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## Limited English Proficient Students with Disabilities

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ALTHOUGH ESTIMATES OF THE TOTAL SCHOOL-AGED limited English proficient (LEP) population vary widely, it is clear that the number of LEP students in the United States continues to grow. In the 1990 Census, foreign-born residents accounted for approximately 7.9 percent of the total U.S. population of 249 million (Rumbaut, 1996). By 1997, that figure had risen to 9.7 percent of the population (Schmidley & Gibson, 1999).

This module presents descriptive information about the school-aged LEP population in the United States, with a particular emphasis on LEP students with disabilities. The first section discusses the number of LEP students and the subset of LEP students who have a disability. The second section describes characteristics that may be shared by many LEP students, and the final section addresses issues related to the identification and assessment of LEP students with disabilities.

## The School-Aged LEP Population

As defined in Title VII of Public Law 103-382, the *Improving America's Schools Act of 1994* (IASA), a student is limited English proficient if he/she "has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society due to one or more of the following reasons:

- \* "Was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant;
- \* "Is a Native American or Alaska Native or who is a native resident of the Outlying Areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or
- \* "Is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant" (Section 7501).

Differing approaches (e.g., school-based reports vs Census counts) and State and local differences in the definition of "limited English proficient" have contributed to considerable variation in estimates of the school-aged LEP population (Anstrom, 1996). For example, one study put the total number of LEP students at 2,430,712 in 1992. This estimate was based on an Office of Bilingual Education and Minority Language Affairs (OBEMLA) survey of State educational agencies (SEAs) funded under Title VII of IASA. The study did not include Arkansas, Pennsylvania, Virginia, and West Virginia, as those States were not Title VII grantees (Henderson, Abbott, & Strang, 1993). A more recent study of Title VII grantees estimated the total number of LEP students at 3,452,073 in 1996-97. The latter figure represented 7.4 percent of the total U.S. student population in 1996-97 (Macias, 1998).

The U.S. Department of Education's Office for Civil Rights (OCR) develops estimates of the school-aged LEP population through compilation of the data contained in *Elementary and Secondary School Compliance Reports*. OCR estimated that 2,936,554 students were in need of LEP services in 1997. A slightly smaller number of students -- 2,637,883 -- was reported as enrolled in LEP services in 1997 (U.S. Department of Education, 1999).

The differences in estimates notwithstanding, there appears to be consensus that the LEP student population has continued to grow. The number of students with disabilities, as reported by the U.S. Department of Education (2000), has also continued to increase. It is reasonable, then,

to assume that the future will show proportionate growth in the number of LEP students with disabilities.

## **Estimates of the Number of LEP Students with Disabilities**

OCR estimated that in 1997, 174,530 students with disabilities needed services for limited English proficiency. This figure accounted for 5.9 percent of all students in need of LEP services. In addition, OCR reported that 5.5 percent (n = 145,604) of all students enrolled in LEP services also had a disability (U.S. Department of Education, 1999).

In addition to the number of students with disabilities in need of or enrolled in LEP services, the OCR report included estimates of the number of LEP students in three disability categories: mental retardation (MR), emotional disturbance, and specific learning disabilities (SLD). While LEP students represented 5.5 percent of the students identified as having SLD, they represented just 3.7 percent of students identified with MR and 1.9 percent of students identified as having emotional disturbance (U.S. Department of Education, 1999).

## **Characteristics of the LEP Student Population**

### **Native Language**

Although LEP students in the United States come from a variety of national, cultural, and linguistic backgrounds, the majority are from Spanish-speaking homes. One study found that Spanish was the first language of almost 73 percent of LEP students; the other languages reported most frequently were Vietnamese (3.9 percent), Hmong (1.8 percent), Cantonese (1.7 percent), Cambodian (1.6 percent), and Korean (1.6 percent). Students speaking one of 29 different Native American languages comprised another 2.5 percent of the sample (Fleischman & Hopstock, 1993). This diversity in the language backgrounds of LEP students has major implications for the provision of special language services.

### **Race/Ethnicity**

Perhaps the best estimates of the race and ethnicity of LEP students are provided by OCR's 1997 *Elementary and Secondary School Civil Rights Compliance Report*, which contains national projections of the number of students in need of and enrolled in LEP services during 1997. (See Table 1.)

Among students identified as being in need of LEP services, 77.3 percent were Hispanic; 13.1 percent were Asian/Pacific Islander; 5.5 percent were white; 2.2 percent were black; and 1.9 percent were American Indian/Alaska Native. Of those students reported to be enrolled in LEP programs, 77 percent were Hispanic. Asian/Pacific Islander students accounted for 13.2 percent of LEP enrollment; white students for 5.6 percent; black students for 2.4 percent; and American Indian/Alaska Native students for 1.8 percent (U.S. Department of Education, 1999).

