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An Intersectional Analysis of Disproportionality of Dual Language Learners in Special Education in Virginia: A Mixed Methods Study

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Education at Virginia Commonwealth University.

by

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Dedication

This dissertation is dedicated to all of my former students who were DLLs with disabilities. You made me realize the importance of advocating for students and helping education stakeholders see the many abilities you possess.

I also dedicate this work to my husband, Josh Taylor, who helped me realize the importance of using my power and abilities to leverage change. I am externally grateful for your strength and support throughout this journey.

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Abstract

The disproportionality of dual language learners (DLLs) in special education has been a persistent and complex issue for decades. These students have multidimensional identities that require a look at how they are positioned in school systems and the broader social landscape. Using a multilevel model of intersectionality and an explanatory mixed methods design, this study examines how social categories, practice, and policies influence the representation of DLLs in special education in Virginia, a state where DLLs represented 13 percent of the total student population in 2018-19. Findings from this study reveal overrepresentation and underrepresentation of 63 DLL subgroups using nuanced variations by race, ethnicity, gender, and socioeconomic status. Findings also show a significant decrease in projected DLL relative risk for special education services in Virginia's school divisions from 2015 to 2018, when the proportion of DLLs with disabilities is controlled. In 2015, federal and state agencies provided guidance on the eligibility process for DLLs who are suspected of having a disability. Interview responses with education stakeholders elucidate how the larger social and political landscape and perceptions of ability impacts DLL eligibility processes and outcomes for special education services. Implications for practice, policy, and research will be discussed.

Chapter 1: Introduction

> A seven-year-old, isolated in a small room, pores over a box of Chapter One[1] reading materials, attempting to self-remediate and feeling increasingly helpless. This is one of my earliest memories of my formal education in the United States, within a school culture dismissive of the use of native language to strengthen English language skills. The understanding of language acquisition has shifted since I started public school in the early 1980s as a Peruvian transplant with two years of English for Speakers of Other Languages[2] (ESOL) services, not knowing how to read or write in Spanish. These experiences challenged me to adapt and integrate into a system that suppressed my cultural and linguistic identity and continue to drive my passion for improving services for language learners.
>
> My family fled from the violence in Peru at a time when my parents were maximizing their college education by pursuing ambitious careers. While my parents traded upward mobility in their home country for emigration to the safety of the United States, I was given the opportunity to use my education to empower myself and to strengthen my family, and in turn advocate for those around me. My sense of purpose is personal. In an evolving education system, my commitment is to improve outcomes for the underserved, specifically for language learners and for individuals with special needs that are still developing academic language.

The excerpt above, taken from a personal statement in the fall of 2015, describes one of the most profound experiences for me as both a scholar and activist of students who are culturally and linguistically diverse. It depicts times during the school day when I was separated from my peers so I could receive reading remediation using cloze-type exercises[3] without the support of a teacher, in what appeared to be a book closet with a table. Although these experiences were traumatic, even as a child I knew not all individuals and communities treated students, like me, unfavorably because I started my formal education in the United States (U.S.) as a kindergarten in a school that celebrated cultural and linguistic diversity. The services I received changed when I transferred from one elementary to another within the same school division and part of the county. This treatment speaks to school autonomy, the variation in school culture even between schools that have proximity, and how politics and education stakeholders with different perspectives about the learning of dual language learners (DLLs)[4] can mediate school practices and policies.

---

[1] Chapter One is a reading program for schools in the 1980s and 1990s who served low-income families and student eligibility was based on a level of achievement. Allington (1987) and Passow (1990) criticized the program's ineffectiveness, in addition to the time on skill and drill workbook activities, the limited curriculum, and few achievement opportunities since students were typically pulled out of class with their peers.

[2] Even though this program is usually referred to as English as a Second Language and assumes students speak one native language, I prefer to use the term English for Speakers of Other Languages because it emphasizes that students may speak more than one language, which was often the case with my students. This is particularly true because I worked with students from Guatemala, Honduras, and El Salvador who spoke Spanish as an additional language and an indigenous language or two as their native language(s). I also worked with many students from other regions of the world, for example, Morocco, who spoke Berber, Arabic, and French.

[3] Cloze exercises are used to assess reading comprehension by strategically omitting words from a passage. Students are typically asked to fill in the missing words by using context clues and vocabulary skills.

My family emigrated to the U.S. during President Reagan's "War on Drugs," which consisted of interdiction programs that conflated drug and immigration enforcement. This programming and the Mass Immigration Emergency Plan, a detention policy, were aimed at deterring migration from Latin America as well as asylum seekers from various global regions (Lusane & Desmond, 1991; Parenti, 2000). Drug policies were a proxy for punishing immigrants who were seeking refuge in the U.S., most of which had endured social and political turmoil in their native country at the hands of U.S. intervention (Lusane & Desmond, 1991). While often not discussed, historicity such as Reagan's policies and even a legacy of racial discrimination in the U.S. contribute to shifts in power dynamics that shape the landscape for students from these racial and ethnic subgroups.

Even though immigration politics and policies were hostile in the early 80s, my initial experiences in a U.S. school were positive. My family emigrated before I could start school in Peru, so I did not learn how to write or read in Spanish in a formal setting. I spoke Spanish at home and would interpret for new Spanish-speaking students in school, even as a kindergartener. When I was in the first grade, my teacher realized I was refusing to speak Spanish even though the culture and micropolitics within the school encouraged bilingualism. She scheduled a meeting with my parents and principal to discuss the importance of preserving and developing a student's native language. After that meeting, my parents would only speak to my sister and me in Spanish, and they taught us how to read and write in our first language. Learning Spanish from my parents made me see them as learning resources but also take pride in my first language and culture. I also know as a language teacher that developing my Spanish language skills helped me acquire academic English as a young DLL. That meeting and the sense of belonging I felt in my first elementary school had shaped me as a teacher and an advocate, often making me long for a similar community when my cultural and linguistic background were not welcome.

---

[4] Students who are learning English as an additional language and are accessing ESOL services are often called English learners or English language learners. However, I prefer to use the term dual language learner to emphasize 1) the importance of K-12 schools supporting first language development and foster biliteracy through dual language programs and bilingual instruction as well as 2) the need for additive approaches where education systems and practitioners realize and capitalize on DLLs' linguistic and cultural abilities.

As I started middle school and moved through high school, my trajectory quickly changed. I was tracked higher and often in advanced classes with few or no Students of Color. The absence of friends and familiar faces bothered me and made me question why others, like me, were not afforded the same opportunities. I also witnessed internal segregation in schools as a teacher. As I worked on my Master's in Education, I was a substitute teacher in different schools in Northern Virginia. What I witnessed were some classes in particular schools where there was a clear racial divide. These disparities were also evident to me as a teacher of DLLs with disabilities who would push into special education classes with mostly or only Students of Color, in schools where half or more of the student population was White. I would ask myself: Did my students receive quality instruction and support early on so they could develop fundamental skills to be academically successful? Since most of my students were reading below grade level, I also wondered: *Were my students referred for eligibility testing for special* *education services because they had received subpar services as I did but did not meet benchmarks?*

The experiences I had as a young learner had a profound impact on my life. So when I became a teacher serving DLLs with disabilities, I was determined to mitigate inequities through my actions and words. A language is a powerful tool, both through the words we use to convey meaning and the languages we speak. Beyond words themselves, English as a language holds power above most languages. Seen as a tool to leverage that power, I needed to help my students develop academic English to access opportunities and remove deficit labels. To teach them effectively, I had to know more about my students, beyond pejorative terms such as “at risk” or “Limited English Proficient” often used to label them, so I learned their journey through the eligibility process through cumulative files and conversations with parents. During that investigative process, I realized eligibility assessments are problematic because they are culturally and linguistically biased, increasing the likelihood of identification for special education. The eligibility process was also concerning because many of my students had interrupted or limited ESOL services before the eligibility process and no language support after identification. I saw how my students were in classes that did not provide explicit language instruction in English, with no support in the first language.

As a teacher, I knew practices and policies had impacted my students’ academic success and their self-determination. Because many of them had negative experiences with and outcomes in our education system, my time as a teacher was spent convincing my students that they were talented, intelligent learners. I had to help them look beyond socially constructed labels of disabled and language deficient, even though a myopic lens was evaluating them. For my students, attending school was a consistent reminder of weakness in English language proficiency and perceived ability. I draw from these professional and personal experiences as they inform my conceptual framework and lens as a researcher who is interested in exposing and troubling educational policies and practices that contribute to the disproportionate representation of DLLs in special education in Virginia and mitigate inequities. I also trouble my lack of awareness of policies as a teacher and how I should have received more support and training on new guidelines and procedures. The next section will introduce the problem of racial disproportionality among DLLs and provide background on policies involving racial disproportionality in special education and DLL populations trends in Virginia.

Background

The most critical piece of legislation impacting students with disabilities in the U.S. is the Individuals with Disabilities Education Act (IDEA), previously known as Education for All Handicapped Children Act (EHA) from 1975 to 1990. This law has undergone several updates over the years but continues to guarantee a "free and appropriate public education" for students with disabilities. Before IDEA, *Brown v. Board* (1954) and its declaration of "separate but equal" led the way to a growing understanding of an individual's right to public education, despite race, ethnicity, gender, language, socioeconomic status, or disability. However, regardless of IDEA and the Brown decision, data suggests consistent trends associated with racial disparities in special education, also known as *disproportionality* (Harry & Klingner, 2006; Losen & Orfield, 2002). IDEA requires states to identify school divisions with significant disproportionality, which is described as a process "when districts identify, place outside the regular classroom, or discipline children from any racial or ethnic subgroup at markedly higher rates than their peers" (U.S. Department of Education, 2016). This description focuses on overrepresentation for federal monitoring of racial disparities using State Performance Plan

(SPP) indicators. However, disproportionality in special education is defined as a subgroup overrepresentation or underrepresentation in a disability category or program when compared to the subgroup's percentage in the total population (Voulgarides, 2018). Both under- and overrepresentation are problematic. In one case, students with disabilities do not receive the services they are entitled to, or in the case of a misdiagnosis, inappropriate services and instruction. On the other hand, students without disabilities who have been identified with a disability tend to experience lowered expectations and fewer academic opportunities. Historically there has been a hierarchy of preference toward certain disability subgroups that can impact the misdiagnosis of Students of Color (Tringo, 1970). More importantly, over- and underrepresentation negatively impacts students, and there is a violation of the IDEA.

IDEA Monitoring of Racial Disproportionality

Despite research that identified racial disproportionality as a civil rights issue as early as 1968, the issue was not mentioned in legislation until the IDEA was amended in 1997 [20 U.S.C. §1418(c), 1998] (Voulgarides, 2018). As part of this effort, the Office of Special Education Programs (OSEP) mandated states to collect data on disproportionality patterns and review the IDEA procedures. However, trends in racial disproportionality continued increasing even with renewed legislation in 1997 and a new enforcement policy from the Office of Civil Rights (OCR) (Albrecht, Skiba, Losen, Chung, & Middelberg, 2012). Due to heightened awareness of these disparities, Congress added provisions to address racial disproportionality, and least restrictive environment and school discipline considerations, with another reauthorization of the IDEA in 2004 [20 U.S.C. §1412(a)(22, 24)] (Albrecht, Skiba, Losen, Chung, & Middelberg, 2012). The statute provided explicit requirements to be eligible for federal funding and introduced 20 SPP indicators, three of which are specific to issues of racial disproportionality.

Of those three indicators, two (Indicators 9 and 10) address disproportionate representation, and one (Indicator 4) is related to school discipline. As part of three components, Indicator 4A requires state educational agencies (SEAs) to monitor the rate of suspensions and expulsions that are more than 10 days out of a school year for students with disabilities. It mandates SEAs measure the percentage of school divisions that have a “significant discrepancy.” SEAs define “significant discrepancy” with a numerical value and also determine the State-established sample size for one or more subgroups for each indicator. Indicator 4B Part A requires SEAs to measure the percent of school divisions with significant discrepancies by race and ethnicity and in Part B states report the percent average of school divisions with significant discrepancies due to lack of compliance with policies, procedures, and practices (Office of Special Education Programs, 2016).

When it comes to monitoring disproportionate representation, Indicator 9 focuses on the percent of divisions with disparities by racial and ethnic subgroups in special education and related services as a result of inappropriate identification. Similar to the previous measurement, this indicator refers to the percent of school divisions with disproportionate representation by each racial and ethnic subgroup unless the *n* size does not meet the State-established value. In this category, the SEAs defines “disproportionate representation” with a threshold outcome that can include a risk ratio or a similar ratio of probability. The monitoring priorities of Indicator 10 are the disproportionate representation of racial and ethnic subgroups in specific disability categories, which imply inappropriate identification. Coincidentally, a SEA could comply with Indicator 9 and not Indicator 10 by identifying Students of Color at similar rates, but systematically overidentifying them under certain disability categories. The data sources and measurements are similar to Indicator 9 in that a numerical value for “disproportionate representation" is determined by the State. Because of the lack of clarity in the policy and process, there is significant variation across the country as to the measured values and factors consisting of racial disproportionality (Voulgarides, 2018).

Racial Disparities in Virginia

Recent reporting data on Virginia shows some disparities by race, ethnicity and disability category. Table 1 shows the percent of school divisions (*n* = 151) with a risk ratio that exceeds

Table 1

Percentage of School Divisions in Virginia with Racial Disproportionality by Disability Category from 2011-2014

Disability Category	White	Asian	Black	Latinx
Specific Learning Disability	1.32%	.66%	9.27%	4.64%
Speech and Language Impairment	1.99%	1.32%	1.32%	1.99%
Emotional Disturbance	0%	0.66%	1.32%	1.99%
Intellectual Disability	0%	0%	25.83%	1.99%
Other Health Impairment	0.66%	0%	4.64%	1.32%
Autism	1.32%	5.30%	2.65%	3.31%

Note. Data were taken from the U.S. Department of Education. (2016). Racial and ethnic disparities in special education: A multi-year disproportionality analysis by state, analysis category, and race and ethnicity.

two absolute deviations above the national median from 2011-12, 2012-13, and 2013-14. This table illustrates racial disparities by disability category in Virginia. Based on the data from 2011-2014, 5.30 percent of school divisions had a misrepresentation of Asian students with autism. There were also elevated rates for other racial and ethnic groups in specific disability categories. There was a disproportionate representation of Black students with a specific learning disability in 9.27 percent of school divisions. Alarmingly, Black students were disproportionately represented in at least two school divisions in every disability category in Virginia, most of all in the category of intellectual disability, in which overrepresentation occurred in one in every four divisions.

What is more, 4.64 percent of school divisions had disproportionality of Latinx students with a specific learning disability (SLD), which is the largest category of disability. An SLD involves difficulties with expressive and receptive forms of language. If the student is a DLL, SLD can be confused with English language acquisition to the untrained eye. Given these percentages and other mediating factors, there is a need for a situated study of disproportionality and how social categories and policies mediate the rate of representation of DLLs in special education to get at the particular complexities within a context. Examining the rate of representation of intersecting identities, such as those experienced by DLLs, may help uncover policies and practices that lead to persistent disproportionality of specific, overlooked student subgroups.

Impact of NCLB and the ESSA on Students with Disabilities

With the reauthorization of the Elementary and Secondary Education Act (ESEA), known officially as the No Child Left Behind Act of 2001 (NCLB), came changes based on four principles: 1) stronger accountability for testing outcomes; 2) increased flexibility and local control; 3) more options for parents and guardians; and 4) an emphasis on evidence-based practices (Ralabate & Foley, 2003). NCLB varies from earlier reauthorizations of ESEA because it impacted all schools and teachers, not just schools with a Title I designation. Within these provisions, NCLB presented five major areas of concern for special education 1) assessment; 2) accountability that include Adequate Yearly Progress (AYP); 3) sanctions such as school choice and supplemental services; 4) teacher quality; and 5) paraeducator quality (Ralabate & Foley, 2003). While NCLB required SEAs and LEAs to have higher expectations for students with disabilities out of fear of repercussions (Olson, 2004), there were unintended consequences on special education. Cole (2006) synthesizes the most often noted consequences in the literature to include 1) narrowed curriculum that focused heavily on reading and mathematics; 2) AYP data being used to scapegoat students with disabilities for academically underperforming, 3) undermining inclusion and integration of students with disabilities if they prevent a school from making AYP, 3) increased dropout and retention rates of students with disabilities in K-12 schools, and 4) diverting resources to students on the threshold of passing the test and placing more value on passing rates than meeting individual needs (Booher-Jennings, 2006).

Despite NCLB, there were persistent “achievement gaps” among underserved groups, including students with disabilities. ESSA replaced NCLB with a more state-led accountability system where there is continued accountability for the performance of students with disabilities on state-mandated assessments from grades 3-12 and greater opportunities to graduate with a high school diploma. The bill requires states to cap the number of students who can take alternate assessments to one percent of the total count, so approximately 10 percent of students with disabilities (Samuels, 2015). Even though there are limits on the use and development of alternate assessments for states under ESSA, a student with a disability can work toward a high school diploma even if they take an alternate assessment. The law also requires states to develop plans to reduce 1) bullying and harassment; 2) restraint and seclusion; and 3) suspensions and expulsions, areas that disproportionately impact students with disabilities (Samuels, 2015).

Eliminating DLL Provisions through NCLB

With the reauthorization of the Elementary and Secondary Education Act of 1965 came NCLB and higher levels of accountability. Despite provisions under Title I for programs that support poor and disadvantaged children, NCLB eliminated the Bilingual Education Act (BEA) of 1968 and dissolved existing federal funding for bilingual testing and dual language instruction. Given the lack of appropriate testing instruments and procedures as well as instructional practices that support the native language, DLLs experienced greater disparities in academic outcomes (Abedi, 2003; Abedi, 2006).

The English Language Acquisition, Language Enhancement, and Academic Achievement Act replaced the BEA and with it came a focus on standardized accountability systems and testing procedures. Public schools were required to adopt English language proficiency standards and were held accountable for development in English language proficiency (No Child Left Behind, 2001). To measure English language growth, Virginia adopted the World-Class Instructional Design and Assessment (WIDA) English Language Development (ELD) standards and required public schools to test students yearly (Virginia Department of Education, 2017). Division superintendents receive accountability policies regarding the WIDA ELD standards and the State’s Standards of Learning (SOL) content assessments through Superintendent Memos (Virginia Department of Education, 2017). However, with the increased pressure and accountability, DLLs were given one year to develop academic language proficiencies to pass the SOL content assessments at the same level as their native English speaking peers. Despite consistent guidance on ELD and SOL assessment procedures for DLLs, guidelines on appropriate testing practices and eligibility processes to identify a DLL with a disability were not available until 2015.

Federal Mandates from Dear Colleague Letter

In January 2015, the U.S. Department of Justice (DOJ) and U.S. Department of Education (DOE) disseminated a Dear Colleague Letter to SEAs, reminding them of the obligation of schools to DLLs. In the letter, the DOJ and DOE provided federal guidelines on research-based practices to mitigate the disproportionality of DLLs in special education. The next chapter will discuss this topic under federal policy. However, what is of particular relevance and importance to the current study is that Virginia responded to this guidance by producing a practitioner handbook titled “Guide for Educators of Students who are English Language Learners with Suspected Disabilities” (Virginia Department of Education, 2015). A revised version of this handbook was released in April 2019 and was mentioned to the researcher during an interview with a director of a federal program from a state educational agency. Mention of this new handbook will be discussed in Chapter 4.

This practitioner handbook is the only document from the Virginia Department of Education (VDOE) that addresses this topic. It is a 61-page resource for practitioners on how local educational agencies (LEAs) should identify and assess DLLs who may be eligible for special education services (Virginia Department of Education, 2015). However, the language in the document contradicts what the DOJ and DOE state in the *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*. In the DOJ and DOE letter, which is further discussed in the next chapter under federal language policies, an emphasis is placed on the importance of an IEP team with knowledge of language acquisition by saying,

> As part of this process, the IDEA requires that the IEP team consider, among other special factors, the language needs of a child with limited English proficiency as those needs relate to the child's IEP. To implement this requirement, it is essential that the IEP team include participants who have the requisite knowledge of the child's language needs. To ensure that EL children with disabilities receive services that meet their language and special education needs, it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability (Lhamon & Gupta, 2015, p. 26-27).

Moreover, in this section, the DOJ and DOE mention how some states have DLL and IEP teams collaborate to determine appropriate services (Lhamon & Gupta, 2015). While it is crucial to have members who are knowledgeable of language acquisition during the IEP process, the letter fails to mention the importance of these members (e.g., ESOL teachers, bilingual psychologist) during the eligibility process.

The VDOE handbook relays DOJ and DOE guidance on language consultation. However, the language in the practitioner handbook is limited and ambiguous regarding what an ESOL professional can do to support and inform eligibility decisions. Unlike the *Dear Colleague Letter*, which uses a different tone and words such as "must" and "required," the VDOE handbook uses words such as "should" and "can". This language is used when describing early pre-referral collaboration. The handbook states,

> The in-school problem-solving team for students who are ELLs should include an ESL teacher or someone with second language acquisition expertise as well as other staff members who work with the student or who have expertise to assist teachers in

> addressing their concerns about the students (Virginia Department of Education, 2015, p. 6).

This section of the handbook continues by saying,

> When no formalized in-school problem-solving committee exists, a team consisting of general and ESL teacher, counselors, and other personnel involved with the student can be created (p. 6).

A lack of clear guidance contributes to obscure and questionable practices in schools, which undermine implementation policies intended to mitigate the disproportionality of DLLs in special education. Moreover, new policies provide states greater levels of autonomy to challenge the lack of oversight and accountability of how these procedures have been understood, interpreted, and implemented.

ESSA and Virginia's Plan for DLLs

In December of 2015, the Every Student Succeeds Act (ESSA) was reauthorized and Part A of Title III officially known as the Language Instruction for English Learner and Immigrant Students Act was slightly adapted. Under Title III, ESSA requires SEAs to adopt activities that hold LEAs accountable for DLLs while also giving states greater autonomy as they develop their plan of action. In exchange for supplemental funding grants, SEAs and LEAs are accountable for designing and monitoring programming that supports English language development so DLLs have access to academic content and can meet the same state academic standards as their native English-speaking peers. The provision also requires SEAs and LEAs to provide capacity building opportunities for teachers who work with these students. The ESSA attempts to rectify the effects of standardized testing by allowing states to develop their plan and supporting research-based practices. However, some states, such as Virginia, are not responsive to the needs of DLLs. While the next chapter discusses this topic under state policies, Virginia's plan does not support bilingual assessments. The claim is that English is the language of instruction and therefore students, including a beginner DLL, should be assessed in that language. However, research and federal provisions support native language services, bilingual assessments, and dual language instruction for DLLs. There are tensions between federal and state entities as they have different agendas for these students.

DLL Growth and Diversity in Virginia

The current study aims to contribute to an area of research that is increasingly important given growing immigrant populations throughout Virginia. At the state level, trends show Virginia's foreign-born population is growing at more than twice the national rate and is outpacing the growth rate of the native-born population (Sugarman & Lee, 2017). When looking at state data of children in grades K-12, about 4.3 percent were foreign-born compared to the national average of 3.8 percent (Sugarman & Lee, 2017). Citizenship has been used as a unit of analysis to examine factors that impact academic achievement of DLLs. However, language use is another factor to consider in this region. For example, Virginia's immigrant population is increasingly diverse, with 42 percent of Asian-born individuals compared to the national rate of 30 percent and a lower Latin American immigrant population of 36 percent than the national average of 52 percent. (Sugarman & Lee, 2017). Virginia also has a larger African-born population, with 10 percent compared to the national average of five percent (Sugarman & Lee, 2017). Consequently, Virginia is increasingly culturally and linguistically diverse and has growing immigrant populations who speak English as an additional language.

