

## **Position Statement on the Identification of English Language Learners with Special Educational Needs**

The disproportionate representation of culturally and linguistically diverse students in special education has become an issue that has received increased attention, especially in countries with a growing population of English language learners such as the United States. Identifying English learners with special needs is a complex and difficult process, for when the differences between disabilities and second language acquisition are not clearly understood, one could be mistaken for the other. As a result, English language learners could incorrectly be identified with disabilities. Conversely, disabilities can sometimes not be recognized in English learners. In either case, these students will suffer from not receiving appropriate services.

Research on effective specific practices for English learners with special needs is limited. However, in identifying English language learners with special education needs, several key issues need to be addressed:

*Legal obligations* – In December 2006, the United Nations adopted its *Convention on the Rights of Persons with Disabilities*, which recognized among other things the right of students with disabilities to access inclusive, quality, and free primary and secondary education. While this convention is a relatively recent development, many countries have had longstanding laws guaranteeing these rights. In the United States, the law is clear on this issue. Numerous laws and legal precedents outline the rights of English language learners in education, such as Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA). The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) entitles all individuals with disabilities to a free and appropriate public education. IDEA includes provisions on how linguistically and culturally diverse students should be assessed for possible special education placement. In the United States, English language learners with disabilities are entitled to specialized services under both laws, so that schools are required to provide both language services (e.g., ESL programs, native language support) and special education services.

*Appropriate assessment* – As with any assessment of academic achievement, diagnostic assessments must be in a form and language that will yield valid results. In addition, no single assessment may be adequate for identifying learning disabilities. These principles are even more important for English language learners because of the complexity of factors that can obfuscate valid test results. For English language learners, assessments should be given in the student's strongest language, which may be the student's native language. In addition, the student's proficiency level in both English and their native language, as well as dialect, should be taken into consideration, as it could impact assessment results. As such, alternative assessments may be required. Every effort must be made to ensure that the content of and tasks used in the assessment are culturally appropriate for the students involved. Furthermore, appropriate diagnostic or psychological assessment should occur in a timely manner when educators raise concerns regarding a student. Guidelines for incorporating language acquisition factors or sociocultural factors should be provided throughout the evaluation reports, especially those of

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psychologists to ensure that educators and other professionals have a clear understanding of the impact of language and culture on the learning and behavior of these students.

*Culturally responsive expertise and purposeful collaboration* – In identifying special education needs or learning disabilities in linguistically and culturally diverse students, the counselors and specialists should be trained in issues of bilingualism, second language acquisition, and sociocultural factors as well as be trained to understand processing or cognitive deficits and to implement essential adaptations for students receiving services in special education programs. These specialists should also collaborate with English as a second language (ESL) and bilingual educators not only in identifying English learners with special needs, but also in developing goals and identifying appropriate services and instruction for these students.

*Clear communication with family members* – If an English language learner is identified as being in need of special education services, it is critical that the school help the student's family members understand instructional implications, services to be provided to their child, and placement decisions. For many, cultural differences regarding special education may lead to misunderstanding, as cultures vary in what is considered a disability and how to address it. Schools need to take this into consideration and to present documentation and information in a manner that is most comprehensible to family members.

### **Resources**

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*Approved by the Board of Directors  
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