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Table 1. Students in Need of and Enrolled in LEP Services,  
By Race/Ethnicity, 1997

	<u>In Need of LEP Services</u>	<u>Enrolled in LEP Services</u>
American Indian		
* Number	54,718	47,674
* Percent	1.9	1.8
Asian/Pacific Islander		
* Number	385,714	349,163
* Percent	13.1	13.2
Hispanic		
* Number	2,270,130	2,030,913
* Percent	77.3	77.0
Black		
* Number	65,839	62,175
* Percent	2.2	2.4
White		
* Number	160,163	147,868
* Percent	5.5	5.6
Total	2,936,554	2,637,883

Source: OCR *Elementary and Secondary School Civil Rights Compliance Report, 1997*

In the original report, this was Table II-11

### **Socioeconomic Status**

Socioeconomic status has frequently been demonstrated to have a relationship to parent and student participation in school and to overall educational attainment. Fleischman and Hopstock (1993) found that the socioeconomic status of LEP students was lower than that of the general school population, as measured by their eligibility for free or reduced-price school lunches. Overall, 77 percent of LEP students were eligible for free or reduced-price lunches, versus 38 percent of all students.

## **Student Achievement**

The information available regarding the achievement of LEP students on large-scale assessments suggests that LEP students do not achieve on the same level as their English-proficient peers. For example, a 1998 report published by the Texas Education Agency compared the academic performance of LEP and non-LEP students who entered the first grade in Texas public schools during the 1992-93 school year. LEP students did not perform as well as their non-LEP peers on the Texas Assessment of Academic Skills (TAAS). LEP students were also found to experience a relatively higher incidence of poverty, of attending schools with higher concentrations of economically disadvantaged students, and of attending schools that performed more poorly on the TAAS (Texas Education Agency, 1998).

Historically, LEP students have dropped out of school at higher rates than their English-proficient peers. This has been particularly true for Hispanic students (e.g., see Lockwood, 1996). Higher dropout rates among Hispanic students have been associated with a number of factors in addition to limited English proficiency, including recent arrival in the United States, family poverty, low academic achievement, and being retained in grade (Lockwood, 1996).

## **Geographic Distribution**

Two research studies (Fleischman & Hopstock, 1993; Hopstock & Bucaro, 1993) identified major sources of information about the geographic distribution of LEP students: the 1990 Census and Title VII SEA survey responses on the number of LEP students in their States.

Although the number of LEP students reported in these two data sources varied, both sources found that California had the largest LEP student population, followed by Texas, New York, Florida, and Illinois (Hopstock & Bucaro, 1993). The data further suggested that, although LEP students were spread across the country, they were concentrated in a relatively limited number of school districts. Approximately 6,400 of the 15,000 local educational agencies (LEAs) reported serving LEP students. Almost half of the districts with LEP students served populations in which fewer than 2 percent of the students were limited English proficient. In contrast, 6 percent of districts served a student population that was composed of at least 40 percent LEP students (Fleischman & Hopstock, 1993).

These descriptive findings provide some information about the general population of LEP students and provide a backdrop against which the smaller subset of LEP student with disabilities may be viewed. The remaining sections of this module will focus on LEP students with disabilities, beginning with a discussion of identification and assessment among this population. The module will also examine the influences of language, culture, socioeconomic status, parent involvement and other factors in the assessment process and on the provision of special education services.

## **Identification and Assessment of LEP Students with Disabilities**

Assessment is particularly important for LEP students, since research suggests that it is extremely difficult to distinguish between a genuine disability and a student's lack of understanding of the majority culture and language (U.S. Department of Education, 1993). LEP students differ from the native English speakers not only in terms of language, but culturally and socially as well. Assessment is a subjective process that is highly influenced by the sociopolitical, cultural, and linguistic content within which it takes place; therefore, practitioners must realize that cultural background will affect every aspect of the assessment process (Collier & Hoover,

1987). This section of the module discusses the influences of language and of culture on the assessment and identification process.

### **The Influence of Language on Assessment**

To limit assessment bias due to cultural and linguistic variables, IDEA stipulates that testing and evaluation procedures should be non-discriminatory and requires that children be fairly assessed in their native language (Section 612{a}{6}{B}). Meeting this federal mandate may be a challenge, however, particularly in regard to students whose first language is neither English or Spanish.

For LEP students, assessment begins with language. The first step in the process is identification as having limited English proficiency and thus being eligible for special language-related services. Although Title VII of IASA includes a federal definition of limited English proficiency, the definition is considered ambiguous (Anstrom, 1996). In some States, therefore, State law mandates a particular definition of LEP status. In others, the SEA establishes a policy describing the linguistic characteristics of LEP students. Some States permit the LEA to determine this definition.

Although limited English proficiency alone is not sufficient reason for referring a student for special education assessment, research has shown that LEP students are often assessed and inappropriately placed within special education, where they are more likely to receive low-level instruction and less challenging content (Zehler, Hopstock, Fleischman, & Greniuk, 1994). Cummins (1984) noted that one of the most serious problems with the assessment of LEP students who are referred for special education testing is that they frequently are not identified as limited English proficient prior to assessment.