My interest in this region also comes from my lived experience as a former student and Latinx[5] bilingual teacher of DLLs with disabilities in an urban county in Virginia. As a practitioner and researcher, I see a need for more research that looks at educational structures and practices that impact DLLs in Virginia. Student enrollment trends show an increase in the number of DLLs, but outcomes for this student subgroup continue to lag behind native English speakers. The most recent data from the Virginia Department of Education (VDOE) for 2018-2019 indicate DLLs represent 13 percent of the total PK-12 student population or 162,374 students (Virginia Department of Education, 2018). Compared to our current numbers, in 2003-2004 DLLs represented five percent of the total PK-12 student population or 60,295 students (Virginia Department of Education, 2018), which means this student subgroup is currently 2.7 larger than it was 15 years ago as seen in Table 2.

Table 2

DLL Population Growth in Virginia from 2003-2018

School Year	2003-2004	2008-2009	2013-2014	2018-2019
Number of Dual Language Learners	60,295	99,839	125,859	162,374
Total Student Count	1, 191,010	1,235,498	1,273,532	1,290,513
DLL Percent of Total	5%	8%	10%	13%

Note: Data was taken from Virginia Department of Education. (2018). Fall Membership for 2003-04, 2008-09, 2013-14, and 2018-19.

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[5] I use the word Latinx because it is a gender-neutral concept for Latino and Latina, which refers to someone of Latin American origin.

Growth and Diversity of Students with Disabilities in Virginia

In the fall of 2019, there were 1,298,083 students attending K-12 schools in Virginia either part time or full time[6] (Virginia Department of Education, 2019). Of those the general count, there were 175,355 students with a disability. This represents 13.5 percent of the student population in 2019-2020. The growth of students with disabilities has been from 2014-15 with 12.2 percent to 13.5 percent in 2019-20. These can be seen in Table 3.

Table 3

Growth of Students with Disabilities in Virginia from 2003-2018

School Year	2003-2004	2008-2009	2013-2014	2018-2019
Number of students with	145,423	149,699	157,320	170,584
Total student count	1, 191,010	1,235,498	1,273,532	1,290,513
SWD percent of total	12.2%	12.1%	12.4%	13.2%

Note: Data was taken from Virginia Department of Education. (2018). Fall Membership for 2003-04, 2008-09, 2013-14, and 2018-19.

DLL Outcomes in Virginia

While these trends show an increase of DLLs in Virginia, this student group continues to graduate at lower rates than native English speakers. In Virginia in 2017, the on-time graduation rate for DLLs was 74.6 percent compared to 91.1 percent overall. Examining divisions with the highest number of DLLs in Region 1, in 2017 Richmond City’s on-time graduation rate for

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[6] There were 1,296,822 students attending full time and 1,261 attending part time.

DLLs was 25.4 percent compared to an overall rate of 78.7 percent, a difference of more than 50 percent. Chesterfield County's 2017 DLL on-time graduation rate was 69.2 percent compared to their overall rate of 90.8 percent, and Henrico County's DLL on-time graduation rate was 71.2 percent compared to an overall rate of 91.8 percent, differences of 20 percent each (Virginia Department of Education, 2018).

There are disparities not only in graduation rates but also performance on assessments. In Virginia, DLLs underperform on state-mandated reading and writing assessments, particularly as they entered secondary school (Sugarman & Lee, 2017). Successful completion of state-mandated assessments determines if a student graduates from high school. Underperformance on high-stakes assessments may correlate with higher dropout rates. In 2017 in Virginia, nearly 24 percent of DLLs dropped out of school compared to almost six percent of the total student population (Virginia Department of Education, 2017). DLLs were not only graduating at significantly lower rates than native English speakers but also ranked the lowest concerning on-time graduation of all student subgroups. These disparities contribute to a growing opportunity gap between DLLs and native English speakers and elucidate how unseen factors, such as instructional practices and policies, can result in tracking for special education services (Abedi, 2003; Abedi, 2006).

Statement of the Problem

Our public K-12 educational system aids White supremacy through policies and practices that privilege White English-dominant students. Due to a legacy of racial discrimination in the U.S. and the operations of power through institutional processes, students who have multidimensional identities where race, ethnicity, language, gender, and socioeconomic status intersect and interact with axes of power and exclusion are more likely to have neglected points of intersection (McCall, 2008). Our education system has overlooked the needs of students with disabilities and DLLs, and the latter population continues to grow in Virginia. Therefore, when examining both, they face particularly challenging circumstances. Research has not investigated such relationships within K-12 public schools in Virginia, so the current study aims to elucidate factors contributing to the disproportionate representation of DLLs in special education programs. The current study will conduct school- and division-level analyses to examine how social categories and policies mediate the rate of identification of DLLs for special education, particularly after SEAs and LEAs received guidance from the federal government in 2015. Also, interviews will further inform how teachers understand and implement current federal and state policies intended to mitigate the disproportionality of DLLs in special education.

Purpose of the Study

Although earlier scholarship has examined factors that contribute to overrepresentation and underrepresentation of DLLs in special education, little research within particular contexts (i.e., state-, division-, and school-level) has explored intersections of race, ethnicity, ability, gender, language, and socioeconomic status using critical perspectives (Artiles et al., 2010; Artiles, Rueda, Salazar, & Higareda, 2002; Artiles, Rueda, Salazar, & Higareda, 2005; Gage, Gersten, Sugai, & Newman-Gochar, 2013; Sullivan, 2011; Umansky, Thompson, & Díaz, 2017). Overrepresentation is a problem because students without disabilities who have been referred for special education experience lowered expectations and fewer possibilities for academic advancement. On the inverse, underrepresentation is also problematic as students with disabilities are not receiving the services they are entitled to, which could help them maximize their learning potential and increase future outcomes for them. In either case, federal law is violated, and even more importantly, students suffer irreversible harm.

Given the impact erroneous identification or misdiagnosis for special education services can have on a student, particularly one who requires language acquisition services, the current study examined how social categories and recent state and federal policies mediate the rate of representation of DLLs in special education. These factors were used to analyze the disproportionality of DLLs with disabilities by multiple intersections, such as race and ethnicity, gender, and socioeconomic status. A second goal was to investigate if the rate of representation of DLLs in special education has changed in Virginia since local and state educational agencies received guidance from the federal agencies in 2015. This analysis provided the rate of change for school divisions from school years 2015 through 2018. A third goal was to understand how education stakeholders make sense of and implement current federal and state policies that impact the identification of DLLs in special education. The research questions that guides the current study were:

Research Questions

1. Quantitative: What social categories (i.e., race and ethnicity, gender, and socioeconomic status) covary with the disproportionate representation of DLLs in special education in Virginia?
2. Quantitative: How has the rate of representation of DLLs in special education changed in Virginia since state educational agencies received guidance from the U.S. Department of Justice and Office of Civil Rights in 2015?
3. Qualitative: How do education stakeholders understand current federal and state policies on the identification of DLLs in special education?

4. Mixed Methods: How do responses from the education stakeholder interviews help explain any quantitative disparities in the representation of DLLs in special education in Virginia?

Summary of Methodology

A mixed methods approach requires collecting and analyzing quantitative and qualitative data as part of a single study to better understand a phenomenon (Creswell & Plano-Clark, 2011). This design is useful when a single methodology may not provide a comprehensive picture of the research problem (Onwuegbuzie & Johnson, 2006). The current study was developed using a sequential, explanatory mixed methods design, with priority to the quantitative phase before collecting qualitative data. A mixed methods approach is more likely than a solely quantitative or quantitative one to produce a complete analysis of practices, procedures, and student outcomes resulting from policies around disproportionality and contextual factors (Onwuegbuzie & Johnson, 2006).

There were four phases in this mixed methods study. Phase I focused on an analysis of secondary data of social categories of the Virginia Department of Education (VDOE) database. This database is publicly available. The researcher analyzed 2017-18 VDOE data of social categories such as race and ethnicity, gender, and socioeconomic status. This analysis resulted in a summary of the relationship between race and ethnicity, gender, and socioeconomic status and the disproportionate representation of DLLs in special education as well as how disproportionality differs by multiple intersections. In Phase II, the researcher analyzed the rate of representation of DLLs in special education from school years 2015-16, 2016-17, and 2017-18 using a series of multilevel models with three years nested within school divisions. This analysis identified who at the division level has experienced a change in the rate of representation of these students since receiving guidance from federal agencies in 2015.

In Phase III, a purposive sample of education stakeholders (*n*= 7) were asked to meet with the researcher for a semi-structured interview. Visual representations of the relative risk ratio analyses in Phase I were used to guide the conversation and the theoretical framework informed protocol development. Phase IV involved analyzing how responses from the education stakeholder interviews help explain any quantitative disparities in the representation of DLLs in special education in Virginia.

In Phase IV, responses from the education stakeholder interviews were used to inform disparities in the findings for Phases I and II.

Organization of the Study

The next chapter provides a review of the literature, starting with a history of racializing ability followed by language policies at the state and federal level. The second section of the review provides an analysis of empirical research regarding DLLs and disproportionality in special education by themes and predictors. The last section of the literature review discusses the theoretical framework, which is rooted in Critical Race Theory (CRT) and intersectionality (Crenshaw, 1995). The third chapter provides an explanation of and rationale for the current study's methodology and research design. The results are presented in the fourth chapter and those results are interpreted and discussed in chapter five along with the implications and limitations.

Chapter 2: Literature Review

Introduction

This literature review has three more components. The first section will examine how contemporary federal and state language policies impact the identification of DLLs in special education. Examining how current policies are institutionalizing racism and *linguicism*, the latter term is defined as discrimination based on language, thereby promoting inequitable outcomes for DLLs and their teachers. The second section will present the empirical studies that focus on factors influencing the disproportionate representation of DLLs in special education. Conducting an advanced search using the Educational Resources Information Center search engine located the studies. These were the terms used: *English learners, English language learners, culturally and linguistically diverse students, DLLs, multilingual learners, bilingual learners, disproportionality, disparities*, and *special education*. Based on the findings from these searches of empirical studies, there are four specific themes. They include 1) instructional challenges, 2) predictors of disproportionality, 3) systemic bias in referral procedures, and 4) challenges with assessment. The section will discuss how intersecting systems of oppression and privilege impact the referral and eligibility processes, and how these mechanisms have contributed to the disproportionality of DLLs in specific disability categories. To examine the intersecting labels of race and ethnicity, language, and disability, Critical Race Theory (CRT) and a multilevel model of intersectionality will be used and discussed in the last section as a theoretical lens and to frame the review of the literature on disproportionality (Anthias, 2012; Núñez, 2014). Before discussing contemporary language policies, the ways race and ability are socially constructed and interdependent will be discussed, mainly looking at historicity and how White supremacy has positioned DLLs as inferior.

Racializing Ability

Historically, some scientists have tried to prove Black and Brown bodies were less intelligent and more “primitive” than White bodies (Trent, 1998). This research was done by measuring and comparing racial differences such as those in cranial capacity to show inferiority and that perceived ability aligned with a system of racial classification. These notions were used to justify the enslavement of African people, the segregation of students, and a racial hierarchy in social and economic positioning. Recent papers in North American and European psychology have reified the idea that intelligence is inherited, claiming Blacks are less intelligent than Whites due to genetics (Kamin & Omari, 1998). However, careful analysis of these published research reports shows these studies have numerous errors that favor Whiteness (Kamin & Omari, 1998). Regardless, these studies reinforce the socially constructed label of White as a superior race and Whiteness as a superior property of being White. In addition to supporting these constructs, these studies reinforced a social positioning of People of Color as subordinate to White people.

These pseudo-sciences also made hierarchies based on race and ability possible. Annamma, Connor, and Ferri (2016) examine the legal, ideological, and historical components of disability and race, where Whiteness represents the zenith and Blackness the bottom of that hierarchy. People of Color had the opportunity to shift in their positioning –but they could never match the superiority of Whiteness (Delgado & Stefancic, 2001). Pseudo-scientific knowledge, laws, policies, and programs reinforced the belief of Whiteness as superior and racialized disability. For example, after Reconstruction, Black codes were used to criminalize freed slaves for refusing to work in ways that implied they were mentally ill or disabled, without considering dangerous labor practices (Alexander, 2010). On the contrary, some education policies have attempted to counteract racial discrimination but have had unintended consequences.

Even after the passage of *Brown v. Board* (1954) and the *Individuals with Disabilities Education Act* (IDEA, 1975), trends suggest Students of Color are increasingly segregated through placement in special education classes (Orfield, Frankenberg, Ee, & Kuscera, 2014) and disproportionately represented in special education (Harry & Klingner, 2007; Losen & Orfield, 2002). Given the growing DLL population throughout the U.S., particularly in overlooked spaces like Virginia where they currently represent 13 percent of the total student population (Virginia Department of Education, 2018), there is an increasing need to elucidate challenges with current education policies that impact these students.

Contemporary Language Policies

Current federal and state policy are often contradictory due to shifts that concurrently provide and limit educational opportunities for Students of Color, despite the passage of Brown and IDEA (Tefera, Gonzalez, & Artiles, 2014). A legacy of segregation and inequality due to racial and linguistic differences and fewer educational opportunities for DLLs exposes an essential paradox (Harris, 2001). Despite the enactment of policies that are designed to address equality, there are contradictions between federal and state agencies as they interpret and implement policies, often with vague guidelines, within their context (Tefera, Gonzalez, & Artiles, 2014). Poorly defined and regulated policies can produce greater inequities and perpetuate notions of racialized ability. These beliefs carry into our present-day K-12 public schools, aiding White supremacy through policies and practices that privilege White English-dominant students. They also perpetuate ideologies that support *linguicism*, defined as linguistic discrimination and the conceptualization of human difference.

Our public K-12 educational system limits opportunities for DLLs and promotes linguicism by overemphasizing English and treating multilingual students as monolingual learners (Mitchell, 2012). One of these ideological mechanisms has led to segregating students from non-dominant racial and linguistic subgroups in self-contained special education and English language classes through an identification, labeling, and placement process (Annamma, Connor, & Ferri, 2016). This process allows for educational spaces where there is a predominance of Students in Color who are labeled deficient or invisible. Learning environments that segregate and disregard the needs of students are silently hostile. For instance, in states with English-only policies that impact the language of instruction, there are patterns of substantial overrepresentation of DLLs in special education (Artiles, Klinger, Sullivan, & Fierros, 2010). Arizona, an English-only state, has the lowest graduation rate of DLLs in the country, with 18 percent of DLLs graduating high school compared to a state total graduation rate of 75.7 percent (Sanchez, 2017). Research suggests English-only instructional policies are a product of a xenophobic movement across the U.S. and are shaped by alarmist narratives about immigrants (Chavez, 2008). Despite *English-is-all-that-matters* state policies (Mitchell, 2012), current federal policies include provisions that encourage first language use and language obligations under the law (Lhamon & Gupta, 2015).

Federal Policies

There are federal guidelines to remind State Educational Agencies (SEAs) and public schools of their legal obligations to DLLs of educational programs and services that meet their needs. Most recently, the leadership in the U.S. Department of Justice's (DOJ) Civil Rights Division and the U.S. Department of Education's (DOE) Office of Civil Rights issued a Dear Colleague Letter: English Learner Students and Limited English Proficient Parents in 2015 to each SEA (Lhamon & Gupta, 2015). In this letter, SEAs, school divisions, and all public schools were reminded of the educational rights of DLLs under civil rights law and discussed common compliance issues in Office of Civil Rights (OCR) and DOJ investigations (Lhamon & Gupta, 2015).

Of the topics discussed, an entire section (Part II F) of the letter was devoted to evaluating DLLs for special education services and providing special education and English language services. It described the identification process for DLLs and the importance of providing intersecting services for students who have language and disability needs. After describing the authority for enforcing both language and disability services, the letter says,

> SEAs and school districts must ensure that all EL students who may have a disability, like all other students who may have a disability and need services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner. When conducting such evaluations, school districts must consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used. School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency (Lhamon & Gupta, 2015, p. 24).

When describing IDEA mandates for SEAs and school divisions during the eligibility process, the letter emphasizes the importance of bilingual testing and using appropriate tools by saying,

> A school district must ensure that assessments and other evaluation materials used to evaluate a child with a disability are 'provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and

> functionally, unless it is clearly not feasible to so provide or administer' (Lhamon & Gupta, 2015, p. 26).

Moreover, a footnote provides additional parameters by stating,

> In determining whether an EL student is a child with a disability under the IDEA, the school districts must draw upon information from a variety of sources (e.g., aptitude and achievement tests and social and cultural background), and ensure that all of this information is documented and carefully considered (Lhamon & Gupta, 2015, p. 26).

After describing how a DLL does not have a disability if their English language proficiency is the "determinant factor," the letter provides an example of a beginner Spanish-speaking DLL with a teacher who is hesitant to submit a referral. In the scenario, the principal explains that the school division must request parental consent for an initial evaluation and once granted, it must be completed in a timely manner. In this example, a bilingual psychologist conducts the evaluation in Spanish given the student's language needs and background.

In addition to providing evaluations based on a DLL's needs and language skills, the OCR and DOJ highlight other common compliance issues. These issues include denying intersecting English language and disability services, failing to include ESOL staff during the eligibility and placement process, and neglecting to provide an interpreter to parents of DLLs during Individualized Education Program (IEP) meetings (Lhamon & Gupta, 2015). These actions are critical to ensuring DLLs receive equitable language and disability services. However, federal guidelines and policies are often interpreted by SEAs, who then provide instructional directives to their school divisions and public schools.

There are other federal policies and even provisions in support of research-based practices that support first language use, one of which includes testing DLLs in their native language. Under the ESSA, increased federal accountability provisions provide opportunities for more ESOL program funding and investment in native language assessments to measure academic growth in content areas and skill development (Every Student Succeeds Act, 2015). Even with federal incentives to provide equitable opportunities for DLLs who require these assessments, some states choose to remain silent or defiant. Hanna (2017) describes this by saying,

> Therefore, the state is making no concerted effort to develop native language assessments and is outwardly defying this part of ESSA. Other states that completely disregard this part of the law for similar reasons include Tennessee, Mississippi, Georgia, South Carolina, Virginia, and Arizona (para. 7).

When state governments remain silent and ignore the needs of DLLs, they are positioning DLLs as invisible. Resembling colonization, where narratives about Indigenous peoples' invisibility are still used today, these institutions are using English-only laws to control space and justify negligence as a form of racism (Soja, 2009; Tuck & Yang, 2012).

State Policies

When addressing the needs of DLLs, many state policies contradict federal guidelines. For instance, Tennessee, Arizona, and Arkansas have English-only policies that require public schools to teach and assess DLLs only in English. However, federal laws under the ESSA do not align with these beliefs and clash with the states' official language laws (Hanna, 2017). Arkansas, as part of their ESSA plan and education-specific law, requires English as the only language of instruction in schools and therefore mandates that students cannot be tested in other languages (Hanna, 2017). In this case, the use of inappropriate instructional practices is a significant obstacle for DLLs and their teachers, but impeding access to reasonable accommodations is another matter. Annamma, Connor, and Ferri (2016) argue social and institutional structures that limit resources for Students of Color promote racism, especially if they have labels of non-normativity placed on them. Ultimately, labels such as English language learner or Limited English Proficient[7] are used to report to federal mandates for program funding. The latter term, while still used and codified, is pejorative and reinforces a deficit perspective of DLLs. These labels are used to track accountability, so how are DLLs able to be academically successful within a system that neglects their needs?

Even states without English-only laws, such as Virginia, are working against ESSA provisions by contradicting mandates on access to assessments in languages other than English (Hanna, 2017). Under ESSA, SEAs receive funding for assessments in "languages other than English that are present to a significant extent in the participating student population" (Virginia Department of Education, 2018, p. 7). This allowed SEAs to set the percentage threshold and identify languages that meet the criteria. In Virginia's consolidated state plan, the VDOE considered five percent of the DLL population to be significant, with Spanish-speaking DLLs representing 69 percent and Arabic-speaking DLLs representing 5 percent of the total DLL student count (Virginia Department of Education, 2018). When asked to indicate the languages for academic assessments that are not available but needed based on that percentage, the VDOE stated (2018),

> Content instruction in Virginia is not provided in languages other than English except on a very limited basis and in foreign language classes. To administer academic assessments in languages other than the language in which students are taught is not considered to be aligned with the instruction (p. 8).

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[7] Even though the phrase Limited English Proficient is used in federal and state documents, I refrain from using it given its pejorative meaning.

Despite Virginia's lack of support for native language assessments, research has conclusively found that instruction in the first language not only enhances English acquisition, but also has important social, psychological, and emotional benefits for DLLs. Students with proficiency in their first language are able to transfer those linguistics skills (e.g., phonemic awareness, decoding, word recognition strategies) to English or the second language with appropriate instructional programming and support (Baker, 2006; Baker & Prys, 1998).

Even though Virginia's ESSA plan refused provisions for native language assessments for DLLs, in 2015 the state introduced the Seal of Biliteracy for students who are proficient in English and another language (Virginia Department of Education, 2015). This is an award affixed to a high school diploma and transcript acknowledging proficiency in two or more languages. Despite possessing additional language abilities and skills, DLLs are less likely to benefit from this award than their native English speaking peers (Gándara & Escamilla, 2017). To earn this award, students must pass state content assessments in English and tests in reading and writing in the additional language(s). How are DLLs able to meet the requirements for the Seal of Biliteracy without support in the first language and appropriate assessments to show content knowledge? For this reason, Virginia's ESSA plan and the Seal of Biliteracy are examples of how education policies and programs can play a critical role in aiding and abetting the reproduction of social inequality and exclusion (Bourdieu & Passeron, 1977), particularly for Students of Color (Annamma, Connor, & Ferri, 2016). In addition, the focus on English-only instruction and assessment creates tensions between federal and state agencies as well as localities that do not see DLLs succeed in an education system that is not designed for them.

Instructional Challenges

Decades of research shows Students of Color and DLLs are overrepresented and underrepresented in special education and in certain disability categories (Artiles et al., 2002; Artiles et al., 2005; Abedi, 2006; Gage et al., 2013; Samson & Lesaux, 2009; Sullivan, 2011; Umansky et al., 2017). Overidentification is a problem because students without disabilities who have been referred for special education experience lower expectations and fewer educational opportunities for academic advancement. Conversely, underidentification is also problematic as students with disabilities do not receive the services they are entitled to or are misdiagnosed, which could help them maximize their learning potential and improve academic and future outcomes. In either case, federal law is violated, and even more importantly, students are negatively impacted. The next section describes how English-only instruction and social and instructional structures shape ability and disability due to ideologies about race and language use.

