

# Chapter 7

## Is It a Disability?

### Determining If ELL Students Are Language-Delayed or Emergent Bilinguals

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#### **ABSTRACT**

*Research shows that ELL students are at a greater risk of being misdiagnosed with a learning disability. This chapter will discuss the experiences of a seasoned educator and the pitfalls of not implementing protocols with fidelity. Key terminology is introduced as well as universal methodology designed to increase engagement in English proficiency. Current research is presented as well as suggested classroom engagement prompts designed to challenge the critical thinking of preservice educators.*

#### **INTRODUCTION**

The diversity of public classrooms across the United States continues to grow. According to Swanson, et al (2020) “The percentage of public school students in the United States who were English language learners (ELLs) was higher in fall 2018 (10.2 percent, or 5.0 million students) than in fall 2010 (9.2 percent, or 4.5 million students). In fall 2018, the percentage of public school students who were ELLs ranged from 0.8 percent in West Virginia to 19.4 percent in California” ([https://nces.ed.gov/programs/coe/indicator\\_cgf.asp](https://nces.ed.gov/programs/coe/indicator_cgf.asp), 2021). This expanding population presents

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many hurdles for educators, but none more challenging than the classroom teacher who must discern if an ELL student has a disability or is language-limited. In this chapter, the author will share his experience as a classroom teacher with limited knowledge about English-language acquisition (ELA), his collaboration with the special education teacher, and the creation of the framework that led him to the realization that a child classified as an ELL with a disability had been misdiagnosed. The chapter will also include additional research for use in the higher ed classroom as resources for in-depth study of disproportionate classification of ESL students in special education, suggested supports for classroom teachers and ESL students in specific subjects, and other confounding issues.

## **IS IT A DISABILITY? A NARRATIVE FROM THE AUTHOR**

Many years ago, I had a second grade student of which English was his second language and Spanish was his first language. The student struggled with our common assessment (DIBELS) as well as most common formative assessments connected to daily instruction. SIOP (Echevarria, et al (2015) was being implemented universally. The second grade teachers would meet regularly to discuss student academic concerns, identify students who fell into the “high risk” criteria of the data wall, and determine different interventions to put into place. We would often use Title services and/or small group instruction, which we implemented with this student. However, he continued to struggle.

As the student was also receiving daily ELL instruction, I consulted his ELL teacher for her opinion and evaluation. It was/is my practice to involve the ELL teacher when dealing with an ELL student who is being considered for the suspected disability process. After the consultation and considering the data I had collected, all agreed to move forward with a suspected disability.

Assessments were administered and the student was found to have what we thought was a disability, so he was identified for special education services. At this point, we still had approximately 3.5 to 4 months of school remaining. As the year was coming to its conclusion, we met for our last data day. To our surprise, the student was flourishing AND at benchmark. We discovered that he just needed more time and small group instruction. Being identified was not really what was needed as a disability did not exist. Even after careful evaluation and assessment, we still misdiagnosed the student.

We all learned from this experience and tend to go the extra step before we identify any ELL students for special education services.

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