In spite of research that shows that LEP students are often assessed and inappropriately placed within special education, information provided on the OCR 1997 *Elementary and Secondary School Civil Rights Compliance Report* indicates that disproportionately fewer LEP children receive special education, compared to their enrollment in schools. This may suggest that many LEP children who are in need of special education services are not being assessed and appropriately provided special education.

### **The Influence of Culture on Assessment**

The cultural context of the interactions that comprise assessment is also an important aspect of the assessment process. By definition, culturally or linguistically diverse students "belong to a recognized ethnic group . . . whose values, customs, patterns of thought, and/or language are significantly different from those of the majority of the society in which they live" (Sattler, 1990, p. 565). Chamberlain and Madeiros-Landurand (1991) identified a number of difficulties that may occur between members of different cultural groups.

First, there may be misperceptions between the student and the teacher or evaluator. This may result in the two parties having different understandings regarding their roles and expectations in a specific situation, which in turn may lead to actual poorer performance or the perception of poorer performance in the testing situation or classroom (Chamberlain & Madeiros-Landurand, 1991).

A second problem that may occur is cross-cultural stereotyping. This difficulty develops when, due to a lack of awareness of intra-group cultural differences, certain groups are

stereotyped as possessing particular intrinsic traits when they merely exhibit behavioral differences (Ishii-Jordan, 1997; Poon-McBrayer & Garcia, 2000). Assessment bias may also result from not taking potential cultural differences into account when assessing culturally diverse students. Tests used in the American public schools are generally written by middle-class individuals and reflect mainstream cultural experiences (Chamberlain & Madeiros-Landurand, 1991; Ishii-Jordan, 1997). Students who have not had those cultural experiences are at a serious disadvantage in taking standardized tests. Therefore, appropriate interpretation of test performance is particularly critical for culturally and linguistically different students. The assessor must examine possible reasons for the student's low score to determine whether the student was unfamiliar with the testing context, lacked the skills needed to take the test, or had values that conflicted with those implied in the test items (Chamberlain & Madeiros-Landurand, 1991).

In addition to item bias, most tests used in the United States are normed on the mainstream population. Even when test developers claim to have included culturally and ethnically diverse populations in their standardization procedures, those populations are included in such small ratios that the results are insignificant. Assessors need to be aware of this problem when interpreting a student's performance in the context of norms (Chamberlain & Madeiros-Landurand, 1991).

### **Differentiating Between Disabilities and Limited English Proficiency**

The critical question regarding the referral of LEP students for special education assessment is whether their current academic and/or emotional difficulties are a function of some type of genuine disability or are due to inadequately developed English language skills or to cultural differences. LEP students may be inappropriately referred to special education by caring teachers who are not equipped to provide effective and appropriate language enrichment and content instruction to meet their needs. For these teachers, special education may be seen as a program that will provide second-language students the academic foundations necessary for future scholastic success (Colorado Department of Education, 1999). The converse of this situation is the possibility that some students who are genuinely in need of specialized services may not be referred to special education due to a fear of mis-identifying their educational needs. School staff may also be hesitant to provide duplicative services to students with multiple needs because they question whether these services support or supplant the student's primary educational program (Colorado Department of Education, 1999).

To determine whether a LEP student qualifies for special education, it is necessary to gather information about how the student functions in the areas of cognition, communication, social-emotional status, physical status, academic performance, and transition/life skills/adaptive behavior. To gather the information, educators typically use standardized assessment instruments. However, as discussed above, standardized assessments often prove to be invalid predictors of a LEP student's true functioning levels. Thus, the tests may become a measure of the student's English language proficiency and knowledge of mainstream culture, rather than a measure of academic potential (Colorado Department of Education, 1999).

Accurate descriptions of a student's communicative competence in both languages are essential if a perceived problem of difficulty in English is a true language disability. Students who are able to engage in oral and written communication in their primary language do not have a language disability. Evidence of language difficulties only in the student's second language is an indication of a language difference, not a disability. Therefore, assessment processes in the speech/language area must be designed to provide detailed descriptions of the student's ability

to use his or her primary language in addition to English. Only after documenting problematic behaviors in the primary language and in English, and eliminating extrinsic variables as the cause of these problems, should the possibility of the presence of a language/learning disability be considered (Rice & Ortiz, as cited in Colorado Department of Education, 1999).

### Summary

Over the past three decades, rapid growth in the number of persons immigrating to the United States and changes in the immigration patterns have substantially altered the demographic characteristics of the U.S. population. By extension, the number of LEP students in American schools has increased, creating a significant challenge for educators. Research suggests that, in the absence of appropriate supports, LEP students are at risk of experiencing serious educational difficulties. A significant number of LEP students also have a concomitant disability; those students are at even greater risk for negative educational outcomes. Differences in learning, behavior, culture, and language, either separately or in combination, may exacerbate educational problems caused by disabilities. In addition, some researchers believe that culturally and linguistically diverse students may be disadvantaged in the assessment and evaluation process. These researchers have called for further efforts to incorporate cultural and linguistic sensitivity into the assessment and identification process.

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