English-Only Instruction

The English-only movement and immigrant narratives have created instructional challenges for schools and practitioners who serve DLLs. The instructional models used to address the needs of DLLs, throughout our public K-12 schools, have a longitudinal impact on student outcomes and trajectories. In the U.S., most DLL-instructional models rely on English immersion or sheltered instruction methods, instead of programming that supports dual language development (Collier & Thomas, 2004). Studies show direct immersion programs are culturally and linguistically subtractive by negating a multilingual student’s abilities and needs (Valenzuela, 2010). Dual language programs, however, promote the development of a DLL’s multilingual abilities who speak the instructional languages, resulting in greater academic and postsecondary outcomes (Collier & Thomas, 2004; Cummins, 1981; Gándara & Escamilla, 2017). Research has found instruction in the native language not only enhances English acquisition, but also has important social, psychological, and emotional benefits for DLLs (Collier & Thomas, 2004; Cummins, 1981; Gándara & Escamilla, 2017). Since DLLs currently represent 13 percent of the total student population in Virginia (Virginia Department of Education, 2018), a subgroup that is 2.7 larger than it was 15 years ago, SEAs and LEAs need research-based programming and strategies to create equitable opportunities for these students to mitigate disproportionality in special education.

Since policies and programs that impact DLL instruction are often contentious, often our K-12 public schools use instructional practices that focus on English-only instruction and do not support the L1. Some programs provide DLLs with L1 support to help transfer those skills to English, while English-only programs can stunt a student's multilingual development and lead to lower outcomes (Gándara & Hopkins, 2010). Artiles and colleagues (2002) examined trends specific to language programs and disproportionate placement in special education, using aggregated 1998-1999 data from eleven urban districts in California. To identify patterns, they used composition and risk indices, as well as risk ratios to examine DLL representation within different groups, language programs, grade levels, and disability categories. The sample composition consisted of 42 percent DLLs, with a majority Latinx DLL population of 94 percent in elementary grades and 91 percent in secondary grades.

Based on the data, Artiles and colleagues (2002) identified trends specific to instructional models and placement in special education classes. Elementary-level DLLs who were in English immersion programs were 2.95 times more likely to be placed in special education classes than DLLs who were in dual language programs (Artiles et al., 2002). When considering other instructional models, students in English immersion programs were 2.26 times more likely to be placed in special education classes than students who were in modified English immersion programs, a model with bilingual education teachers who provide native language support. These patterns align with foundational research on language acquisition, which shows a longitudinal correlation between English-only models and lower outcomes for these students (Collier & Thomas, 2004; Cummins, 1981).

While the study showed important correlational relationships, the findings led to further questions about the diverse needs of these students. For example, how were DLLs with disabilities intersecting language and support needs addressed? Instructional practices that are informed by top-down policies may look different even if they use the same program model. These variances are even more common in school divisions that have greater sociodemographic differences. Literature and even policy documents, such as the DOJ and DOE's *Dear Colleague Letter*, acknowledge a problem with disregarding language support for disability services as a common OCR compliance issue (Lhamon & Gupta, 2015). In addition, the field would benefit from analyses of longitudinal data to explore factors around programming implementation and disproportionality in special education. While these are areas to further explore, what can be said is that: English-only programs affect more than just the language development of DLLs. There are other challenges impacting instruction and student outcomes among DLLs, such as school culture and limited resources.

Contextual Factors

When looking closer at instruction, the school culture can also impact student trajectories and outcomes. Instructional strategies and a school's philosophy on language and cultural differences can affect a DLL's academic success and can create hurdles if there is a lack of progress. Langdon (2002) examined a school with a philosophy of providing dual language instruction. While this was ideal, the school faculty did not interpret dual language support the same way, and many teachers were new to the field or lacked training on how to work with DLLs (Langdon, 2002). Instructional strategies, such as native language instruction and techniques that support comprehension by capitalizing on the first language, have shown positive impacts on the academic experiences and outcomes of DLLs (Artiles & Ortiz, 2002; Cummins, 1981; Valenzuela, 2010). While these techniques and approaches to teaching are important, the viability of implementation is linked to other contextual factors, such as funding sources and the allocation of resources for programs. Additionally, access to quality instructional programs is also determined by where a family resides. Immigrant communities and families with DLLs have access to fewer employment and housing opportunities, which can play a role in the type of programming and support a student receives to address their learning needs (Langdon, 2002).

It is important to consider other factors that affect instruction, such as funding and resources for DLL programming. ESOL programs are almost entirely subsidized by local and state sources (Sanchez, 2017). Limited funding and resources to address the needs of DLLs can impact the instructional quality and capacity building of a school and instructional program. Research shows a positive correlation between lower socioeconomic status and eligibility for special education services in under-resourced schools (Gordon, 2017). Communities of Color and immigrant families are more prone to be victims of segregated housing and discriminatory policies that relegate them to spaces that contain underperforming and constrained schools (Ryan, 2010). Through these mechanisms, families of DLLs are more likely to live in neighborhoods and schools with fewer funding sources and resources that can support capacity building, bilingual assessment tools, and parent engagement. As a result, these communities are prone to locational discrimination, based on biases on certain subgroups due to their geographical location (Soja, 2009). Immigrant families are also victim to mechanisms that relegate underrepresented subgroups in segregated spaces because of politics, such as gerrymandering, redlining, exclusionary zoning, and residential segregation (Soja, 2009). These and other contextual factors can determine access to referral and eligibility resources as well as the type of language services and support a DLL will receive.

Accountability Systems

DLLs and students with disabilities are faced with the daunting task of not only developing skills that validate and reinforce ableism (Annamma, Connor, & Ferri, 2016), but also academic knowledge in different content areas that lack consideration for cultural and linguistic needs. This creates significant demands for students and teachers as they navigate school accountability systems that depend heavily on data from state-mandated standardized assessments. The high-stakes testing culture in the U.S. creates an environment where some students are viewed as a liability due to the possibility of them testing low and are subsequently pushed out of public schools and classrooms (Reyes & Villarreal, 2016). This is even more apparent when DLLs underperform on standardized assessments, often resulting in an eligibility and screening referral for special education services based on pressure to increase test scores rather than the appropriateness of services (Abedi, 2006).

In Virginia, the graduation rate for these students was 69.8 percent in 2015, compared to 91.7 percent overall (Virginia Department of Education, 2016). Studies show DLLs underperform on standardized assessments and have lower academic outcomes than the general student population (Abedi, 2006; MacSwan, & Rolstad, 2006). Moreover, research indicates DLLs who score lower on academic assessments, which traditionally lack language considerations, were more likely to be referred and identified for a learning disability (Abedi, 2006; MacSwan, & Rolstad, 2006). If a DLL is referred for special education testing, a lack of staff knowledge and resources in a school could impact the identification process for special education services, placement that addresses their learning needs, and the instructional support they receive.

Predictors of Disproportionality

Grade Level

Another predictor of placement for special education services is grade level. Studies show increases and decreases of DLL representation in special education classes at different grade levels (Artiles et al., 2002; Artiles et al., 2005). Artiles and colleagues (2002) found trends that show a significant overrepresentation of DLLs in special education from grades 6-12, particularly towards the end of high school. Researchers suggest there may be underlying factors to consider, such as a lack of language support at the secondary level and pre-assigned labels could contribute to less access to different coursework and fewer opportunities.

In another study, Artiles and colleagues (2005) used special education placement data of an urban district in California to calculate composition indices, risk indices, and odds ratios to determine disproportionality by grade level. Using composition indices, researchers found DLLs were overrepresented at the secondary level compared to English-proficient students. The risk index data for the entire district shows different trends, with White students in special education at 11 percent, DLLs at eight percent, and English-proficient students at seven percent. At the elementary grades, fewer DLLs were placed in special education compared to White and English-proficient students. This trend contrasts the risk index for the secondary grades, where 15 percent DLLs, 10 percent White students, and nine percent English proficient students were placed in special education. Similar shifts are found in the odds ratio analysis, where DLLs were underrepresented at the district level compared to English-proficient students but overrepresented at the secondary level (Artiles et al., 2005).

Research focused on younger DLLs finds varied trends at the elementary grade levels. Samson and Lesaux (2009) found DLLs are underrepresented in kindergarten and first grade, but overrepresented in third grade across all disability categories using weighted frequency estimates from the Early Childhood Longitudinal Study-Kindergarten data set. Comparisons between DLLs and their peers suggest DLLs were identified later than their native English-speaking peers (Samson & Lesaux, 2009). While many contextual factors can impact the referral and eligibility process, the researchers determined teacher ratings of student performance and reading proficiency are stronger predictors of placement than DLL status (Samson & Lesaux, 2009).

Disability Categories

Studies also show DLLs are disproportionately overrepresented and underrepresented in different disability categories (Artiles et al., 2002; Artiles et al., 2005; Abedi, 2006; Gage et al., 2013; Samson & Lesaux, 2009; Sullivan, 2011; Umansky et al., 2017). In the aforementioned study, Artiles and colleagues (2002) found DLLs in secondary grades were more likely to be identified based on two disability categories: intellectual disability (ID) and speech or language impairment (SLI). While in a more recent study using statewide placement data from Arizona and California, Artiles and colleagues (2010) found DLLs were overrepresented in the specific learning disability (SLD) category in high poverty schools, with a relative risk ratio of 1.30 with statistical significance, and proportionately represented in low poverty schools. They also found DLLs are underrepresented in the emotional disturbance (ED) category in high and low poverty schools, with relative risk ratios of 0.31 and 0.22 respectively (Artiles et al., 2010).

Other studies have revealed similar trends. Sullivan (2011) found DLLs were more likely to be represented in high-incidence disability categories, such as SLI, (mild) ID, and SLD by examining district-level general and special education enrollment data for 1999 to 2006 academic years in a southwestern state. Using risk ratios, findings showed the highest level of overrepresentation was in 2006, with 1.82 in SLD and 1.63 in ID. Even though there were fluctuations in overrepresentation and underrepresentation, overall, there were two trends that emerged. DLLs had a lower likelihood of an ED label and a higher likelihood of an SLD or SLI classification (Sullivan, 2011).

More recent studies show mostly an underrepresentation of DLLs in special education. Gage and colleagues (2013) examine the underrepresentation of DLLs in the ED category using a meta-analysis of five studies. DLLs were also less likely to be identified as ED compared with their peers and were equally likely to be identified with SLD as their peers (Gage et al., 2013). Recent empirical studies also report an underrepresentation of DLLs in special education in some disability categories. In addition to looking at current DLL status, Umansky and colleagues (2017) examine current and former DLLs and find an underrepresentation of former DLLs in special education by comparing all DLLs to their peers. While research shows there has been an overrepresentation and underrepresentation of DLLs in some disability categories, the predictors of disproportionality can vary by category and are difficult to determine given many contextual factors.

Systemic Bias in Referral Procedures

Research shows the possibility for a disability misdiagnosis increases when an DLL has a lower-proficiency level in their L1 and English (Abedi, 2006; Abedi, 2009). When students lack the skills to develop proficiency in their L1, they are limited from transferring those skills to the target language or English. For this reason, characteristics in language development delays can be confused for a learning disability (Ortiz, 2002). Some of these traits include expressive and receptive language abilities. The potential for misdiagnosis is compounded by other factors such as the lack of required training and professional development on language acquisition for school personnel who teach DLLs and oversee the eligibility process as administrators.

Capacity Building

One important factor that impacts the eligibility process is a lack of qualified instructional staff to assess these students (Quintero & Hansen, 2017). Teachers often fear the special education referral process for DLLs due to the uncertainty of how to identify the difference between language acquisition or a learning disability (Nguyen, 2012). Capacity building also includes meeting the intersectional needs of both language and disability for students once they are eligible for special education services. There are also more nuanced ways the needs of these students are also not considered. For example, late identification for special education services means lack of access to early intervention. If there is a misdiagnosis, there will be a lack of appropriate support based on the student’s language and disability-related needs. For certain subgroups of students like DLLs with an intellectual disability, there are no models of research or practice for how to support these intersectional needs. Even though the needs of DLLs are complex and varied, and there is a growing need for teacher training in ESOL and special education, teacher certification programs have not made this a priority (Quintero & Hansen, 2017). This lack of political consciousness infringes on the educational rights of these learners because their needs are erased from the contemporary conversation involving capacity building (Cho, Crenshaw, & McCall, 2013).

In addition, significant teacher shortages add obstacles to capacity building and the identification process. Undertrained teachers and understaffed schools create extra barriers as school divisions work to meet the new accountability requirements of the ESSA (ESSA, 2015). These federal policies require school districts to report student progress on language acquisition and core content in exchange for greater funding. However, federal policies have not emphasized ESOL training for preservice or inservice teachers (Quintero & Hansen, 2017). Some states are also neglecting the needs of these students by not requiring any prior training to become an ESOL teacher. For example, Virginia reduced its requirements for an ESOL teaching endorsement from a Master's in Education to a score of 149 on the PRAXIS ESOL Test, which took effect on September 1, 2017 (Virginia Department of Education, 2016). Moreover, the passing score is lower than other states, which means new ESOL teachers in Virginia do not receive any training or coursework before working with these vulnerable students, being held to lower ESOL endorsement standards (Virginia Department of Education, 2016). Virginia's lack of policies that support the capacity building of school personnel sabotage DLL outcomes and the development of pedagogical skills needed to effectively work with these students. The lack of teacher training also robs students of opportunities to maximize their learning and access curricula that already lacks awareness of language nuance. For this reason, the absence of capacity building is an example of systemic bias as social domination and subordination through our education system is constructed and maintained (Crenshaw, Gotanda, & Peller, 1995). Student outcomes are further challenged by inadequate assessments and testing procedures, as well as by factors such as a majority White female teaching force and a legacy of discrimination towards cultural and linguistic diversity.

Challenges with Assessment

Assessment also plays a crucial role in academic outcomes and tracking of DLLs. There are two types of assessments that impact student trajectories: psychometric tests used to identify a disability and content-based assessments used to measure content knowledge. As for the latter, studies show most content-based assessments are not designed with DLLs in mind because they contain language factors showing linguistic and cultural biases, which impact their reliability and validity (Abedi, 2003; Abedi, 2006).

Cultural and Linguistic Bias

Using test data from four different school sites nationwide, which included two states and two urban school districts with large DLL populations, Abedi (2003) found the level of linguistic complexity in content-based assessments prevents DLLs from accessing the question and demonstrating content knowledge due to sophisticated syntax, grammar, and other language conventions. For example, the performance gap between DLLs and non-DLLs is almost non-existent in math computation, a content area with low language demand, and highest in content areas such as reading and writing. As the English language complexity of the test increases, so does the disparity index, which compares DLLs to non-DLLs. Abedi (2003) also found lower reliability and internal consistency for DLLs, indicating test items for DLLs, particularly those at lower stages of English language acquisition, suffer from lower internal consistency. In addition, most assessments also contain cultural bias by using wording and phrases that are normed by a U.S. born, White, and middle-class population (Abedi, 2006). Given these language factors, the reliability and validity of academic assessments are compromised due to a potential increase of measurement error and the cultural and linguistic complexity of test items that are unrelated to the content being assessed. Low performance on content-based assessments may result in tracking practices for special education services, a problem that is more common with DLLs who are at lower levels of English proficiency (Abedi, 2006). In essence, a DLL’s limitations in demonstrating content learning in English may be interpreted as a sign of a disability. Even though the problem is invalid assessments, students are caught between having lower academic and social outcomes and being tracked lower.

Testing Methods and Procedures

Poor assessment methods and procedures can also disproportionately increase the chances that DLLs will be referred for special education testing. Looking at state policies and procedures, there are 13 states, including Virginia, who require DLLs to take an oral native language assessment and an English assessment as part of the identification process (Mahoney & MacSwan, 2005). The English assessment component is needed since it is the language of instruction. However, the native language assessment is questionable because in most cases the native language is not supported and assessments used to measure a DLL’s L1 proficiency are poorly designed. The validity of the common native language assessments and their impact on placement is questionable due to lack of empirical evidence to support an explicit rationale for the use of these tests (MacSwan & Rolstad, 2006). Testing DLLs in their native language is rooted in a deficit approach if they are not receiving instruction in that language. These testing practices assume DLLs have limited abilities, resulting in academic difficulty. Instead of testing students in a language that is not taught, the focus should be on systemic factors contributing to lower outcomes.

MacSwan and Rolstad (2006) argued standardized language tests and procedures, even in the student’s first language, can result in problematic decisions for DLLs. With the help of bilingual assistants, researchers found significant disparities when assessing the L1 proficiencies of 145 Spanish-speaking DLL participants ages six through eight from two urban schools in central Arizona (MacSwan & Rolstad, 2006). The research team used a natural language measure and two common assessments used during the identification process. Findings showed only 2 percent of the study participants had an error rate in morphology when using a natural language measure, compared to 74 percent and 90 percent on the two standardized tests. First language tests focus on morphology to gauge a child's linguistic development, while common tests place an emphasis on grammar and syntax. Poor outcomes on standardized assessments that measure native language proficiencies, and even content-knowledge, may contribute to referrals for special education testing and the disproportionality of these students in special education categories (Abedi, 2006).

Psychometric Tools

In addition to academic assessments, psychometric measures and assessment procedures by school psychologists may also impact disproportionate identification. As mentioned earlier, studies show DLLs are overidentified for certain disability categories, such as SLD. Figueroa and Newsome (2006) looked at this trend by examining how 19 school psychologists from a small K-6 urban school district in California assessed and diagnosed DLLs with SLD, focusing on how they dealt with bilingualism and used appropriate constructs. Findings suggested school psychologists did not adhere to legal and professional diagnosis guidelines in their reports on DLLs identified with SLD. The school psychologists in the current study ignored the effects of bilingualism during the assessment process. Their reports also lacked reasons for the initial referral for special education testing, how students could be impacted by inappropriate instruction, and the impact of subtractive bilingualism. Rather than considering potential flaws in instructional practices, which DLLs often experience, a language deficit was directly correlated with a label of SLD.

Theoretical Framework

Disproportionality exists in different forms and on different levels. It is visible in educational practices and procedures that determine how a student is treated and where a student is placed. These spaces may be privileged or marginalized. Disproportionality in special education is "when districts identify, place outside the regular classroom, or discipline children from any racial or ethnic subgroup at markedly higher rates than their peers" (U.S. Department of Education, 2016). Looking beyond program placement, disproportionality also exists in how Students of Color[8] are disciplined in schools. Even though there is limited data and literature on disproportionate disciplinary actions towards DLLs when compared to their non-DLL peers (Bakken, Obiakor, & Rotatori, 2012), historically research showed the disproportionate representation of DLLs in special education programs and how it varies greatly across the country. Evidence suggests there is underrepresentation and overrepresentation based on contextual and nuanced factors (Artiles et al., 2010; Artiles, Rueda, Salazar, & Higareda, 2002; Artiles, Rueda, Salazar, & Higareda, 2005; Gage, Gersten, Sugai, & Newman-Gochar, 2013; Morgan et al., 2018; Sullivan, 2011; Umansky, Thompson, & Díaz, 2017). However, once found eligible for special education, DLLs experience inequities in access to appropriate services that address their language and cultural needs (Artiles & Ortiz, 2002).

Intersectionality

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[8] People of Color describe a racial/ethnic group of non-White students and should, therefore, be designated by a proper noun.

Intersectionality elucidates the disproportionality for groups that have been overlooked, including DLLs. With an intersectional lens that examines race, ethnicity, gender, language, and socioeconomic status, researchers can also analyze the identification, placement, and disciplinary outcomes of Students of Color in schools. There is limited data and literature on disproportionate disciplinary actions towards DLLs when compared to their non-DLL peers (Bakken, Obiakor, & Rotatori, 2012). However, historically, the disproportionate representation of DLLs in special education programs varies greatly across the country. Evidence suggests there is underrepresentation and overrepresentation based on contextual and nuanced factors (Artiles et al., 2010; Artiles, Rueda, Salazar, & Higareda, 2002; Artiles, Rueda, Salazar, & Higareda, 2005; Gage, Gersten, Sugai, & Newman-Gochar, 2013; Morgan et al., 2018; Sullivan, 2011; Umansky, Thompson, & Díaz, 2017). These factors are discussed in the next two sections of this chapter.

To examine how intersecting labels of race, ethnicity, language, and ability mediate disproportionate identification, Critical Race Theory (CRT) and a multilevel model of intersectionality will be used as a theoretical lens. Scholars in the fields of CRT have identified and examined the interdependent constructions of race, ethnicity, language, and disability in education and society (Delgado & Stefancic, 2001). The present study is intended to build on earlier scholarship in education that explores procedures and policies that influence the disproportionality of DLLs in special education, and how erroneous identification can impact educational trajectories and student outcomes due to changes to placement and services provided.

Beliefs around race and ability permeate our present-day K-12 public school. One of these ideological mechanisms has led to segregating students from non-dominant racial and linguistic subgroups in self-contained special education and English language classes through an identification, labeling, and placement process (Annamma, Connor, & Ferri, 2016). One theory that troubles educational spaces with a predominance of Students of Color who are labeled deficient or invisible is CRT (Annamma, Connor, & Ferri, 2016). Within CRT, there are frameworks, such as intersectionality, that explore power dynamics and how marginalized people's experiences are impacted by socially constructed identifiers and labels in our current sociopolitical context. In essence, intersectionality is "a heuristic device" for understanding how intersecting social categories, such as race, ethnicity, gender, and class (to name a few) differently affect opportunities for individuals (Anthias, 2012, p. 4).

Intersectionality is a product of socio-legal theorist and scholar Kimberlé Crenshaw's (1995) discontent with one-dimensional models used to analyze the experiences of Black women as they navigate different systems and experience discrimination based on their gender, ethnicity, race, and class. Rather than looking at a single marker of identity, intersectionality provides language and framing to recognize diverse experiences and outcomes due to social categories that interrelate and overlap and acted upon by a system of oppression. Intersectionality attends to the multidimensional identities of student subgroups who "have complicated and politically charged histories linked to assumptions of deficit often used to justify inequities" (Artiles, 2013, p. 329). Intersectionality provides critical insight on both the power of assigning designations to students and the weight those labels carry when examining the racialization of ability (Artiles, 2013).

Studies that have used intersectional framing have also examined how social categories in addition to race and ethnicity impact the academic achievement of Latinx students, using citizenship, language use, and geography as units of analysis (Mancilla, Boals, & Castro, 2014). Valenzuela (2013) studied citizenship identities and how immigrant youth significantly outperform their U.S. born peers, who are children of immigrants, on a regular diploma track. As complex as “immigrant optimism” (Kao & Tienda, 1995) may be, citizenship only speaks to one level of interpretive analysis.

Multilevel Model of Intersectionality

Anthias extends (2012) Crenshaw’s theoretical framework of intersectionality (1995) by positing the need for a broader framing that exposes power dynamics, hierarchies, and spatial and temporal contexts. At the first level of their framing, social categories provide criteria on how individuals are “sorted or placed” to produce a sort of “map” of how individuals are positioned based on gender, race, ethnicity, and class (Anthias, 2012). Even though social categories (i.e., race, ethnicity, gender, class, dis/ability, citizenship) involve boundaries and hierarchies, they have different histories and ontologies, and therefore appear differently in dialogue and practice over time and in specific contexts. Leading to a need for attention to “context, meaning, and variability” (Anthias, 2012, p. 7) within different arenas. They argue these arenas function as four autonomous social structures that help us organize issues to expose and trouble: organizational, experiential, representational, and intersubjective (Anthias, 2012). The organizational sphere focuses on how subgroups are positioned within organized frameworks of systems and networks. As for the experiential arena, it targets meaning-making narratives. The representational sphere focuses on discourse and how groups are represented through images and texts in society. The fourth arena, the intersubjective, targets practices as a product of relations between groups and actors within systems. The third layer of Anthias’ analytic tool includes historicity as it helps unpack processes and outcomes based on social divisions (2012).

