their current school, as well as the experiences ELLs have had within the present school system. We also suggest that the informal education that some ELLs have received be taken into account and used as a base for developing further knowledge and skills. We suggest ways of collecting information about ELLs’ past educational experiences and of meeting the needs that arise out of incongruent or very different schooling. We pay special attention to strategies that may be helpful to students with interrupted or limited formal schooling.

Chapter 9 deals with the critical issue of oral language and literacy development, a factor that is central to academic performance. Information must be gathered about oral language and literacy development in both the student’s home language and in English, taking into account the complex nature of language proficiency. Here, both social and academic language are important. We discuss the importance of understanding the relationship between a student’s home language and English and of determining language use patterns outside the school. The assessment of this critical factor must be as extensive as possible and should include both standardized quantitative measures and more authentic, performance and classroom-based qualitative measures. We give suggestions to ensure extensive, reliable, and valid assessments of this critical factor. Interventions to help support the development of oral language proficiency and literacy are integrated throughout the chapter. These interventions address both home language and English development, because the continuing development of both languages is better for the learner than the loss of the home language.

Chapter 10 focuses on academic achievement. We need to pay special attention to the distinction between a student’s language proficiency in English and his or her academic achievement. The significant issue in gathering data
about academic achievement is that more than standardized tests must yield information about what ELLs can do in different content areas. We give suggestions for gathering information in both English and the home language, to the extent possible. The chapter ends with general strategies to support the academic achievement of ELLs.

Chapter 11 presents the last of the seven integral factors: issues stemming from differences in the cultural norms and values that ELLs bring with them and those that govern the school and mainstream society. We describe culture as a complex set of norms and values that govern our lives, determine how we approach learning, and determine how we interact with our environment. It is important that we limit discussions of cultural differences and how they affect learning to the individual rather than the group. This avoids making overgeneralizations and stereotyping individuals based on notions we have about groups of people. We discuss the way these norms and values shape learning and play a role in assessment and the role of identity as it affects students’ potential for learning. The norms and values that ELLs bring with them to school must be viewed as rich cultural resources for the whole school community. We suggest ways to tap into these funds of knowledge (Moll et al., 1992) not only to help support ELLs’ academic achievement and sense of belonging but also to enrich the cultural knowledge of all students.

Chapter 12 summarizes the main aspects of the framework and system presented in this guide and pulls them together. The continuum of services framework creates an enriched environment for ELLs and, more broadly, is of benefit to all learners. However, it entails a major change in the way we have approached special education and the education of ELLs. Advocating change in the system so that it helps all students become more successful in school is a responsibility for all of us. We hope that this handbook helps you attain that goal.

**Questions for Study Groups**

1. How does this framework compare to the process that you have in your school?
2. What changes would you need to make in order to come closer to what this framework suggests?
3. What possible challenges might you face when you attempt to make these changes?
4. How can these challenges be surmounted?