Núñez (2014) advances Anthias' (2012) framework to propose four arenas of practice in specific temporal and spatial contexts that impact postsecondary opportunities for Latinx high school students who are immigrants in California. They examine how this proposed multilevel model of intersectionality facilitates understanding of factors that shape opportunities for these students (Núñez, 2014). Their proposed multilevel model of intersectionality as seen in Figure 1 represents the three levels of analysis Anthias (2012) discussed: 1) social categories and how they relate to each other, 2) interdependent and independent practices within domains of society, and 3) a broader context called "historicity". Núñez (2014) furthered the discussion of systems of power that have created overlapping and interdependent structures of discrimination and disadvantage for Latinx immigrant students using this multilevel model. They identified and

Figure 1

Multilevel Model of Intersectionality

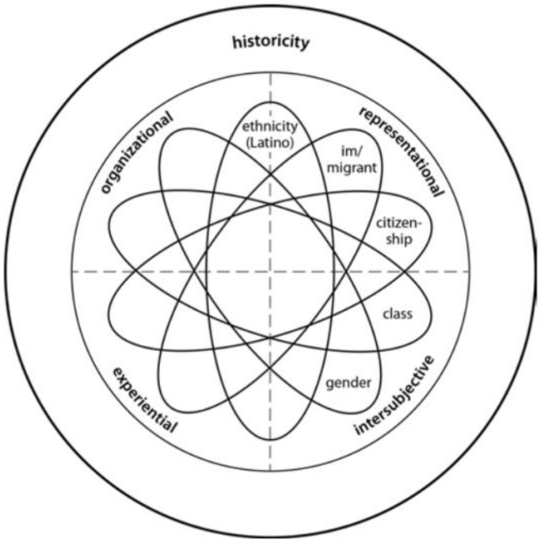


FIGURE 1. *Multilevel model of intersectionality*

Note: Figure taken from Núñez, A. M. (2014). Employing multilevel intersectionality in educational research: Latino identities, contexts, and college access. *Educational Researcher, 43*(2), 85-92.

challenged the dynamics that perpetuate educational inequalities for this marginalized subgroup. Reflecting on the intersections of multiple identity axes and their relations allows educational researchers to begin to understand the experiences of historically underserved subgroups in education.

Even though Anthias' (2012) framework places an emphasis on the interdependent and independent practices within four domains of influence, the current study focused on the organizational sphere of the model to examine how policies that impact the DLL eligibility process are understood, interpreted, and implemented. The current study also used the organizational sphere to examine how DLLs are positioned in educational systems at the state, division, and school level. The experiential sphere also added an important lens to the current study as educational stakeholder make sense of policies and factors that would impact policy implementation. Given the focus on context, the current study was situated to examine disproportionality, realizing DLLs are uniquely positioned in distinct educational systems.

Conclusion

This review has articulated how the social constructions of race and ability have shaped policies and practices that impact the identification of DLLs in special education. It also describes how oppression and White English-dominant privilege influence the referral and eligibility process and how myopic ideologies about race, language, and ability contribute to disproportionality. Racialized notions of ability are deeply embedded in our history and present and shape processes and outcomes that impact students who are labeled as abnormal or disabled. For this reason, creating opportunities for marginalized populations to engage in activism as a mobilizing force becomes increasingly important. The current study challenges current policies and practices that are institutionalizing racism and linguicism, and thereby promoting inequitable outcomes for DLLs.

Chapter 3: Methodology

The purpose of the current study was to examine how policies, practices, and social categories mediate the disproportionate representation of DLLs in special education in Virginia. Earlier scholarship have shown factors that contribute to overrepresentation and underrepresentation of DLLs in special education. However, few studies within particular contexts (i.e., state-, division-, and school-level) have examined the intersections of race, ethnicity, ability, gender, language, and socioeconomic status on the rate of representation of DLLs in special education as well as how policies are implemented within divisions and schools (Artiles et al., 2010; Artiles, Rueda, Salazar, & Higareda, 2002; Artiles, Rueda, Salazar, & Higareda, 2005; Gage, Gersten, Sugai, & Newman-Gochar, 2013; Morgan et al., 2018; Sullivan, 2011; Umansky, Thompson, & Díaz, 2017). The current study places a close examination on Virginia by using an explanatory mixed methods research design in four phases. In the first phase, correlational analyses were used to show the relationship between social categories (i.e., race, ethnicity, gender, socioeconomic status) and the representation of DLLs in special education in Virginia. For the second, multilevel modeling was used to show change over time of representation of DLLs from 2015-18. In phase three, interviews with seven education stakeholders (i.e., state educational agency leadership, school division administrators, and teachers) were conducted to develop an understanding of how federal and state policies from 2015 were communicated, interpreted, and implemented from top-down. In the last stage, interview responses were used to help explain any quantitative disparities in the representation of DLLs in special education. The following specific research questions have guided the study design and methodology:

1. (Quantitative): What social categories (i.e., race, ethnicity, gender, and

socioeconomic status) covary with the disproportionate representation of DLLs in special education in Virginia?

2. (Quantitative): How has the rate of representation of DLLs in special education changed in Virginia since state educational agencies received guidance from the U.S. Department of Justice and Office of Civil Rights in 2015?
3. (Qualitative): How do education stakeholders understand current federal and state policies on the identification of DLLs in special education?
4. (Mixed Methods): How do responses from the education stakeholder interviews help explain any quantitative disparities in the representation of DLLs in special education in Virginia?

Mixed Methods Research

Examining individuals and their positionality at the intersection of multiple social identities is a research paradigm that requires appropriate methodology for inquiry (Dhamoon, 2011; Hancock, 2007). The complexity of intersectionality demands multiple forms of data and analysis that neither qualitative nor quantitative paradigms can solely provide (Griffin & Museus, 2011). This is because there are inherent limitations with both quantitative and qualitative methods. The ontological and epistemological underpinnings of quantitative methods are rooted in positivism. This philosophy suggests there is a singular reality independent of the researcher with the purpose of testing hypotheses and generalizing to the population, often lacking detail and context. Intersectional research using qualitative methods can reveal multiple realities. While the nature of inquiry of qualitative methods is to understand and explain experiences from multiple perspectives, study samples are often small and not generalizable. While both quantitative and qualitative methods have significant limitations, when combined they provide tools that produce valuable insight when engaging in intersectional analyses (Griffin & Museus, 2011).

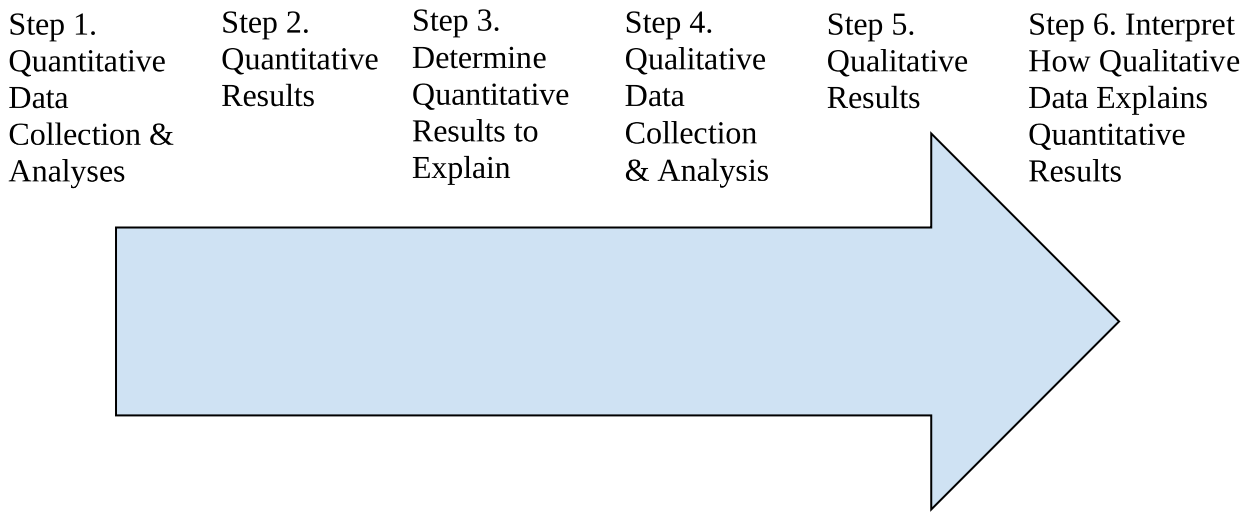
Intersectionality, which posits there are multiple, overlapping systems of oppression shaping lives and experiences of individuals in complex ways, influenced the methodological design of the current study. This theoretical framework, specifically a multilevel model of intersectionality (Anthias, 2012; Núñez, 2014), informed the research questions and research design. Within the context of intersectionality research, mixed methods designs have the potential to offset the imbalance of one methodology with the other (Hancock, 2007). Considered an increasingly popular research design, mixed methods are used to understand complex phenomena from different perspectives (Creswell & Plano Clark, 2007). The disproportionality of DLLs in special education is a complex phenomenon that is influenced by multiple factors and mechanisms.

Study Design

The current study used a mixed methods research design, which combines the collection and analysis of both quantitative and qualitative data to develop a more comprehensive understanding of a phenomenon (Creswell & Plano-Clark, 2011). Mixed methods are also useful when solely quantitative or qualitative data will not effectively address the research questions (Creswell & Plano-Clark, 2011; McMillan, 2012). Findings from the analysis of quantitative data for research question 1 informed protocol development for education stakeholder interviews for research question 3 as described below. Quantitative findings also facilitated the selection of a school division in Virginia with disparities by race, ethnicity, and socioeconomic status and a school to recruit interview participants. Therefore, a sequential explanatory mixed methods design was used to explore the research questions as seen in Figure 2.

Figure 2

Sequential Explanatory Mixed Methods Design


Step 1. Quantitative Data Collection & Analyses
Step 2. Quantitative Results
Step 3. Determine Quantitative Results to Explain
Step 4. Qualitative Data Collection & Analysis
Step 5. Qualitative Results
Step 6. Interpret How Qualitative Data Explains Quantitative Results

Note: Taken from Creswell, J. W., & Creswell, J. D. (2017). *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications.

Summary of Phases

The current study used an explanatory, sequential mixed methods design, with four phases of analysis (Creswell & Plano-Clark, 2011). The research design and data collection processes helped the researcher develop a broader and deeper understanding of the phenomenon in the Virginia landscape from 2015-18 and how disproportionality is mediated by social categories, policies, and practices.

Phase I. To answer the first research question, a correlation matrix was used to determine if a relationship exists between pairs of sociodemographic variables and measure the strength of their relationship using Pearson's coefficients and *p*-values. In the second part of Phase I, relative risk ratios were used to determine the probability of DLL identification for special education and related services of 63 student subgroups with multiple intersecting identities (i.e., race, ethnicity, gender, and socioeconomic status). In the current study, relative risk ratios were used to determine overrepresentation and underrepresentation because they are used to monitor racial disproportionality through IDEA Indicators 8 and 9. In this analysis, the reference category varied depending on the variable that was isolated. This will be explained in the Data Analysis section below.

Phase II. This consisted of an analysis of change over time of DLL representation in special education for school years 2015-16, 2016-17, and 2017-18 using a multilevel model. In the analysis three years were nested within school divisions to identify the rate of change of representation since federal agencies provided guidance in 2015.

Phase III. The researcher conducted open-ended interviews with seven[9] education stakeholders from different levels of power and influence in exercising policies. These stakeholders provided important and unique perspectives, varying from state educational agency leadership to school division administrators and teachers who are involved in the eligibility for special education services process for DLLs in the same high school.

Phase IV. Responses from the education stakeholder interviews helped inform disparities from findings in Phases I and II and elucidated contextual factors, such as practices and practices, that perpetuate disproportionality.

Instrumentation

Explanatory designs seek to use qualitative methods to explain findings generated from a quantitative analysis. The analyses from quantitative provided insight on rates of identification and how those were mediated by policies and social categories. The theoretical framework also informed the development of four interview protocols, one for each education stakeholder group. Theories such as intersectionality and CRT discuss why these disparities exist and how they are mediated by social categories, contextual and nuanced factors, and perspectives on policies and practices (Anthias, 2012; Núñez, 2014).

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[9] The researcher conducted eight interviews, but one interviewee opted out of the study after participating.

Once the protocols were developed, the focus of the interview protocols were to gain a better sense of how education stakeholders at each organizational level (i.e., state agency leaders, school division administrators, and school building personnel) understand and implement policies that inform DLL eligibility procedures and to what extent are policies ensuring resources and services to guarantee the proper identification of DLLs.

Interview Protocols

Four interview protocols were developed, one for each of the following participant groups: teachers (see Appendix A), school administrators (see Appendix B), division staff (see Appendix C), and state agency professionals (see Appendix D). Each protocol had eight sections that covered the following areas: 1) Relationship to School and Community, 2) Impression of School and Community, 3) Groups in School and Division, 4) Meeting Student Needs, 5) Eligibility Process, 6) Knowledge and Implementation of Relevant Policies, 7) Disproportionality Data, and 8) Conclusion.

The development of these interview protocols were informed by the theoretical framework mentioned in Chapter 3. This approach sought to connect variables, such as contextual factors, spheres of influence, and historicity (Anthias, 2012; Núñez, 2014), from the theoretical framework with experience of education stakeholders with policies that impact disproportionality as they are charged with interpreting and implementing these guidelines.

These interviews will allow the researcher to understand how federal and state policies are understood, interpreted, and implemented by SEAs, LEAs, and schools.

Relative risk ratio findings from Phase I also informed the interview protocol design. The researcher created five visual representations of these relative risk ratio findings disaggregated by school division and elementary or secondary level. These visuals included relative risk ratios of DLLs at the elementary level (see Appendix E) and DLLs at the secondary level (see Appendix F).

Quantitative Data Collection

Datasets used for the current study came from the Virginia Department of Education (VDOE) in the form of fall membership reports from 2015-18. The VDOE collects annual data on the number of students enrolled in a public school in Virginia on September 30th. This is known as a fall membership report and each school submits their student enrollment data to the VDOE through an automated system that keeps student records. The data is collected at the student level and in each dataset, there is one active record per student within the state. These datasets are publicly available on the VDOE's website.

Measures

Data were reported by schools in each division into the statewide database. Six categories of data were used from the VDOE's database for these analyses: (a) Limited English Proficient status, (b) race and ethnicity classification, (c) gender, (d) socioeconomic status, and (e) ability.

Limited English Proficient. Schools indicated how many students fit the following criteria during each school year from 2015-18. As stated in the VDOE (2018) data dictionary, for a student to be consider Limited English Proficient (LEP) with a Yes or No they must fulfill the following criteria:

> Students A) who are ages 3 through 21; (B) who are enrolled or preparing to enroll in an elementary school or a secondary school; (C) (who are i, ii, or iii) (i) who were not born in the United States or whose native languages are languages other than English; (ii) (who are I and II) (I) who are a Native American or Alaska Native, or a native resident of the outlying areas; and (II) who come from an environment where languages other than English have a significant impact on their level of language proficiency; or (iii) who are migratory, whose native languages are languages other than English, and who come from an environment where languages other than English are dominant; and (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individuals (who are denied i or ii or iii) (i) the ability to meet the state's proficient level of achievement on state assessments described in section 1111(b)(3); (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.

Null values are used to indicate the LEP marker was not taken into account to compile the aggregate counts (Virginia Department of Education, 2018).

Race and Ethnicity Classification. The VDOE’s race and ethnicity classification system reflects the Federal Race Codes. As stated in the VDOE data dictionary, students selected a racial and ethnic category that most accurately reflected their community or racial and ethnic identity. The values are: (1) American Indian and Alaska Native, (2) Asian, (3) Black and African American, (4) Hispanic of any race, (5) White, (6) Native Hawaiian and Other Pacific Islander, or (99) Two or more races, non-Hispanic, which was added in 2010-2011. Null values are not used if the Federal Race Code was not taken into account when aggregating student counts (Virginia Department of Education, 2018).

Gender. In terms of gender, the values are binary, with F for female and M for male. Null values indicate when gender was not considered during the compilation of student counts (Virginia Department of Education, 2018).

Socioeconomic Status. This measure indicates with a Yes or No if a student was economically disadvantaged by meeting one of the following VDOE criteria: (1) eligibility for Free and Reduced Meals, or (2) received Temporary Assistance for Needy Families, or (3) eligibility for Medicaid, or (4) identified as either Migrant or Homeless. Null values are not used toward the disadvantaged flag when compiling the student counts (Virginia Department of Education, 2018).

Ability. This measure indicates with a Yes or No when a student had a disability in one of the following categories: intellectual disability, deaf or hard of hearing impairment, speech or language impairment, blindness or visual impairment, emotional disturbance, orthopedic impairment, autism, traumatic brain injury, developmental delay, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities and who receive special education services. Null values indicate ability was not considered when consolidating student counts (Virginia Department of Education, 2018).

Procedures

The researcher gathered datasets from the VDOE website of fall membership counts for 2015-16, 2016-17, and 2017-18 in August 2018. At the time, yearly datasets of fall membership counts were available on the VDOE website as large Excel files. The VDOE website no longer houses the same raw data files to download. They instead have added a create a table option to create datasets with certain student variables. After collecting the datasets, the researcher created copies and saved the originals. The researcher worked with their methodologist to recode the data from long to wide so counts were shown by the student group. During the process of cleaning and recoding data, PreK students and students attending nontraditional schools outside of school divisions, such as correctional facilities, were dropped from the dataset. At the end of this process, there were 132 school divisions each year.

The researcher analyzed 2015-16, 2016-17, and 2017-18 data using Stata 14.2 software to provide relative risk ratios, a correlation matrix, and a multilevel model to answer the research questions. The researcher used the results of this analysis to develop a discussion section and implications for practice, policy, and research in Chapter 5. Missing data are mentioned in the results section in Chapter 4. The researcher plans to produce manuscripts for publication from the current study and write a white paper with the school divisions redacted. In addition, the researcher plans to share the findings with leadership from the school division and the VDOE to help inform future plans. These actions are based on comments made during the interviews conducted and conversations leading up to the interviews.

Qualitative Data Collection

Phase III of the current study involved seven interviews with education stakeholders at the state-, division-, and school-level was a purposive sample.

Sampling Process

The researcher selected one school division in Virginia with significant disparities in DLL representation in special education to recruit teachers and administrators for the stakeholder interviews. This division had disparities by race, ethnicity, and socioeconomic status in 2017-18. A high school within this school division was chosen because there were greater disparities at the secondary level.

Description of School Division. The qualitative interview data were collected from a Virginia school division with a 2019-2020 population of 2,941 DLLs[10] from a total student count of 6,613 (33 percent of the entire student population; Virginia Department of Education, 2019). This school division had one of the largest DLL populations in the state and Spanish-speaking students represented the largest DLL subgroup. In 2019-2020, DLLs count for 33 percent of the student population (VDOE, 2019b), and 75 percent of these students are Spanish speakers (VDOE, 2019a).

The Office of Civil Rights (2015) provided the following data summaries about the school division select for the current study. In 2015, 70 percent of the student population was eligible for free and reduced price lunch, 45 percent were DLLs (with an English learner designation), and 13 percent were students with disabilities with either an IEP or a 504. In terms of racial and ethnic composition, 44 percent were Latinx, 39 percent were White, 10 percent were Black, four percent were two or more races, three percent were Asian, and less than one percent were American Indian/Alaska Native and Native Hawaiian/Other Pacific Islander. When thinking about DLLs, the percentage of student enrolled with a DLL designation by race and ethnicity in 2015 were the following: 74 percent of Latinx students were DLLs, 40 percent were Asian, 23 percent were White, 19 percent were Black, and five percent were two or more races and ethnicities. In terms of gender, 44 percent of female students were DLLs and 46 percent of male students were DLLs. In terms of representation by race and ethnicity in special education and 504 designations, in 2015, 44 percent of students with disabilities were White, 37 percent were Latinx, eight percent were Black, and eight percent were two or more races. In terms of enrollment in Gifted and Talented classes and program by race and ethnicity, in 2015, 66 percent

[10] This count includes former English learners because they are receiving ESOL services. Without these students, the count would be 2,196.

were White, 16 percent Latinx, seven percent were Asian, five percent were two or more races, and five percent were Black. In terms of AP/IB enrollment by race and ethnicity, 60 percent were White, 22 percent were Latinx, seven percent were Black, and seven percent were Asian (Office of Civil Rights, 2015).

In terms of the broader context and community, U.S. Census data shows, in 2018, 67 percent of residents were White alone not Latinx, 19 percent were Latinx, seven percent were Black, six percent were two or more races, six percent were two or more races, and four percent were Asian. When it came to languages spoken at home, 74 percent spoke English only, 26 percent spoke a language other than English, and 13 percent spoke English less than "very well". In terms of families living in poverty, 28 percent of families live below 100 percent of the poverty level, and of those families who meet poverty status criteria, 25 percent were female-led households where more than half have children under the age of five and eight percent were married-couple families with minimal variability by age of children. In terms of income, 23 percent made between $35,000 to $49,999 and 21 percent made between $25,000 to $34,999 (U.S. Census Bureau, 2018).

Recruitment Process

The researcher first contacted the research coordinator and superintendent of the school division selected after reviewing findings from Phase I. After receiving consent from division leadership, the researcher contacted Title III (ESOL) and special education coordinators from Central Office, administrators and teachers in special education and ESOL at the high school. The researcher contacted the research director to inquire about the consent process at the state agency. After being notified that no institutional consent was needed, the researcher contacted Title III and special education leadership at the state educational agency. Participant Institutional

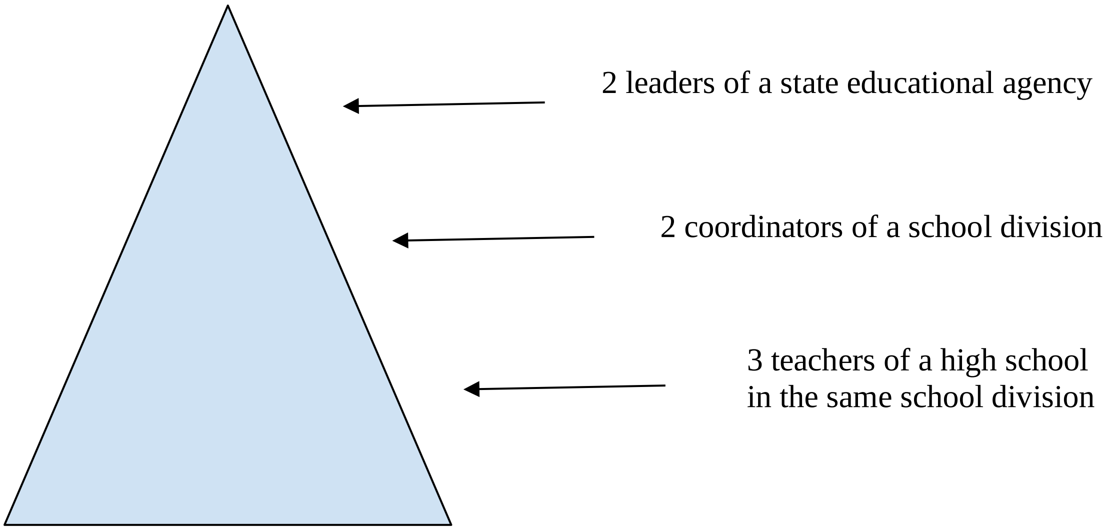
Review Board (IRB) consent was obtained from each of the eight interviewees by following university procedure. The recruitment email started with a message and an information sheet that was approved by the VCU IRB Office. The researcher followed up with potential participants at least three more times and contacted division leadership until there was a purposive interview sample.

Participants

The sample for the current study included three levels of participants: state, division, and school as seen in Figure 3.

Figure 3

Interview Study Sample of Education Stakeholders


2 leaders of a state educational agency
2 coordinators of a school division
3 teachers of a high school in the same school division

The state-level leaders were two administrators who were most closely connected to DLL eligibility procedures and supervised Title III programming at the time of the interview. Due to their positions at a state educational agency, they were chosen because of their expertise in the

DLL eligibility process and related policies in the Virginia context. This state educational agency disseminated guidance on DLL eligibility procedures in 2015. Similar to the state-level interviews, the administrators who were interviewed were those most closely connected to the DLL eligibility process and related policies as division administrators who assessed and attended DLL eligibility meetings. The three teachers were representative of secondary level, two were special education teachers and one was an ESOL teacher. All three practitioners had experience with the DLL eligibility process. Interviewees' pseudonyms, roles as they stated in the interview, and years of experience are noted in Table 4.

Table 4

Interviewees, Current Roles, and Years of Experience

Interviewee's Pseudonym	Current Role and Years in that Role	Total Years in Field of Education
Carla	Director of a federal program office, 4 years	8 years
Dixie	Special education teacher, 2 years	12 years
Katya	Coordinator of English learner services, 10 years	20 years
Miguel	English as a Second Language teacher, 11 years	13 years
Miranda	School psychologist, 13 years	13 years
Rose	Special education teacher, 6 years	6 years
Sarah	Employee of a state education agency, 15 years	15 years

For confidentiality purposes, the school division shall remain unnamed. However, it should be noted that the school division was chosen as a purposeful sample because it had a large DLL population and overrepresentation of DLLs by race, ethnicity and socioeconomic status. Teachers and department coordinators who participated in the interviewees worked in and were familiar with the secondary school in the school division.

Interview Process

The seven interviews were conducted virtually using Zoom, an online program for video and audio conferencing, and responses were audio recorded. After agreeing on a set date and time, the researcher sent each participant a Google calendar invitation with a Zoom session link enclosed. Participants were provided with the researcher’s phone number in case they had difficulties connecting to the platform. Only one participant had minimal difficulties with the Internet connection causing a pause in the recording for a few minutes. The video and shared screen features were used by the researcher so participants could see the visuals of relative risk ratios towards the end of the interview. All participants except for the two state educational agency leaders used the video feature to show their faces during interviews. However, all were still able to see the researcher’s shared screen.

Each participant represented a different yet important perspective in the current study, including state leadership, division administrators, and teachers. Two state-level personnel, two division-level administrators, and four teachers with experience in the DLL eligibility process were completed. One teacher removed themselves from the study after completing the interview, which resulted in three teacher perspectives. The stakeholder who participated and asked to be removed from the study was noted in the Limitations section. The questions were developed using the CRT and multilevel model of intersectionality theoretical framework to look ask about the spatial context of school and community, how students' academic, linguistic, and cultural needs are met. One question in that subsection asked: *"What keeps English learners and students with disabilities from accessing these educational opportunities?"* Interview questions also targeted familiarity with the eligibility process and relevant policies. For example, *"Has the eligibility process for English learners changed since you have been working in the field of education?"* and *"Has the eligibility process for English learners changed as a result of these policies? If so, how has it changed?"* to get at processes and outcomes within the organizational and experiential spheres. Lastly, visual representations of relative risk ratios were shown during interviews and the question, *"Why do you think these disparities occurred?"* was asked to gauge what contextual factors are impacting disparities. Each interview lasted approximately 50 to 90 minutes. They were conducted in a quiet room with no distractions or other people present.

Transcription

The seven interview recordings were transcribed using a human-based transcription service that involves multiple levels of quality checks to ensure accuracy. Despite this, the researcher checked the quality of the transcripts and made needed changes during the first stage of coding, which involved reading transcripts, listening to recordings, and memoing as described in the qualitative data analysis section below.

Member Checking

The transcripts were member checked with all participants to ensure accuracy and establish internal validity (Lincoln & Guba, 1985). The process involved the researcher emailing the interview transcript to each participant and waiting for confirmation. A second email was sent if the participant did not respond to the initial request. All but one participant responded to the researcher's email and agreed with the transcript. Of that group, one participant omitted approximately 20 percent of the text in their interview transcript. All other participants made no changes to their transcript.

Auditing Codes

The researcher involved a second researcher to improve the reliability of the coding process. After the researcher completed two rounds of coding, a second researcher with qualitative research experience and content knowledge reviewed 25 percent of the transcripts to ensure reliability of the codes (Denzin & Lincoln, 2000). No discrepancies were found between the codes developed by the researcher and the sections of the transcripts the second researcher reviewed. Agreement was reached between both researchers about the coding process.

Quantitative Data Analysis

There were three products with the secondary data analysis, in addition to descriptive statistics of the variables by school division and school year.

Correlation Matrix

The first product was a correlation matrix of 2017-18 K-12 data to determine if a relationship exists between the following 10 sociodemographic variables: (1) DLL status, (2) special education status, (3) White, (4) Latinx, (5) Black, (6) Asian, (7) male, (8) female, (9) low socioeconomic status, and (10) high socioeconomic status. The matrix provides a Pearson's coefficient for each pair of variables, which indicates the strength and direction (positive or negative) of their relationship. The matrix also provides the significance level for the coefficient by including one asterisk next to the coefficient if the p-value is $< .05$.

Relative Risk Ratios

The second product was a series of relative risk ratios that indicate a student subgroup's risk of receiving special education and related services to the risk for a reference category.

Relative risk ratios were used to determine overrepresentation and underrepresentation because they are used to monitor racial disproportionality through IDEA Indicators 8 and 9. As mentioned in Chapter 2, each state sets their own threshold for racial disproportionality; Virginia’s relative risk ratio is a 2.0. Based on recommendations in the field of disproportionality research, the current study defined the acceptable range of relative risk ratios as values between 0.80 and 1.20 (Kozleski, 2005; Oswald & Coutinho, n.d.; Sullivan, 2011). Values above 1.20 would be defined as overrepresentation and values below 0.80 would be defined as underrepresentation.

Before calculating relative risk ratios for each student subgroup, the researcher recoded the variable grade into “elementary” for counts of students who were in kindergarten through grade 5 and “secondary” for grades 6-12. The grade variable was added to the analyses because a body of literature reveals differences in representation by grade level. The researcher did not analyze the data by individual grades because the sample size would have been too small for some of the more nuanced subgroups.

There were 63 student subgroups of interest (see Appendices K and L), each with varying and intersecting social categories. In the current study, relative risk ratios were used to measure the probability that a subgroup of interest will be identified for special education or related services. The equation for the relative risk ratio is as follows:

$$\text{Relative risk ratio} \quad = \quad \frac{\text{Risk for subgroup of interest}}{\text{Risk for reference category}}$$

The reference category varied depending on what variable was being isolated. Only one variable was isolated at a time. For example, when calculating the relative risk ratio of Asian DLLs in special education and isolating DLL status, the reference category was Asian non-DLLs in special education. The equation for the relative risk ratio for receiving special education and related services for Asian students by DLL status is as follows:

$$\text{Relative risk ratio for Asian students by DLL status} = \frac{\text{Risk for Asian DLLs}}{\text{Risk for Asian non-DLLs}}$$

However, when examining the same student subgroup, Asian DLLs in special education, and isolating race, the reference category was White DLLs in special education. The equation for the relative risk ratio for receiving special education and related services for Asian students by race is as follows:

$$\text{Relative risk ratio for Asian students by race} = \frac{\text{Risk for Asian DLLs}}{\text{Risk for White DLLs}}$$

There was only one factor change when comparing both subgroups to be able to see the relationship between that variable and the relative risk for receiving special education and related services by grade level (elementary, secondary) and school year (2015-16, 2016-17, 2017-18) in Virginia. These analyses resulted in two tables (see Appendices K and L) with relative risk ratios for 63 student subgroups for 2015-16, 2016-17, and 2017-18.

Reference Category. The comparison category reflects the primary opposite characteristic of the targeted category. Most variables were binaries (DLL or non-DLL, female or male, low socioeconomic status or high socioeconomic status, elementary or secondary). The race and ethnicity variable was the only one that had four options (i.e., Asian, Black, Latinx, and White). When isolating race and ethnicity in the relative risk ratio analysis, White students were used as a reference category. This is informed by the current study's theoretical framework of CRT and the multilevel model (Anthias, 2012; Núñez, 2014). In disproportionality research, White students are often used to compare practices that are discriminatory (Coutinho & Oswald, 2000). Some research claims there is little difference between relative risk ratios calculated with "White students" and "all other students" as denominators (Westat, 2003). However, research from the National Center for Culturally Responsive Education Systems has demonstrated the denominator can make a difference in findings of disproportionality, particularly in southern states (Kozleski, 2005). By using "all other students" as the denominator, it allows relative risk ratios to be calculated for all racial and ethnic subgroups, including the racial and ethnic subgroup of interest. This may be problematic for racial and ethnic subgroups of interest that are the majority in certain school divisions. On the contrary, using "all other students" as the reference category is better suited for states and divisions that have homogeneous distributions, where there is a clear racial or ethnic majority (Bollmer et al., 2007). Based on the descriptive statistics, Virginia and its school divisions showed significant variability by racial and ethnic subgroups in urban or metropolitan communities.

Multilevel Model

The third product was a multilevel model of K-12 DLL representation in special education where three years of data (2015-16, 2016-17, 2017-18) were nested within school divisions in Virginia. The two-level hierarchical data structure included three school years (level 1) that are organized within school divisions that have a DLLs with disabilities in Virginia (level 2). This model allowed the researcher to determine change over time from 2015-18 of the relative risk of DLL representation in special education when data did not meet the assumption of homogeneity or when there was missing data (Field, 2013). In the current study, random intercepts and slopes were used to allow for variability that may exist between school divisions (Field, 2013). The multiple equation model used for Phase III is represented as:

$$Y_{ij} = \beta_{0j} + \beta_{1j}(YEAR)_{ij} + e_{ij}$$
$$\beta_{0j} = \gamma_{00} + \gamma_{01}(DLLWDIS)_j + u_{0j}$$

The combined model used for Phase III is represented as:

$$Y_{ij} = \gamma_{00} + \gamma_{01}(DLLWDIS)_j + \beta_{1j}(YEAR)_{ij} + u_{0j} + e_{ij}$$

In these equations, the dependent variable is the relative risk of DLLs for special education services, the level 1 independent variable is the school year $(YEAR)$, and the level 2 independent variable is the proportion of DLLs with disabilities by school division in Virginia $(DLLWDIS)$. The researcher also calculated the Intraclass Correlation Coefficient (ICC) to see how much of the variance is happening at the cluster level (level 2: school divisions with DLLs with disabilities) compared to the person level (level 1: school year). Model fit was measured using Akaike Information Criterion (AIC) and Schwarz's Bayesian Information Criterion (BIC).

Missing Data

Missing data is a common problem with using secondary data. It cannot be ignored because it may obscure certain confounding variables and give biased results. There are approaches to addressing missing data to ensure bias is not introduced into the sample data. The data dictionary for the VDOE datasets used for the current study states it suppressed student counts that are less than 10 students when DLL, economically disadvantaged, and/or in special education (VDOE, n.d.). Grade, gender, and race or ethnicity include the data regardless of how many students are in the subgroup (VDOE, n.d.).

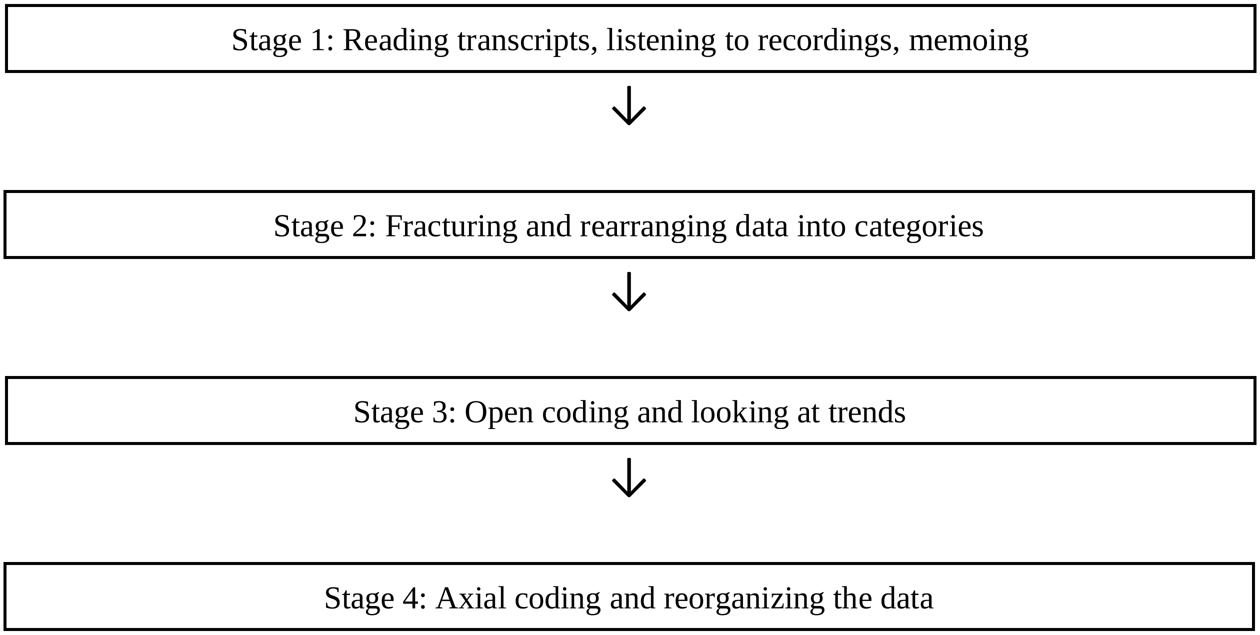
Qualitative Data Analysis

The researcher used the theoretical framework and the qualitative research question to inform the analysis process. Drawing from Anthias' (2012) and Núñez's (2014) multilevel models of intersectionality, some codes attended to the personal, social, and historical processes that contribute to disparities based on racial, ethnic, and linguistic differences. The multilevel models of intersectionality proposes three levels of analysis, where the social system develops categories of identity (i.e., race, ethnicity, language, gender, socioeconomic status, and ability) to exercise influence and act on it through embodied practices that are shaped by historicity. The model places an emphasis on the interdependent and independent practices within four domains of influence that include: (a) organizational (i.e., position in educational structures), (b) representational (i.e., discursive processes), (c) intersubjective (i.e., relational context), and (d) experiential (i.e., narrative sensemaking).

To analyze the qualitative data, the researcher went through two rounds of coding that took place over the fall and winter of 2019. Coding was conducted using MAXQDA, a software package for qualitative and mixed methods research in two stages. Before coding, the researcher listened to the interview recordings and wrote memos of what was heard in the data (Maxwell, 2013). This process helped the researcher develop ideas about relevant organizational categories and relationships between the data (Maxwell, 2013). After listening to the recordings, the researcher read each interview transcript, reflecting and memoing as theories began to emerge. Coding as a process was used to help the researcher understand the perspectives of the participants and analyze their combined experiences. The coding process involved inductive codes and used tools from grounded theory such as the constant comparative method (Glaser & Strauss, 1967). Grounded theory allows for the development of theory that is based on systematic data collection and analysis (Stauss & Corbin, 1998). The researcher followed the stages of coding of interview data as seen in Figure 4.

Figure 4

Stages of Data Coding


Stage 1: Reading transcripts, listening to recordings, memoing
Stage 2: Fracturing and rearranging data into categories
Stage 3: Open coding and looking at trends
Stage 4: Axial coding and reorganizing the data

Stage One Coding

In the first stage of open coding, the researcher separated the data into small meaningful chunks, often one sentence to a few sentences of data, to closely examine them and compared them for similarities and differences (Charmaz, 2014; Corbin & Strauss, 2015). The researcher attempted to remain open to all potential theoretical directions recommended by their interpretation of the data (Charmaz, 2014) and reflected deeply on the content and its nuances (Saldaña, 2015). During this process, the researcher also searched for processes such as causes, consequences, and temporality (Saldaña, 2015). Initial codes ranged from descriptive to theoretical and even experiential for the researcher, although not the focus of the current study. The researcher wrote memos during the initial coding process and even after as a way of debriefing personally.

Stage Two Coding

In the second cycle of coding, the researcher started organizing and reanalyzing data coded from the first phase. During this time, the researcher developed a greater sense of the categorical and theoretical organization of the initial codes. The researcher used axial coding to determine which codes were dominant and to reorganize the data set by keeping the best representative codes (Boeije, 2010; Charmaz, 2014). The researcher also left themselves open to grouping codes and relabeling them during this process. Memos produced during the second cycle included context, conditions, interactions, and consequences to get at the process or causation suggested by the data (Boeije, 2010). The results of this qualitative analysis provided insight on how education stakeholders were understanding and interpreting current federal and state policies that impact DLLs, and how these policies were enacted in practice.

The researcher regularly wrote memos during the data collection and analysis process as it was an essential strategy that facilitated the analytic process (Groenewald, 2008; Miles &

Huberman, 1994; Strauss, 1987). The researcher kept a journal for memoing nearby at all times for notes and letters of reflection.

Ethical Considerations

As an interviewer, the researcher was knowledgeable of practices and policies as a former teacher working with DLLs with disabilities. This positionality may introduce bias into the analysis of the current study. Thus, to reduce the threat of bias, the researcher memoed throughout the data collection and analysis process and provided descriptions of each procedure. In addition, the researcher bracketed through reflexive journaling.

Mixed Methods Analysis

In the current study, secondary data analysis was conducted using VDOE data to determine how the rate of representation is mediated by social categories and over time. Education stakeholder interviews (*n* = 7) were conducted to develop an understanding of how federal and state policies are communicated, understood, and implemented. In Phase IV of the current study, responses from the education stakeholder interviews were used to inform disparities from Phase I and II findings. The focus of this analysis was to identify how the qualitative findings explained the quantitative results (Creswell & Plano-Clark, 2011). The goal of integrated analysis was to identify factors that mediate the disproportionality of DLLs in special education.

A summary of the research questions, data sources, and analysis for each phase is in Table 5.

Table 5

Summary of Research Questions, Data Sources, and Analysis

Phase	Research Question	Data Source	Analysis
I	What social categories (i.e., race and ethnicity, gender, and socioeconomic status) covary with the disproportionate representation of DLLs in special education in Virginia?	VDOE student fall membership count data from 2015 to 2018	Descriptive statistics, correlation matrix, relative risk ratios
II	How has the rate of representation of DLLs in special education changed in Virginia since state educational agencies received guidance from the U.S. Department of Justice and Office of Civil Rights in 2015?	VDOE student fall membership count data from 2015 to 2018	Multilevel model of change over time from 2015 to 2018
III	How do education stakeholders understand current federal and state policies on the identification of DLLs in special education?	Seven education stakeholder interviews	Two rounds of coding, memoing
IV	How do responses from the education stakeholder interviews help explain any quantitative disparities in the representation of DLLs in special education in Virginia?	Responses from 7 education stakeholder interviews, results from Phase I and II	Compare themes from interview responses with quantitative disparities in Phase I and Phase II

Confidentiality

The researcher respected confidentiality throughout the study. Throughout the current study anonymity and confidentiality procedures were followed. No identifying information was collected from interview participants. Interviewees created their own pseudonym. The researcher used their self-selected pseudonyms for all data collected, including researcher memos and journal entries. Participants also had the opportunity to review their transcript. The researcher emailed each participant a transcript of their interview and requested agreement on what was stated. Of the seven, one participant made significant changes to their interview transcript and three responded with complete agreement. The other three participants did not respond to the email requesting member check. In addition, any instances of identifying information, such as names of institutions and cities or towns were removed before coding for themes. Also, school divisions names were redacted from the visual representations after the interview process.

Chapter 4: Results

The purpose of the current study was to examine how policies, practices, and social categories influence the disproportionate representation of DLLs in special education in Virginia. Specifically, the researcher investigated the rate of representation and rate of change of student groups with varying social categories since federal agencies provided guidance in 2015 and how education stakeholders understand and implement these policies. The study involved the collection of both secondary data from 2015-18 Virginia Department of Education (VDOE) fall membership student counts and interviews with education stakeholders (i.e., state-level leaders, division-level administrators, and ESOL and special education teachers) who participate in the DLL eligibility process. Fall membership data was available on the VDOE website.

Many steps were taken before analyzing both the quantitative and qualitative data for the current study. The researcher used Stata 14.2, a statistical software package, to analyze the quantitative data provided by the VDOE. The qualitative interview data were collected by the researcher, which were recorded and transcribed by a human-based transcription service. To ensure proper transcription, 100 percent of the transcriptions were reviewed by the researcher. A list of general themes was generated from the review process. The researcher used an inductive approach to analyze the interview data that drew from grounded theory techniques. The researcher coded the transcript for initial themes using MAXQDA 2018, a software package for qualitative data analysis, in an iterative process (Glesne, 1999). When reporting the results, an inductive coding strategy was used to analyze the interview data and to document similar and dissimilar responses from participants organized by themes (Corbin & Strauss, 2014). During this process, the researcher documented instances where there was a lack of knowledge about a policy or provided conflicting information. A doctoral student with training in qualitative methods and analysis audited 25 percent of the total interviews and inter-observer agreement was 100 percent. The results of the current study are explained below by phase, as previously described in Chapter 3, which addresses each research question individually and follows an explanatory mixed methods design.

Phase I

In the first phase of the current study, the researcher used secondary data from the VDOE to answer the research question: *What social categories (e.g., race, ethnicity, gender, and socioeconomic status) covary with the disproportionate representation of DLLs in special education in Virginia?* The VDOE data of fall membership counts by school and division was for the 2017-18 school year. It provided student counts for schools that had 10 or more students per category. During the coding process, the researcher disaggregated elementary (kindergarten to grade 5) from secondary (grades 6 to 12) data and dropped Pre-K students from the analysis. The reason for this is that the focus of the current study is K-12 practices and policies.

As mentioned in Chapter 3, the analyses consisted of relative risk ratios because federal agencies require state education agencies to report division-level disparities using relative risk ratios as part of monitoring racial disproportionality in special education representation through IDEA Indicators 8 and 9. The correlation matrix of relative risk ratios and proportions by target subgroups is used to measure significance. This process challenges how federal agencies measure disproportionality using all students as a reference category and conceptualize disproportionality as discussed in Chapter 3 under the relative risk ration and reference category sections.

Description of Data

In 2017-18, there were 132 school divisions in Virginia and of those divisions, 23 divisions had secondary schools with 10 or more DLLs with disabilities and at the elementary school level, 26 had 10 or more DLLs with disabilities. Table 7 provides counts of DLLs, White students, students with disabilities, and students of low SES in 2015-16, 2016-17, and 2017-18. This table shows 50 percent of students in Virginia are White and this has remained consistent for those three years (2015-18). Sixty percent of the student population fell under the high SES designation, and this percentage also remained consistent from 2015-18. In addition, the number of DLLs increased by 2 percent from 2015 to 2017 and students with disabilities represented between 12 to 13 percent of the student population for those three years.

Table 7

Demographic Characteristics of Divisions by School Year

Year	Number of Divisions	Total Students	DLLs *n* (%)	White *n* (%)	Special Education *n* (%)	Low SES *n* (%)
2015	132	1,284,114	129,366 (10.1%)	628,578 (49%)	160,398 (12.5%)	499,950 (39%)
2016	132	1,288,033	154,024 (12%)	640,328 (49.7%)	162,947 (12.7%)	488,524 (38%)
2017	132	1,292,706	159,130 (12.3%)	632,811 (49%)	167,305 (12.9%)	530,219 (41%)

Note. All counts include full-time and part-time students. DLL counts include "former English learners" because these students have a higher English language proficiency and are still receiving ESOL services. Data taken from VDOE fall membership reports.

When looking at data by subgroup in 2017-18, Virginia's 132 school divisions had significant variability in student population sizes. The differences between minimum and maximum counts of K-12 variables of interest can be seen in Table 6. Of the 132 school

Table 6

Descriptive Statistics of 2017-18 Grade K-12 Variables by School Division

Variables	*n*	Mean	Std. Dev.	Minimum	Maximum
Students in special education	131	1194.9	2647	11	24471
DLLs	75	2075.4	6956.9	10	54449
DLLs in special education	27	722.5	1899.9	12	9653
Asian students	126	704.8	3669.3	1	36544
Asian students in special education	8	593.3	856.8	14	2602
Asian DLLs	30	840.1	2261.2	10	11972
Asian DLLs in special education	6	413.3	658.5	11	1724
Black students	131	2119.3	4264.3	1	18632
Black students in special education	74	537.5	832.3	10	3263
Black DLLs	18	542.3	1065.8	10	4360
Black DLLs in special education	5	208.6	316.7	10	760
Latinx students	132	1490.6	5131.2	2	47180
Latinx students in special education	36	603.5	1351.8	10	7582
Latinx DLLs	69	1446.5	4274.9	10	30589
Latinx DLLs in special education	24	546.4	1249.1	13	5890
White students	132	4692.7	8524.3	100	71396
White students in special education	116	634.2	1143.7	10	9828
White DLLs	26	555.3	1292.3	10	6563
White DLLs in special education	4	342	513.4	22	1109
Female students	132	4633.1	10114.3	98	88937
Female students in special education	105	461.4	970.6	10	8235
Female DLLs	55	1276	3651.7	10	24696
Female DLLs in special education	13	438.4	877.9	10	3198
Male students	132	4894.7	10775.4	95	95646
Male students in special education	125	828.8	1806.1	10	16236
Male DLLs	58	1429.5	4270.3	10	29753
Male DLLs in special education	21	606.2	1424.6	11	6455

Students of low SES	132	3890.8	6976.1	84	53513
Students in special education of low SES	123	656.2	1139.8	10	9085
DLLs of low SES	69	1564.6	4771.5	10	34150
DLLs of low SES in special education	25	543.1	1295.2	10	6229
Students of high SES	132	5636.1	14400.2	10	131070
Students in special education of high SES	103	694.4	1786.8	10	15386
DLLs of high SES	42	1088	3218	10	20299
DLLs of high SES in special education	8	639.8	1150.7	21	3424

divisions, about half had 10 or more DLLs and only 23 had 10 or more DLLs with disabilities in 2017-18. Of those 23 school divisions, the minimum count was 11 students and maximum count was 5,386 students. This elucidates the significant variability in DLLs counts in Virginia's school divisions and how space (urban and rural) may be an important factor. There is also significant variability in student counts by race and ethnicity for Asian, Black, Latinx students and other more nuanced groups.

Correlation Matrix

To evaluate how well certain socio-demographic categories correlated with disproportionality in special education, the study included correlation matrix of factors that would contribute to overrepresentation and underrepresentation using K-12 division-level data. The data includes K-12 student counts for these 10 variables: DLL, SWD, White, Latinx, Black, Asian, male, female, low SES, and high SES. The relationship between student representation by certain social categories was investigated using Pearson correlation coefficient. As seen in Table 8, there were strong, negative correlations between three pairs of variables. They were

Table 8

Pearson Correlations Between Variables of K-12 Student Representation by School Division in Virginia, 2017-18

Scale	1	2	3	4	5	6	7	8	9	10
1. DLL	1.00									
2. SWD	-.18	1.00								
3. White	-.41*	.07	1.00							
4. Latinx	.95*	1.07	-.45*	1.00						
5. Black	-.18	-.01	-.85*	-.05	1.00					
6. Asian	.42*	-.07	-.26*	.42*	-.07	1.00				
7. Male	21	.12	.05	.03	-.06	-.03	1.00			
8. Female	-.21	-.12	-.05	-.03	.06	.03	-1.00	1.00		
9. Low SES	.17	.17	-.34*	.06	.45*	-.38*	.08	-.08	1.00	
10. High SES	-.17	-.16	.30*	-.04	-.45*	.38*	-.01	.01	-.96*	1.00

Note. **p* < .05.

White and DLL (*r* = -.41, *n* = 75, *p* < .05), low SES and White (*r* = -.34, *n* = 132, *p* < .05), and low SES and Asian (*r* = -.38, *n* = 126, *p* < .05). There were also strong, positive correlations between Latinx and DLL (r = .95, *n* = 75, *p* < .05), Asian and DLL (*r* = .42, *n* = 75, *p* < .05), and Black and low SES (*r* = .45, *n* = 131, *p* < .05).

Relative Risk Ratios

Phase I addressed the question regarding the extent of state-level disproportionality in special education for DLLs by social categories (i.e., race, ethnicity, gender, and socioeconomic status) by examining representation patterns for the aggregate sample for school years 2015-16, 2016-17, and 2017-18. Based on recommendations in the field of disproportionality research, the current study defined the acceptable range of relative risk ratios as values between 0.80 and 1.20 (Kozleski, 2005; Oswald & Coutinho, n.d.; Sullivan, 2011). Values above 1.20 would be defined as overrepresentation and values below 0.80 would be defined as underrepresentation. Tables in Appendix G and H show the results by elementary level (kindergarten to 5th grade) or secondary level (6th to 12th grade) for the 63 student subgroups described in Chapter 3.

Elementary Level. The results showed that at the state level, DLLs who were in kindergarten through 5th grade were underrepresented in special education when compared to non-DLLs in special education from 2015-18. Underrepresentation of DLLs at the elementary level was highest in 2016-17 where the relative risk ratio reached 0.66. Underrepresentation in special education was persistent for elementary-level DLLs from 2015-18 as seen in Table 9.

Table 9

Disproportionality Patterns of Elementary-Level DLLs in Special Education Representation: State-Level Relative Risk Ratios

Student Subgroup and RRR	2015-16	2016-17	2017-18
Dual language learners	0.74	0.66	0.70

Note. RRR = relative risk ratio. These numbers are below .08 and would represent underrepresentation.

A relative risk ratio of .66 suggests that DLLs have a probability of special education identification that is 34 percent lower than non-DLLs in 2016-17. Both underrepresentation and overrepresentation were common in many student subgroup categories at the state level. The table in Appendix G shows the results for elementary-level DLLs from years 2015-18 by additional socio demographic categories, such as gender, socioeconomic status combined with race and ethnicity. Below is a description of the results for 2017-18.

DLL Status. When isolating DLL status, 2017-18 results indicated overrepresentation in special education of DLLs who are Asian, Latinx, females, Asian females, Asian males, Latinx females, Latinx females of low socioeconomic status, and Latinx males of low socioeconomic status. The 2017-18 results also indicated underrepresentation in special education of DLLs who are Black, White, males, Black males, White males, Black of low socioeconomic status, Black females of low socioeconomic status, and Black males of low socioeconomic status. Student counts for Asian non-DLLs of low socioeconomic status in 2017-18 were zero, and therefore could not be used as a reference category, so there were no results for Asian DLLs of low socioeconomic status, Asian female DLLs of low socioeconomic status, and Asian male DLLs of low socioeconomic status.

Race and Ethnicity. When isolating race and ethnicity, the 2017-18 results indicated overrepresentation in special education of DLLs who are Latinx, Asian male, Latinx male, Asian of low socioeconomic status, Latinx of low socioeconomic status, Latinx female of low socioeconomic status, and Latinx male of low socioeconomic status. The 2017-18 results also indicated underrepresentation in special education of DLLs who are Asian female, Asian female of low socioeconomic status, and Asian male of low socioeconomic status.

Gender. When isolating gender, the 2017-18 results indicated overrepresentation in special education of DLLs who are males, Asian males, Black males, Latinx males, and White males. The 2017-18 results also indicated underrepresentation in special education of DLLs who are females, Asian females, Black females, Latinx females, and White females.

Socioeconomic Status. When isolating socioeconomic status, 2017-18 results indicated overrepresentation in special education of DLLs who are of low socioeconomic status, Latinx of low socioeconomic status, Asian males of low socioeconomic status, and Latinx females of low socioeconomic status. The 2017-18 results also indicated underrepresentation in special education of DLLs who are of high socioeconomic status, Asian of low socioeconomic status, Asian females of low socioeconomic status, and Black males of low socioeconomic status.

Secondary Level. The results showed that at the state level, DLLs who were in grades 6 through 12 were not overrepresented or underrepresented in special education when compared to non-DLLs in special education from 2015-18 as seen in Table 10. The table in Appendix H shows the results for secondary-level DLLs from years 2015-18 by additional socio demographic categories, such as gender, socioeconomic status combined with race and ethnicity. Below is a description of the results for 2017-18.

Table 10

Disproportionality Patterns of Secondary -Level DLLs in Special Education Representation: State-Level Relative Risk Ratios

Student subgroup and RRR	2015-16	2016-17	2017-18
Dual language learners	0.99	0.88	0.89

Note. RRR = relative risk ratio. These numbers are not below .80 or above 1.20, so they do not represent overrepresentation or underrepresentation.

DLL Status. When isolating DLL status, the 2017-18 results indicated overrepresentation in special education of DLLs who are Asian, Latinx, females, Asian females, Asian males, Latinx females, Latinx males, White females, Asian of low socioeconomic status, Latinx of low socioeconomic status, Asian males of low socioeconomic status, Latinx females of low socioeconomic status, and Latinx males of low socioeconomic status. The 2017-18 results also indicated underrepresentation in special education of DLLs who are Black, White, males, Black females, Black males, White males, Black of low socioeconomic status, Black females of low socioeconomic status, and Black males of low socioeconomic status. Student counts for Asian non-DLLs of low socioeconomic status in 2017-18 were zero, and therefore could not be used as a reference category, so there were no results for Asian female DLLS of low socioeconomic status.

Race and Ethnicity. When isolating race and ethnicity, the 2017-18 results indicated overrepresentation in special education of DLLs who are Black, Latinx, Asian males, Black males, Latinx females, Latinx males, Black of low socioeconomic status, Latinx of low socioeconomic status, Asian females of low socioeconomic status, Asian males of low socioeconomic status, Black males of low socioeconomic status, Latinx females of low socioeconomic status, and Latinx males of low socioeconomic status. The 2017-18 results also indicated no groups are underrepresented in special education.

Gender. When isolating gender, the 2017-18 results indicated overrepresentation in special education of DLLs who are males, Asian males, Black males, Latinx males, and White males. The 2017-18 results also indicated underrepresentation in special education of DLLs who are females, Asian females, Black females, and Latinx females.

Socioeconomic Status. When isolating socioeconomic status, 2017-18 results indicated overrepresentation in special education of DLLs who are of low socioeconomic status, Latinx of low socioeconomic status, Black females of low socioeconomic status, Latinx females of low socioeconomic status, and Latinx males of low socioeconomic status. The 2017-18 results also indicated underrepresentation in special education of DLLs who are high socioeconomic status, Asian of low socioeconomic status, and Asian males of low socioeconomic status.

Phase II

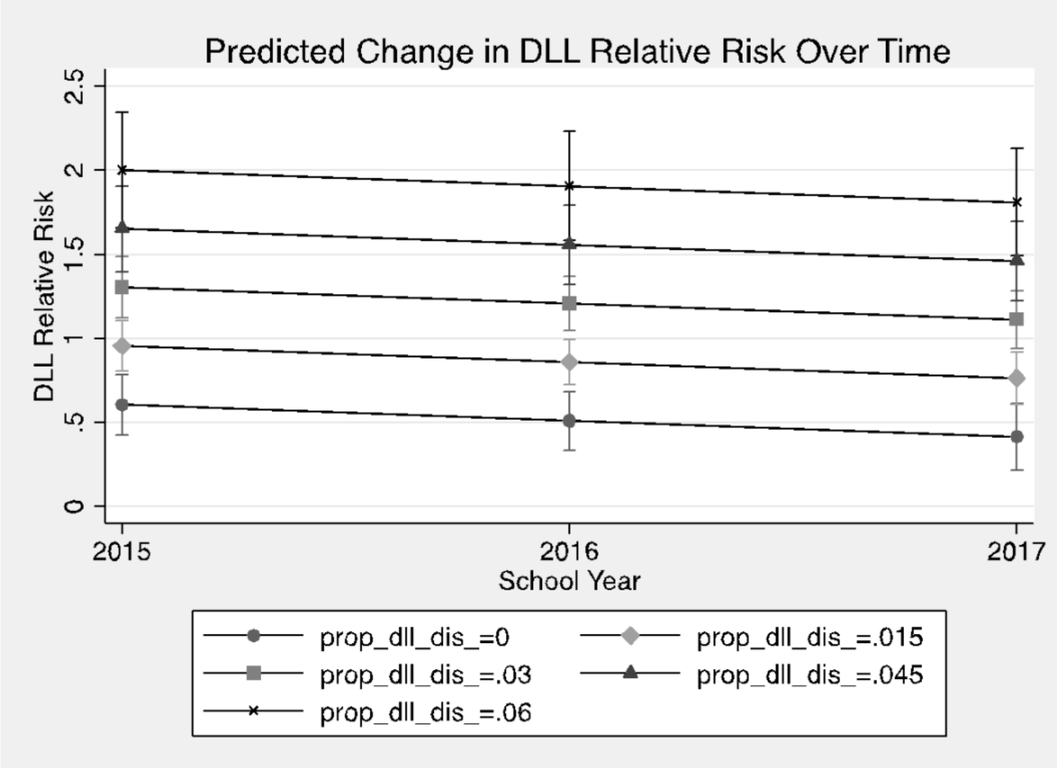
In the second phase of the current study, the researcher used the same 2015-16, 2016-17, and 2017-18 VDOE datasets from phase one to answer the research question: *How has the rate of representation of DLLs in special education changed in Virginia since state educational agencies received guidance from the U.S. Department of Justice and Office of Civil Rights in 2015?* For this phase, a null model of mixed effects linear regression was run to estimate the intraclass correlation (ICC), or the extent to which the relative risks of DLLs in special education vary between school divisions vs. within school divisions. The estimated ICC was .83, 95 percent CI [.69, .91], which suggests that 83 percent of the total variance in relative risk of DLLs in special education occurred between school divisions, and 17 percent of the variance was within school divisions. This is well above the suggested threshold of five percent, which justifies the use of multilevel modeling.

In the null growth model, the grand mean for the average relative risk across all school divisions (b = .93, p < .001) was found to be significant. School year (b = -.05, p = .20) was not significantly associated with the relative risk and remained the same even after adding a random slope. School year with a random slope slightly improves the model by decreasing the level 2 random error variance (school division) from .33 to .29. Level 1 random error variance (school year) increased from .05 to .06. Model fit estimates increased from 75.61 to 77.84 for AIC and from 82.27 to 88.93 for BIC.

The model was further improved after including the proportion of DLLs with disabilities as a covariate. Not only did the level 2 random error variance (school division) decrease from .29 to .09 but school year (b = -.10, p < .01) and proportion of DLLs (b = 23.27, p < .001) were found to be significantly associated with the relative risk of DLLs for special education services. Model fit estimates declined from 77.84 to 51.09 for AIC and from 88.93 to 62.19 for BIC. Figure 5 shows a margins plot with the predicted change in DLL relative risk for special education services over time while including the proportion of DLL with disabilities as a covariate.

Figure 5

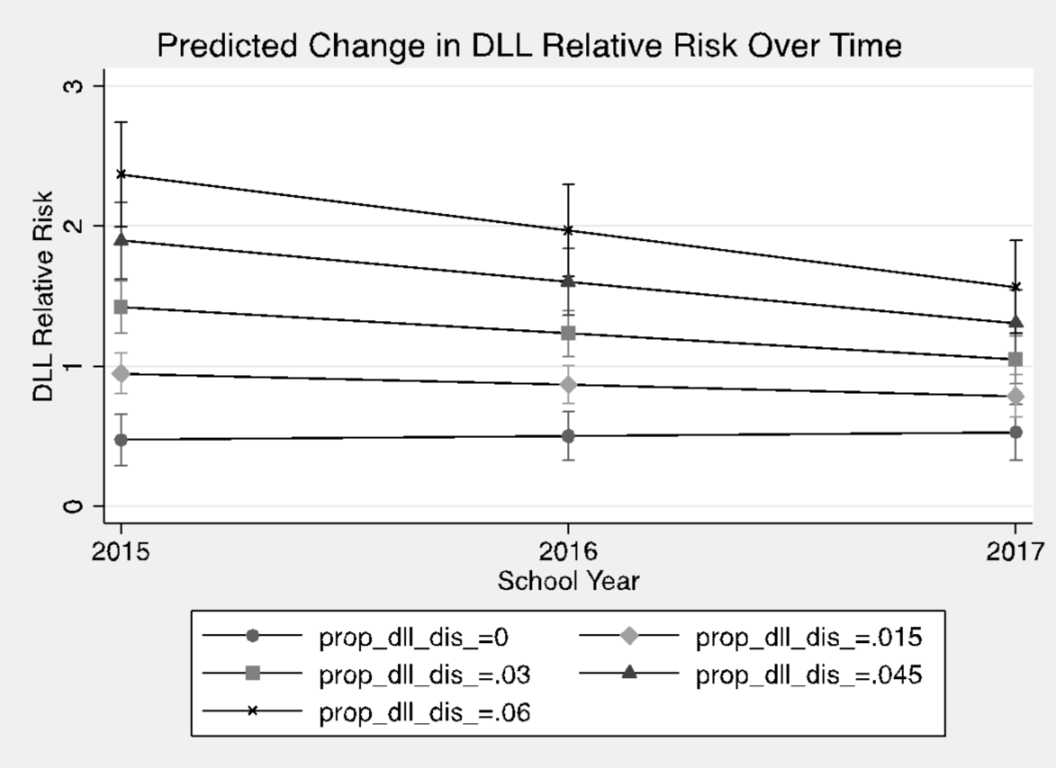
Margins Plot of DLL Relative Risk for Special Education by School Year (Random Intercept, Fixed Slope)



In the final model, which included an interaction between covariates and growth, the proportion of DLLs with disabilities (*b* = 31.61, *p* < .001) and the interaction between school year and proportion of DLLs with disabilities (*b* = -7.16, *p* < .001) were found to be significantly associated with the relative risk of DLLs for special education services. School year (*p* = .49) was not significantly associated with the relative risk. Figure 6 shows a margins plot with the

Figure 6

Margins Plot of DLL Relative Risk for Special Education by School Year (Random Intercept, Random Slope)



predicted change in DLL relative risk for special education services over time while including an interaction between covariates and growth. School divisions with the highest proportion of DLL with disabilities have the greatest decrease in projected DLL relative risk from 2015-18. The level 2 random error variance (school division) increased from .09 to .10 and the level 1 random error variance (school year) decreased from .06 to .03. The decrease in level 1 random error variance (school year) slightly improves the model. Model fit estimates declined from 51.09 to 34.45 for AIC and from 62.19 to 47.77 for BIC. Table 11 provides a summary of the multilevel model results.

Table 11

Results of Predicted Change in DLL Relative Risk in Special Education Over Time (2015-18)

	Model 1 Null Model		Model 2 +Time		Model 3 +Prop. DLLs		Model 4 +Time & Prop. DLLs	
Variable	*B*	*p*	*B*	*p*	*B*	*p*	*B*	*p*
Relative Risk	.93	<.001	.93	.12	.61	<.001	.48	<.001
Time			-.05	.20	-.10	<.01	.03	.49
Prop. DLLs					23.27	<.001	31.61	<.001
Time & Prop. DLLs							-7.16	<.001
Random Error Variance								
Level 1	.05		.06		.06		.03	
Level 2	.33		.29		.09		.10	

Note: Prop. DLLs = Proportion of DLLs with disabilities.

Phase III

In the third phase of the current study, the researcher used responses from education stakeholder interviews to answer the research question: *How do education stakeholders understand current federal and state policies on the identification of DLLs in special education?* Seven interviews were conducted with education stakeholders from top-down, starting with leaders from a state education agency, Central Office leadership at one school division, and teachers at one secondary school. The school division and school were selected based on findings from Phase I.

Researcher Positionality

As noted in the introduction, the researcher was a former ESOL teacher trained in special education who piloted a division-level program for DLLs with disabilities in Northern Virginia from 2011-16. Students on their caseload were removed from receiving language acquisition (ESOL) services after they were found eligible for special education services even though they were required to continue to receive services. Their role was to provide the language support needed and work directly with special education teams. During their last year in this role, they did not receive communication about the Dear Colleague Letter or the VDOE handbook for practitioners from division-level leadership. They learned about both documents after leaving the school system in 2016. During the data collection process for the current study, the researcher learned that the VDOE handbook is in its third or fourth iteration (Sarah). The version of the document referenced in the current study was released in April 2015. The VDOE recently published a new version of the document in April 2019. The lack of communication about these state and federal guidelines and knowing the importance of evidence-based practices for the DLL eligibility process were reasons for this research. Conversations with former colleagues further informed their decision to investigate how stakeholders communicate, interpret, and implement the services described in these policies.

Emergent Themes

In the third phase of the current study, the researcher conducted seven interviews with education stakeholders (i.e., state education agency leaders, school division leaders, and special education and ESOL teachers) from top-down to answer the research question: *How do education stakeholders understand current federal and state policies on the identification of DLLs in special education?* To explore these areas, findings from Phase I were used to develop interview protocols and create visual representations of relative risk ratios to facilitate interviews with stakeholders. The researcher completed two rounds of coding and extracted themes about current federal and state policies and factors that would impact their implementation. The themes are organized based on the theoretical framework for the current study, which is a multilevel model of intersectionality (Anthias, 2012; Núñez, 2014) drawing from intersectionality (Crenshaw, 1995) and Critical Race Theory.

There are five major themes to answer the research question for Phase III. The first theme, *inequality dynamics over historical and spatial contexts*, discusses historicity of the community and school division as it relates to DLLs and their families. The next three themes (*policy dissemination and implementation disconnect, an absence of collaboration contributes to greater inequities, deficit views and biased testing parallel*) are related to the organizational and experiential spheres to understand the positioning of DLLs in educational systems and meaning-making narratives of education stakeholders as they communicate, understand, and implement policies that impact DLLs. The last theme in Phase III, *limitations of categorical identities*, exposes how existing labels and variables used to classify students provide a myopic lens of differences and characteristics that could inform instructional practices and eligibility procedures.

Inequality Dynamics Over Historical and Spatial Contexts

Carla is the director of a federal program office, and in that role they assist Virginia's school divisions in the implementation of federal grants under ESSA, including Title III grants for DLLs. Over the last five years, they have seen school divisions develop an increase in "understanding from going from a desire in some cases not to identify English learners at all to really an awareness of how the identification process works, what are the supports that need to be provided." They see it as an "exciting time" for Virginia, where communities across the state are looking at support and strategies for DLLs at different levels.

However, Carla also detailed concern for immigrant families who may feel isolated in their community. Given the growth in immigrant populations in rural areas of the state, they specified these more recent changes for DLL families by saying,

> I think, across the state, there are differences in the communities as well for English learners in many parts of the state, students from another country or whose family does not speak English as their native language, may be surrounded by a whole culture of family, friends, neighborhoods that also do not speak English as their primary language in other parts of the state, sometimes in southwest of the state and other areas that have very low incidence. I think that our students that are English learners can have the potential to feel much more isolated because there are not other families like them. So, I think that there is a wide disparity depending upon the geographic location of the student.

They identified rural spatial context as contributing to feelings of isolation for immigrant families and disparities in DLL outcomes while also acknowledging a process of knowledge growth across the state. In terms of spatial context, the school division selected for the current study is in an independent city situated in a rural county and region of Virginia.

The demographics of this city and its schools have been changing rapidly for some years now. One teacher and one division-level leader have lived in this community for more than 20 years. Katya, the ESOL Coordinator, recounted the impact of White flight to public schools in the city and used the phrase “a tale of two cities,” not as a literary metaphor but to describe how these changes have contributed to a disparity in resources for schools in the same community. They stated,

> One thing is, honestly, in [name of city], there's been a tremendous White flight to the people who have stayed in [name of city]. Again, that White population of English speakers is about 22% in the division. Those 22%, of them, probably 80% of them are affluent. We're just like, it's kind of a tale of two cities in some places, some ways. Almost all of our Latino population and ... Well, no. Probably 75, 80% of our Latino population and then probably 99% of our EL population are free and reduced lunch.

Miguel, an ESOL teacher, contributed a unique historical perspective because, unlike Katya, they grew up and went to schools in this city. They recalled the school climate for DLLs as a high school student by saying,

> …when I was in high school, it was more noticeable like, ‘Here's this group of Ukrainian immigrants. There's that group of Hispanic immigrants.’ …there were sort of fringe groups or something. You know, like, ‘Oh, there's this group, and I don't know. It didn’t feel like they were a part of the school.’ But now, I guess, I don't know what our LEP population is, but I think it's over 35%. I'm pretty sure on that one. It's not so much, that's not the sense you get anymore. We're such a multicultural group of students, that it almost doesn't feel like there's a mainstream or like I don't know the more mainstream kids.

Both Miguel and Katya shared social divisions for DLLs as the community responded to an influx of immigrants over the last two decades and an increase in ethnic and linguistic diversity in schools. These patterns over time contributed to outcomes, such as segregated neighborhoods, segregated student subgroups within schools, an increased need for resources, and exclusionary practices.

Educators and policymakers in communities that have not historically had large numbers of recent immigrants often grapple with this shift. This city started building an infrastructure to receive and support refugees starting from the Vietnam War. However, within this city's schools, steady increases in the number of students classified as DLL started in the late 1990s.

One school division leader and one state agency leader expressed concern about the growing needs of the schools in this division based on DLL student population trends. Katya recounted how the school system is still struggling to serve a diverse student population when division and school leadership and teachers are mostly White, even though "the school system represents the larger city community pretty well." They stated,

> I think we've been talking about it for a really long time. We have open conversations about it… They're very well-intended. However, we… struggle with a change in demographics over the last 25 years, struggling to understand how best schools should run with the changing nature of our school population, struggling a little bit when we look in the mirror and see that our leadership, including our teachers, don't look like our students.

Despite a diverse student population and larger city community, there is a lack of racial and ethnic representation in the teacher workforce and leadership roles in this school division and its schools. The pattern is the racialization of school division personnel despite demographic trends and thereby contributing to lack of "really good conversations" on racial and ethnic disparities in special education as they noted. Katya also stated this complex combination of social divisions contributes to racial and ethnic disproportionality of student discipline and academic outcomes.

They indicated knowing and seeing the disparity in discipline even if it goes unreported and students not making academic progress. While Katya was the only participant who mentioned the need for dialogue and critical reflection, others focused on the impact of poverty on neurological development as factors contributing to lower DLL outcomes.

Sarah, the state education agency staff – special education, recalled the demographic changes in this school division and the special education resources and support provided by their state education agency. They described them as “continuing to build their skills” and focuses on the impact of poverty and socioeconomic status on the referral process. They said,

> … well [name of division] for sure, I can say, may have been more homogeneous in the past, but has recently been facing an influx of individuals from very diverse backgrounds. So, that's an example of a place where folks may be continuing to build their skills. We are doing a lot of work here, at least the special ed side. I can speak for what we're doing, which is to really address the impact of poverty and socioeconomic status, on everything from neurologic development to executive function development, to the language and emotional behavioral register kinds of development, and how all of those things play into referrals for special education.

Even though other participants indicated socioeconomic status as a factor contributing to lower DLL outcomes, Sarah was the only participant who described the school division’s changing context in terms of a pattern of increasing socioeconomic need and its relationship to DLL executive functioning and language development. The outcome being more DLL referrals for special education as a product of growing poverty. While systems that perpetuate poverty intersect with DLL outcomes, the increase of DLL referrals for special education is a process where ability and class take on racialized inflections for specific people, places, and times.

Two teachers recalled how parents or guardians of DLLs are still marginalized in this community and find ways to preserve their cultural and linguistic diversity. Miguel, who has lived in this city most of their life, talked about the lack of opportunities for immigrant families, often parents and guardians of DLLs, and how that has been consistent since they have lived there by saying,

> It's very diverse. But, yeah, in the same way, I still feel that there's some marginalization of the immigrant population. I think that, yeah, they're still mostly relegated to working in the... factories, and don't have as many opportunities. I would like to see them… become more established, and be accepted as leaders in the community.

The marginalization of immigrant residents and fewer opportunities for advancement and representation in leadership roles in the community. While Miguel reflected on processes that produce and reproduce discrimination for parents and guardians who are immigrants, one participant indicated a different social landscape for these parents and guardians. Rose, a special education teacher, recalled how their student's mother, who integrated into a Spanish-speaking community and had not learned English. They detailed this by saying,

> …I have a student whose mother has been here all of his life, and he's going to be a sophomore in high school. His mom has been here all of his life, and she has immersed herself in a Spanish community and has never learned English because of that, because she was able to find a community that speaks Spanish and just immerse herself in that. So she's never really had the opportunity to learn English.

There are social locations that contribute to additional, sometimes, contradictory social positions for parents and guardians of DLLs. In the case above, the student's mother may be positioned advantageously for speaking Spanish in community but subordinated in terms of race, ethnicity, class, and gender. These social divisions can produce social patterns that vary over time and space.

Policy Dissemination and Implementation Disconnect

The next three themes focus on the organizational sphere, so how DLLs are positioned within educational systems and communities, and how and if their needs are met through practices and policies. The themes in this section also focus on the experiential sphere, so how education stakeholder construct narratives and make meaning of services for DLLs and the abilities of these students.

All teachers and one division-level psychologist conveyed their lack of awareness about the Dear Colleague Letter and the VDOE handbook. A common first reaction noted was one of confusion and sometimes embarrassment for not knowing, followed by a process of inquiry. Miguel said, “I don't even know of the VDOE handbook that you were talking about, so maybe I just wasn't communicated to about that.” The researcher explained that their research is looking at how these policies are communicated from top-down and that their work is not evaluating them or their school. They offered to send them both documents if interested. Most participants were receptive to receiving electronic copies of these documents. Rose said, “I have not, but that would be an interesting resource to have.” All teachers expressed an interest in wanting “practical” ways of learning how to provide services and implement practices described in both documents, which will be discussed later.

All state education agency leaders and one school-division coordinator knew about both policy documents and how important they were in shaping the eligibility process for DLLs who were suspected of having a disability. Katya described how they felt and learned about the Dear Colleague Letter by exclaiming,

> Oh, have I heard about it [the Dear Colleague Letter]? I use it as wallpaper. I love it. It's my favorite piece of anything that's ever come out of the federal government. It was everywhere. I got it pretty quickly from the DOE, it came through superintendent's memos, it came through on blogs, it came through TESOL, NABE… I probably got it a hundred times in the two week period of time.

Katya recounted a completely different experience when describing how they learned of the VDOE handbook by unexpectedly finding it on the state education agency's website. They compared this experience to how they learned about the Dear Colleague Letter by saying,

> I saw it and I thought, 'How did I miss this?' That one was probably not as ... It didn't seem to me that it was as advertised out. Yeah. It wasn't as widely disseminated as the Dear Colleague Letter. Although, [name of person] was sending monthly updates and it's likely that that was indicated in those monthly ESL news and that I missed it. But I was super psyched when I just found it.

All state education agency leaders knew about the Dear Colleague Letter and how it has informed state-level guidance and technical assistance. Sarah recalled how they learned about the Dear Colleague Letter after it went through the Title III office and reached special education by stating,

> That was through interfacing without Title III office. So, special education has Dear Colleague Letters as well. Many, many of them, actually. And so, when that letter came out and the Title III staff were digesting it, and trying to make sure that their guidance was up to date and in line with that, they reached out to special education to talk about what the changes were and the clarifications. Make sure that we could adjust our guidance appropriately.

The Dear Colleague Letter was used to inform technical assistance provided by the state and school divisions were asked to stay in compliance. However, Katya indicated they would have liked their leadership "who are the decision makers above me to spend a little bit more time going through the compliance information, recognizing how important that is." They were eluding to a hierarchy of leadership above them and their lack of awareness about federal guidelines to support implementation. They also expressed frustration with teachers' general lack of awareness about larger policies by saying, "Actually, you know what's really surprising is how many teachers didn't even know that we switched over from NCLB to ESSA." Paying attention to these changes is what they call being "a professional". It appeared they were shaming teachers for not keeping up with current policies, even though they indicated a lack of awareness from division leadership.

Many of the participants indicated a disconnect between how a policy was communicated from one level to the next as "it's passed down the chain," as Rose stated. They described the general process from the School Board to superintendent and then principals "…and then the principals usually disperse the information. How the principal disperses the information is up to them, whether it's in an email or in a faculty meeting. It just depends." The dissemination of policies and new guidelines to teachers is contingent on school leadership decisions. Their relationship with school leadership is unique because they are an itinerant special education teacher working in multiple schools. They detailed how school administrators often autonomously decide how to implement policy, which will be discussed later.

While the process of how policies are communicated may seem to be clearer for information coming from one department, through monthly special education meetings for example, it is less clear how policies that impact DLLs with disabilities and thereby impacting both ESOL and special education departments are communicated. When asked to describe the process for receiving guidance that impacts these students, Miranda, the division-level bilingual psychologist, said,

> So that depends, a lot of times that's very difficult depending on which area it's coming from... Certainly memos come through here and there. We try and meet monthly as a staff here, particularly because we're itinerate and we're in the schools a lot of the time, so we try and have those monthly meetings to be able to keep up with any of those policies and changes that are happening from the top-down.

There are challenges with communicating policies to itinerant staff who work in different schools, particularly if they work with two departments. In this case, the staff member is a bilingual psychologist who assesses DLLs for special education services throughout the division, so their work is based out of the special education department. But they also have ties with the ESOL department because of the students they evaluate. They describe being caught between two departments and needing to “keep up” with both sets of policies.

Communicating policies through one department can also be a challenge. Katya who oversees the Title III office in their school division shared how they communicated the Dear Colleague Letter to their instructional teams by saying,

> So, for that particular experience, so the superintendent, as well as my DOE contact, sent that information to me. Then I was invited to present at a division leadership team meeting about that information. Then right after the division leadership meeting, there's a principalship meeting. Then after that, I met with my ESL teams. But the information to teachers doesn't really get conveyed, except through, it's kind of an in passing thing. Then of course, we read it in class. So, the mandatory staff development, we do focus

> on… But our teachers, that's our job to be like, 'Look. We need to support them.' They don't do super well.

The information was making its way from top-down both as Katya presented it to division and school leadership and provided faculty and staff with a two-page synthesis of the Dear Colleague Letter. However, teachers who are expected to implement specific practices to abide by guidelines and stay in compliance may need more support with implementation. Miguel, a teacher who has been working for the school division for 13 years, did not know about the existence of either federal or state guidance. They described how other policies have been communicated by saying either the ESL supervisor would send an email to all teachers and explain it or the ESL coach would talk about it. They gave the example of how an ESL coach "is really good at taking teachers where they are and like if it's a classroom management issue, just works on really concrete steps." The implementation of information related to instructional practices is supported by an ESOL coach who provides clear steps for practitioners. *So who communicates and supports teachers who are (or should be) involved in the DLL eligibility process?* There was no clear answer.

One teacher shared how school administrators have the autonomy to decide how policies are implemented. Rose was able to speak to this because of their experience working in multiple schools and said,

> I also have someone at the central office that I keep in very close contact with saying, 'Hey, this is what's going on with this kid,' or, 'This policy came out. In the high school, they're doing this, but this school said this. There's a little bit of a conflict. What do you want me to do?' So I tend to use different administrators or different resources to see, and sometimes it's different between school to school. And that's what my administrator at the

> central office will tell me: ‘Well, you've got to do it this way at this school. You've got to do it this way at that school. That's just how it is.’ I'm like, ‘Okay.’ I make a mental note, and I do it however they want me to do it.

Their role as an itinerant practitioner gives them a unique perspective as they navigate and works with different school leadership teams. In the previous section, they indicated principals “usually disperse” policy and decide how to communicate that information to faculty and staff. Their role requires them to navigate different school and cultures and be flexible to different school leadership processes and demands of how to implement procedures. No teacher participants mentioned school-level professional development to support implementation. *So how is implementation supported?*

All state and division-level leaders shared how they support policy implementation mostly through training. Carla spoke about how they support implementation by saying, “Personally, I think my role is very minimal. I think my role is to support and facilitate collaboration between Title III experts and special education experts to make sure that we can create a space to provide training.” They stated, “implementation is supported through training” and monitoring but “that doesn't seem like a very supportive support”.

Carla saw their state education agency as having “a huge monitoring arm” but expressed a level of uncertainty about oversight of DLL outcomes by saying,

> Not sure to what degree English learners are on their radar. That doesn't mean they're not. It just means I don't know, but I think something like this would be a valuable way to have conversations about it and have them really look into if there's support needed in certain school divisions, and if so, what kind of technical assistance could they provide.

Even though Carla oversees ESSA programs, which includes Title III for DLLs, it appeared monitoring for compliance of services afforded to DLLs is handled in a different office.

Sarah, who works in the same state education agency, is on the special education side and shared how their office supports policy implementation through training and guidance. They recalled from participating in training how “sections in our guidance are specifically on evaluation and eligibility about culture and language” are “a big part of what we do in special education”. They also described how the Title III office maintains “a strong collaborative relationship with folks at the local level” and these stakeholders attend statewide meetings to learn about current guidance.

Division-level leaders also support policy implementation through training. Katya spoke about the work coming out of their office by saying,

> I know that there were a number of aspects of that Dear Colleague letter that, for our office, helped clarify requirements, and we still are training on it. We are training this summer, and the Dear Colleague letter will be referenced, and we will be talking about some of the pieces of it or at least my staff will. But with regards to how it's specifically changed, identification processes, I'm honestly not really sure.

They stated how their office supports implementation through training but was unclear on how federal guidance changed the identification process for these students. It appeared professional development efforts at the division- and state-level are still underway. The focus of how to support teachers was through professional development but there was no mention of monitoring implementation and DLL outcome data within their respective offices to inform resource allocation.

One state education agency leader and one division-level leader stated lack of funding for staffing and services, such as a qualified interpreter, to “stay in compliance” and support the DLL eligibility process can be a challenge. Sarah recalled how challenging the DLL eligibility process can be with limited resources by stating,

> I think funding is certainly always a challenge, and make sure that we have enough staff at the local level that have the resources. Depending on the language of the family and the students, sometimes finding a qualified interpreter can be a challenge, and I do work in that regard as well. I have connections throughout the state in finding some unique and diverse languages that might be less represented in the state.

Katya also spoke about the lack of funding for student services and having to make some tough decisions of whether to provide student support or save resources by saying,

> I think the biggest thing is, is that you're never going to have enough money. All of these things are slightly unfunded mandates. So, divisions have to make, they have to make decisions. So, in good faith, we're working toward being appropriately supporting based on compliance numbers and based on what type of service. I just filled out some reporting work on having to identify a service for kids and I'm thinking, ‘Okay. Well, what if a kid doesn't actually need a service?’ What if they're moving so quickly that it's best to just stand back and watch them, and if they need a service, be there to support them, because we know them?

They also indicated school systems only have so much money, so there are “a lot of fiscal trade-offs” and provided the following example, “So, if a position goes to interpretation, then that position maybe doesn't go to smaller math classes.” *Is the tradeoff not having an interpreter for*

DLL eligibility meetings and testing because the school needs smaller math classes? Who exercises that authority and how are DLL needs viewed when those decisions are made?

An Absence of Collaboration Contributes to Greater Inequities

All participants described a lack of collaboration between ESOL and special education practitioners and departments. Collaboration is mandated in the Dear Colleague Letter and encouraged in the VDOE handbook so both sets of needs are recognized and addressed. Miguel, the ESL teacher, said, “I don't think there is a ton of collaboration there, honestly…between ESL and SPED.” They detailed how an ESOL teacher is only invited to participate in the initial meeting (called child study) if they are the referring teacher. Once the eligibility process begins, the ESOL teacher is no longer invited to special education meetings.

Rose, a special education teacher, also indicated a lack of collaboration but added how special education teachers become responsible for DLLs once they are found eligible for special education services. They said,

> It mainly, honestly, falls on the special ed teacher. The ELL accommodations... because they do get accommodations for English language learner. If they're eligible for special education and they've already received accommodations for ELL, that gets wrapped into the IEP. So then the special education teacher kind of takes over those accommodations and becomes responsible for them. And then, of course, we always have...The ELL staff is always available for questions if we ever feel like we need questions.

They referred to ESOL services as “ELL accommodations”. They also specified how there is no collaboration between special education and ESOL departments.

Dixie, a special education teacher, also affirmed that ESOL teachers are not invited to special education meetings and explained how collaboration is mediated by placement. They stated,

> If I was working upstairs in the resource, kids who are out and about more, the teachers get to have lunch together. The special education teachers, many of them have the same lunch period so that they get to confer amongst themselves about the lovely paperwork things that you come across or they share some students... In the self-contained programs, you tend to form your own posse with relation to yourself and your teacher assistants mostly, and we do confer some between the three. There's three self-contained rooms this year. There's going to be a fourth one, but it's mainly within your own community of yourself and your teacher assistants. It's a little bit more isolated.

From what Dixie specified, special education teachers that support integrated (co-taught) classes have more opportunities to consult colleagues during breaks. However, special education teachers in self-contained classes are mainly isolated from other teachers, including those in ESOL.

Miranda detailed how collaboration varies by grade level by saying, “At the elementary level you're probably going to see a lot more of the ESL teachers and the special education teachers within the classroom, so they do a lot of team planning with the teachers.” This is based on their experience working in elementary and middle schools. Katya also indicated there being more collaboration at “three elementary schools” because teachers tend to work in teams and “are more firmly rooted in collaboration… to meet the needs of all the students in the grade level period”. They described how they bring both special education and ESL experts to plan together, making it “the best possible world right there”, so narrations of collaboration are tied to grade level.

Katya described how opportunities for collaboration have not generally been supported and that special education services undermined ESOL services until recently by saying,

> We are a division of six, seven, eight, nine schools…Under those nine different umbrellas, there are several different things going on. We have not systematically created a way for our SPED teachers and our ESL teachers to come together. I'm going to say that for most of my experience here, up through the last maybe three years, ESL largely seated services to SPED teachers.

Within this system, special education services and possibly special education teachers are positioned in a place of more power and authority than ESL programming and practitioners.

An example of special education overshadowing ESOL was provided when Miguel shared a story about a Congolese newcomer student who was in their beginner classes. This student grew up in a refugee camp in Burundi and was new to this community and attending school in the U.S. Both their teachers and father expressed concern about their learning development. After three or four months, they were placed in a self-contained classroom and stopped receiving ESOL services altogether. When asked about language services for this student, Miguel said, “Yeah, so he'll probably get back in ESL classes at some point.” They did not express concern for a lack of ESL services for this student, particularly since they are a newcomer. *How are DLLs positioned in a system that could pull them out of one service program (ESL) to receive services from another (special education), when they need both?*

Deficit Views and Biased Testing Parallel

One school-division leader and one special education teacher recounted how there are challenges with finding appropriate assessments and following testing procedures. Miranda indicated how assessing newcomer students can be particularly challenging if they have lower proficiency in their first language and stated,

> I will say we do run into a lot of difficulty, especially with our newcomer students more at the secondary level with what's available for assessment, and the fact that they've had so much education, or have had so much education in a native language, that makes the assessment a little bit more difficult. So, I wouldn't be surprised to see a lot of those come up higher, because I know that's always been a struggle for us with availability of assessments, and how we're making those decisions.

Dixie recounted a time they were asked to monitor the administration of the Woodcock-Muñoz, the Spanish version of the Woodcock-Johnson, a battery of assessments used during the eligibility process. As a new teacher at the time, they felt inexperienced and was not trained to go through the process with the help of a translator and said,

> I wasn't given instruction, for example, on how to administer the Woodcock-Johnson in Spanish. I was just handed it and told to do it. Now fortunately, I've done the Woodcock Johnson before and so could figure out, knew what it was asking, but just those kinds of things. I don't know if people are properly equipped all the time to get all the information they need.

The fact that special education teachers are not properly trained to assess DLLs means these students place at the bottom of the hierarchy in a subordinate category.

Most participants indicated a need for professional development on the eligibility process for DLLs. Teachers specified a need for "practical" professional development to understand the difference between language acquisition and disability and follow procedures in policy guidance. Rose, a special education teacher, indicated how difficult it is to tell the difference between language development and disability because “they overlap to me”. Dixie said they wanted “more practical things to do” so mitigate disparities and follow appropriate eligibility procedures. Katya indicated a need for professional development for division-level leaders as well. They said, “…I don't think the Department of Ed has done a good enough job in providing staff development on it, or professional development on it. I think they do okay on that basic level…I need more now.” Katya also stated, “students with disabilities is not an area that I've spent a lot of time learning about” so they indicated being “really careful” to ask questions that “we need to understand about a student” during eligibility meetings. Despite an identified need for professional development, there is lack of synergy and support between the two departments and this impacts eligibility.

A few participants recalled how slow the process can be when the student is a DLL, starting with child study and moving into eligibility. Miguel recounted their experience finding a student eligible for special education services and how many years that process took. They also indicated most teachers know the process is particularly slow if the student is a DLL with a lower English language proficiency level by saying,

> I know in our school we feel like it's often hard for an ELL to get a label as a SPED student, or to get services. Yeah. I think we know that going through the child study process is very long, and often isn't going to be fruitful, especially for level one ELL students.

Dixie recalled a case where the special education team had to ask for eligibility twice, thereby delaying the process, because “parents didn't understand what it was for”.

About half of the participants indicated racism and implicit bias as factors that impact DLLs from accessing advanced coursework and other academic opportunities, while the other half stated they believe DLL families may have other priorities, sometimes cultural, that limit their students from these opportunities. Carla indicated how school faculty and staff may view DLLs as having lower intelligence and therefore limit their opportunities. They described this by indicating,

> …staff understanding that needing language instruction or language support is completely separate in many cases from a student's ability or potential to achieve at high levels and to understand very rigorous content…then I think sometimes the teachers still don't see that student as having high intelligence.

When DLLs are positioned lower because of perceived ability and intellect, often coming from dominant narratives and stereotypes, there is greater chance of a biased tests and testing procedures.

Katya listed racism and implicit bias as systemic factors that impact access to opportunities for DLL. They indicated a need for more critical conversations and opportunities to challenge current practices that marginalize DLLs by saying,

> In terms of challenging ourselves, we're not doing the greatest job into challenging race and implicit bias. We're marching towards it. So, I feel, I'm bitter sometimes about stuff and I'm on fire about things a lot. I haven't seen a school system do it any better. I would rather do it because of what the kids need than the compliance aspect.

Miguel, on the other hand, grappled with the idea of implicit bias and structural racism and how they impact their students. On more than one occasion, they stated “these things exist” but how they may not be able to see them in practice or understand how they operate. They indicated,

> …I don't know what bias is. Yeah. I guess systematic racism is something I'm trying to understand, and how that relates to like personal choices of how that relates to like decisions that are made in a classroom or even at an administrative level of the school, and whether that is systematic racism or not. I don't always feel like it is, but I know that these things exist, and I know that there are biases. Everyone has biases.

While they wrestled with these constructs, they also viewed their students (newcomer DLLs) as "…children of very hardworking parents, and they're very hardworking students, also. Don't always know how to translate hard work into learning, but they're very hardworking." Here it appears they viewed their students, who are at a beginner ESOL level, as physically hard working but not intellectually. DLLs are often placed in racialized positions that add language and class differences as disadvantages when working with these students and their families.

Some participants indicated DLL families may have other priorities that limit their students from taking advanced coursework and accessing other academic opportunities. Dixie placed a focus on socioeconomic status and how they are learning about the impact of poverty on student outcomes from an education class they are taking. They also questioned living conditions and school preparedness as mediating factors and stated,

> I wonder about socioeconomic status…I don't know if the same opportunities have been afforded to students and their families... 'How are they living? Is education a priority in their family? Are there other needs being met?' So how are they coming to school prepared or not for learning?

Poverty is not a proxy for race and ethnicity when it comes to academic outcomes. However, here the two are conflated and narrations about DLL familial resources and priorities are emphasized.

Sarah indicated lack of awareness and "cultural expectations" as potential factors that impact DLLs from accessing these opportunities. They said,

> I'm not sure if there's any particular driver or challenge that keeps our students from accessing those. I think individually each student and family may have some of their own challenges. It might be awareness. It might be a belief system that this is an opportunity that they're eligible to participate in. Or maybe some cultural expectations that are prevailing in the family or in the community.

The participants were split between narrations that troubled perceived ability and others that perceived DLLs and their families as inferior. These students are placed within different social categories that overlap and these social divisions often position them disadvantageously based on race, ethnicity, gender, and class.

Limitations of Categorical Identities

Social categories are socially constructed and impact how DLLs are positioned and placed within hierarchies (Anthias, 2012; Núñez, 2014). These categories intersect and collide with spheres of influence that can provide and limit opportunities for DLLs and their families. Below are some social categories of DLLs that were discussed by interview participants.

While a few participants stated how linguistic diversity may be a barrier for parents and guardians of DLLs because "so many different languages that are represented that it is difficult to make outreach and connection with all parents" (Miranda). Dixie, however, grappled with how some parents of DLLs say "yes" too quickly during special education meetings and do not ask enough questions. They said,

> I can't tell you how many times in my personal life the parents sometimes are a little bit... I mean, they should trust me but sometimes they're a little too trusting, in a sense. It's like

> I would personally ask more questions and if you don't have the language skills, you might be trusting the professionals to take care of some things for you.

Parents and guardians of DLLs may lack English language proficiency, familiarity with the education system in the U.S., the special education process, and interpretation services based on comments from other participants.

One participant indicated how students who speak Spanish as a home language receive the most referrals for special education eligibility of any DLL subgroup. Miranda, who is familiar with the process as the division's bilingual psychologist and this subgroup, stated,

> I would say the majority of the students in the referrals that we get do continue to be our Spanish speaking students, that is the majority of our EL population, although many of them identify in several different categories, so I know that that's always difficult to determine as well, but that again would be predominately what we're seeing. I think we see a little bit more diversity perhaps in different languages, particularly some of the refugee status that we're getting as well, but I would assume that with most other school divisions as well they would be seeing a lot more in that Hispanic population.

They stated students with other social categories that intersect with linguistic diversity, such as Latinx ethnicity and refugee status, are commonly referred for special education services.

Another social category to consider is refugee status. The city has the infrastructure to provide refugee resettlement services. One participant sits on the board of a refugee resettlement agency to make sure the city has "welcoming policies for immigrants". Most participants indicated the school division has a growing refugee student population. Miranda shared how they and their team have received a lot of training about the impacts of trauma for refugee students in the last two years. They also stated many students and families are coming from refugee camps but also from other areas because of existing resources. They said,

> We've certainly, with a lot of things that are going on across the world, have gotten a lot of new students, a lot of refugee population, refugee resettlement is based here in [name of city], so we have gotten a lot of students' and families that are coming from refugee camps, and other areas as well that come here to receive some of those services.

Many participants were aware that DLLs who are refugees are coming with unique needs, such as the social and emotional needs that may come with living in social turmoil and relocating to a new country.

A few participants indicated there was ethnic diversity in the refugee student population in the school division. Earlier in this chapter, Miguel, the newcomer ESOL teacher, shared a story about a Congolese student who grew up in a refugee camp in Burundi. Rose also indicated there was ethnic diversity in the refugee student population by saying, "you've got different countries that come into our area, El Salvador..., refugees coming from Puerto Rico a couple years ago...Guatemala." Participants in the school mentioned this diversity in different ways.

A few participants indicated that the school division has a growing Latinx student population, particularly after natural disasters in Puerto Rico. Katya described how students from the island, many with IEPs, have arrived since the hurricane devastation and stated,

> We have 60% of our student population is self-identified Latino. We have a direct pipeline from Puerto Rico where it appears that every other kid who registers with us comes to us with an IEP. That's a big deal in terms of trying to go back and figure out, okay, is it, is it not? Is it, is it not? For this year, we're getting two to five new students a week all the way up through the end of May.

Miranda affirmed the same message about how the hurricane in Puerto Rico has impacted the student population in the school division "quite a bit" within the past two years. The school division saw "a very big rise in new student coming from that area when they weren't able to return home" (Miranda).

Dixie mostly teaches self-contained classes and many of their students are Latinx and live in under-resourced homes. They said, "I know how many of them [Latinx students] are struggling" because "half the time I feel like I have to meet primary needs before I can even meet educational needs." Here they specified how Latinx parents and guardians may be struggling to provide for their families and meet their student's primary needs. They also described the ethnic diversity in their class and their graduation outcomes by saying,

> Of the other nine [on my caseload], the three that just graduated all with Applied Studies Diplomas... They are second generation. They were all born here in the States, but their parents were from either Mexico or Puerto Rico. Well, Puerto Rico's America but… Puerto Rico, Mexico, or a Central American country.

Last school year, Dixie served nine non-DLLs students who either had an intellectual disability (level 1 or high functioning) or "autism they classified as 'severe'." While all of them were U.S. born, 80% were "minority of some sort" and also indicated this by saying "...I'm the only blue eyed person in the room."

Two participants mentioned gender representation in the DLL students they serve. Dixie teaches mostly self-contained classes and candidly shared how their students are "...mostly boys, all boys. I might get a young lady next year, but yeah. So 90%, over 90. Maybe 100% next year will be all boys." They also said, "I lost my one girl. She just graduated." Katya also spoke about gender in data that showed overrepresentation by referring to unaccompanied minors and how "many of those unaccompanied minors are boys, many of those boys have trauma, many of those boys have interrupted education." Unaccompanied minors are undocumented individuals under the age of 18 who have no parent or guardian in the U.S. who is able to provide care or custody. Here they indicated that there are trends across the state showing that boys who are unaccompanied minors from the Northern Triangle (El Salvador, Honduras, Guatemala) are settling in Virginia and its surroundings.

One participant mentioned undocumented status as a factor that may impact DLL outcomes given the influx of unaccompanied minors from the Northern Triangle to Virginia. Katya shared their knowledge of what is going on in other school divisions across the state by saying,

> I'm thinking that it's possible, or more mental health issues with undocumented students, because when you're looking at those, Prince William County has had a huge, huge, huge influx of new arrivals, many of them unaccompanied minors.

They also indicated how there is a growing population of undocumented students in the Richmond area and the school division as these children are drawn to finding relatives and opportunities for employment.

A few participants stated socioeconomic status is a factor impacting DLLs in their community. Miranda specified that the school division has participated in a lot of training in "really addressing some of those impacts of trauma, which a lot of times for our population comes with a lot of that, the low SES population." Their response focused on the "build up in experiences of adverse events" as a young child "which certainly, poverty and homelessness is a big part of." They also explained how these traumatic experiences can impact student development and brain functioning and how it is "hard to really parse out which came first… or are they the same thing together, and trying to make sure that we're being fair in how we're describing students, and trying to figure out what things are disability related and internal...” They placed an emphasis on deciphering when external factors or internal factors impact a student’s predisposition to having a disability and what type of services should be provided, either support and family services or special education services.

One participant indicated how the school division has a growing number of students with limited or interrupted formal education (SLIFE). This creates unique challenges, particularly when there may be many factors impacting academic outcomes for these students. Katya detailed this by saying,

> Then they dropped out and then they show back up in the US and then we get them at 17. Then there's a lot of, oh, we should really bring this child up, and they're like, ‘Yep. But he's 17 and a half. He hasn't been in school since he was 12.’ There's way too many factors to start teasing through, and the testing probably won't show anything. So, I think that would be interesting to see which of those kids are out there who are identified, how they're being identified, and if we're paying enough attention to the fact that, of that interrupted education.

Their comment is directed toward school divisions across the state as we continue to see a growing SLIFE population, and also how disproportionality research should examine the relationship between limited or interrupted education and representation in special education.

Phase IV

In the fourth phase of the current study, findings from Phase III were used to inform disparities from Phase I and II findings. The question for this component was: *How do responses from the education stakeholder interviews help explain any quantitative disparities in the* *representation of DLLs in special education in Virginia?* The findings below showed a relationship between responses from education stakeholder interviews and disparities in Phase I and II results. They are organized by three larger themes where the results of the qualitative and quantitative sections overlap. The first one troubles the lack of collaboration and how it impacts DLL disparities, the second argues racialized and gendered abilities increase disproportionality as noted in both sets of results, and the third questions the lack of knowledge and implementation of evidence-based practices and policies despite a decrease in DLL relative risk.

Lack of Collaboration Contributes to Greater Disparities

Phase I results showed that at the state level, elementary level DLLs were underrepresented in special education when compared to non-DLLs in special education from 2015-18. At the secondary level, results showed DLLs were not overrepresented or underrepresented in special education when compared to non-DLLs in special education from 2015-18. Interview responses from Phase III revealed a lack of collaboration between ESOL and special education at the secondary level may be a factor contributing to a higher representation of DLLs in special education from grades six through 12 when compared to students at the elementary level. Participants indicated how the school division has “not systematically created a way for our SPED teachers and our ESL teachers to come together” and for those who do potentially collaborate “there are several different things going on” (Katya). Efforts to support collaboration can produce tensions given there is a history of “ESL largely seat[ing] services to SPED teachers” (Katya) and even newcomer students have been pulled out of ESL to be placed in self-contained classrooms once found eligible (Miguel).

Special education teachers who only work in self-contained classes often feel “a little bit more isolated” and some only consult with their special education colleagues during breaks, despite having DLLs on their caseloads and in their classes (Dixie). For itinerant special education teachers, there is an additional barrier to collaboration that may lead to a perception that ESL services are "accommodations… that gets wrapped into the IEP" (Rose). The lack of collaboration and even professional development on how to collaborate impacts disparities not just in the services that students need once they are identified but also before eligibility begins. All teachers indicated minimal or no participation of an ESL teacher during the eligibility process. ESL teachers are only invited to participate in the child study process if they are the referring teacher. Once the eligibility process begins, the ESOL teacher is no longer invited to special education meetings. It appears practitioners are exercising their authority based on where they are positioned in this system without bringing a perspective that is knowledgeable of language acquisition and DLL instructional needs. Not only is there a lack of collaboration but ESL is lower in the hierarchy of services provided to students. Even though collaboration practices are contextualized by school and even teacher, the absence of it is aggravated by a lack of professional development and perceptions that are racialized and gendered, thereby increasing DLL disproportionality.

Racialized and Gendered Abilities Augment Disproportionality

Results from Phase I indicated an overrepresentation of DLLs who are Latinx and Asian and an underrepresentation of White and Black DLLs when isolating DLL status, and an overrepresentation of Latinx and Black DLLs when isolating race and ethnicity. Phase III interview responses indicated this school division has experienced a growing Latinx student population, especially after the hurricane disasters in Puerto Rico. From what participants shared, not only was there an influx of students from Puerto Rico but many came with IEPs. In addition to U.S. born Latinx students, participants indicated many students are coming from El Salvador, Guatemala, and Honduras, countries in the Northern Triangle, a region in Central America with deteriorating economic and security conditions. One participant also described a Congolese newcomer student who spent time in a refugee camp in Burundi but no other African countries were mentioned.

Phase I results show an overrepresentation of DLLs who are males and underrepresentation of females in special education. Participant responses during Phase III of practitioners who work in self-contained classes indicated these classrooms consist mostly of male students. One participant who works with students with intellectual disabilities and “low functioning” autism specified that they only have boys in their self-contained classes and on their caseload. A few participants stated students coming from the Northern Triangle as mostly boys who are unaccompanied minors.

The role of gender as it intersects with race and ethnicity is an important factor in disproportionality research because the teacher workforce is primarily White and female, thereby impacting boys who are Black and Brown. Given the relationship between trends in Phase I data by race, ethnicity, and gender, and responses from education stakeholders that both troubled perceptions of the ability of DLLs such as “I think sometimes the teachers still don't see that student as having high intelligence” (Carla) and participants who used deficit language and dominant narratives such as “Don't always know how to translate hard work into learning, but they're very hardworking” (Miguel) to talk about these students, there appears to be an alignment between racialized and gendered perceptions of ability and increased DLL disproportionality.

Decreased Relative Risk Due to Negligence

Phase II results indicated school divisions with the highest proportion of DLLs with disabilities have the greatest decrease in projected DLL relative risk from 2015-18. The predicted change in DLL relative risk for special education services over time (2015-18) is significant when controlling for the proportion of DLLs with disabilities. Despite the significant decrease of DLL relative risk since 2015, participant responses did not indicate a decrease in DLL representation from 2015 to 2018. Participants did state the process, starting with child study and moving into eligibility, which can take longer with a DLL. One participant recounted their experience finding a student eligible for special education services and how many years that process took. They stated, "it's often hard for an ELL to get a label as a SPED student, or to get services… and often isn't going to be fruitful, especially for level one ELL" (Miguel). This may be even more apparent for DLLs who have limited proficiency in their first language and has limited exposure to an academic setting. If teachers know the process is particularly slow if the student is a DLL with a lower English language proficiency level, this can lead to fewer referrals.

While this speaks to delays in the eligibility process and even underrepresentation, other participants indicated a complete absence of ESOL teacher participation in the DLL eligibility process. One participant detailed how an ESOL teacher is only invited to participate in the child study process if they are the referring teacher. Once the eligibility process begins, the ESOL teacher is no longer invited to special education meetings. The eligibility process for DLLs is challenged by a lack of collaboration, awareness of policies, and relevant professional development to support the implementation of evidence-based practices. Despite there being a reduced relative risk, these factors indicate negligence more than intentional practices to mitigate DLL disparities.

Chapter 5: Discussion

The current study used an explanatory mixed methods design that includes an analysis of VDOE fall membership data to examine 1) the rate of representation of DLLs in special education by social categories (i.e., race and ethnicity, gender, and socioeconomic status), 2) the relative risk of DLLs over time, specifically from 2015-18, to examine the impact of DLL eligibility policies, and 3) how policies that were released in 2015 were communicated and understood through education stakeholder interviews at the state, division, and school-level.

The interpretation of the findings has two components. The first provides an intersectional interpretation that discusses the interaction between factors and power dynamics. The second discusses sociodemographic and contextual factors followed by the limitations and implications for practice, policy, and research.

The Role of Intersectionality

Social categories on their own may not provide a comprehensive picture of DLL disparities in special education because they collide with practices and policies within specific contexts, such as the school division and school selected for the current study. Data that exposes singular notions of identity (i.e., race and ethnicity) ignore the intersectional identities of DLLs as well as their learning needs (Cho, Crenshaw, & McCall, 2013). Intersectionality gives us a better understanding of how DLLs are positioned differently based on these intersecting identities and how embodied practices can impact outcomes and opportunities for these students (Anthias, 2012; Crenshaw, 1989; Núñez, 2014). This theoretical framework posits marginalized student subgroups with multidimensional identities are more likely to have neglected points of intersection and gives us language to talk about these processes and mechanisms (McCall, 2008).

The present study used a multilevel model of intersectionality (Anthias, 2012; Núñez, 2014) and quantitative methods to contextualize statistical results (Covarrubias & Velez, 2013) but also test theories about disproportionality of DLLs in special education from a critical race perspective (Sablan, 2019). It also examined how policies and practices mediate the disparities for these students by examining how education stakeholders communicate, understand, and implement guidelines that impact these students. When examining outcomes of intersecting identities, for example, Asian, Black, and Latinx DLLs, there are increasing disparities when gender and low socioeconomic status are added as variables. This presents challenges for DLLs in K-12 schools where Whiteness represents the zenith (Annamma, Connor, & Ferri, 2016) and linguicism is promoted through English-only practices by treating multilingual students as monolingual learners (Mitchell, 2012). Disparities in DLL representation is further challenged by gendered norms in school (Anderson, 1997) and the lack of resources and professional development for teachers who work with these students and serve on child study and eligibility teams.

While the overrepresentation and underrepresentation of DLLs in special education is a complex and pressing issue, the multidimensional identities of these students have been ignored (Solórzano & Bernal, 2001). Some social categories are viewed as contrasting normative cultural standards of Whiteness and ability, allowing education stakeholders to perceive particular DLLs as deficient and act on those beliefs (Annamma et al., 2016). Also, a failure to act by education stakeholders contributes to constructing disability based on identities that are different from the norm (e.g., culture, nationality, language, gender, socioeconomic status, race; Annamma, Connor, & Ferri, 2013). This is particularly apparent when in absence of policies, oversight, and resources for programs that impact DLL outcomes and a lack of guidance and support from top-down. DLLs experience marginalization and segregation often vary based on colliding social categories, but also in the current context of immigrant criminalization and changing student demographics in schools.

Interpretation of Major Findings

Overall, the major findings of the current study show that (a) the disproportionate representation of DLLs in special education is accounted for by race and ethnicity, gender, and socioeconomic status; (b) identification with a disability is associated with a DLL's sociodemographic identities and the year they were in school (between 2015-18) in Virginia; and (c) contextual factors impact how DLL eligibility policies and practices are communicated and implemented within schools. The fact that DLL identification with a disability is correlated with social categories suggests that how we address learning challenges may reflect social problems rather than learning ones.

Underrepresentation at Elementary Level

The first major finding is that *elementary-level (grades K-5) students from 2015-18 were underrepresented in special education when compared to non-DLLs in special education in Virginia.* Extant research shows similar trends where fewer DLLs in elementary grades were placed in special education when compared to White and English-proficient students (Artiles et al., 2002; 2005). Samson and Lesaux (2009) also found DLLs were underrepresented in kindergarten and first grade across all disability categories. Comparisons between DLLs and their peers suggest DLLs were identified later than their native English-speaking peers and performance on reading proficiency assessments was a stronger predictor of placement than DLL status (Samson & Lesaux, 2009). However, results from the current study contrast evidence that DLLs in third grade are overrepresented across all disability categories (Samson & Lesaux, 2009). It is possible that variation in specific grade levels were missed since data for the current study were aggregated into two subgroups (elementary and secondary). This will be discussed in the limitations section.

Although there is evidence of underrepresentation of elementary-level students, responses from education stakeholder interviews indicated higher levels of collaboration at the elementary level given the team planning approach and support for planning from school administrators. Findings from the present study contradicts results from the current study. However, there are various documented challenges with the eligibility process that may vary by elementary level and secondary level. At the elementary level, particularly before third grade, students are learning to decode text as part of reading development and are acclimating to school. This presents additional challenges for teachers who are often undertrained to support DLLs and recognize the difference between language acquisition versus a learning disability. Virginia is one of many states that has minimal requirements to receive an ESOL endorsement to become an ESOL teacher as of September 1, 2017 (Virginia Department of Education, 2016) and require no ESOL training for regular classroom teachers as part of state mandates. Concerns with overidentification and lack of resources, qualified interpreters, relevant professional development, appropriate assessments, and knowledge of evidence-based procedures were mentioned by interview participants for the current study may cause school administrators to delay the eligibility process, thereby deterring teachers from referring DLLs who are struggling academically.

While disproportionality research often focuses on overrepresentation in special education because racism and linguicism produces inequities for DLLs within our K-12 schools, researchers must also expose evidence and trouble spaces where students may not be receiving the services and support they need to be successful in schools and communities. *Virginia's elementary-level DLLs are underrepresented in special education, so what does that mean for schools and learning communities?* These findings point to the need for a clear mandate that acknowledges the need for more relevant professional development as was mentioned by most interview participants in the current study. A larger organizational issue would be adding requirements to Virginia K-12 teaching licensure mandates that target coursework on language development and how to discern a learning disability from language acquisition. The training of school administrators would also be critical because they serve as LEAs during eligibility meetings and direct resources within schools.

Additionally, these findings direct us to ask what types of ESOL or bilingual instructional models are being implemented and if practitioners are using evidence-based and culturally responsive practices to support language development in English and the first language. As a former ESOL teacher who worked in elementary schools, I mostly observed push-in models in K-5 classrooms where ESOL services were provided for a fraction of the day and usually for one subject area. This is particularly challenging for young beginner DLLs in terms of English language proficiency who are exposed to multiple subject areas throughout the day and are asked to navigate spaces without language support. The goal would be to continue to support collaborative classrooms where well-trained ESOL and K-5 teachers use strategies that capitalize on the linguistic abilities of DLLs through sheltered or dual language instructional models.

No Disparities at the Secondary Level

The second major finding is that *secondary-level DLLs in Virginia were not overrepresented or underrepresented in special education when compared to non-DLLs in special education from 2015-18.* These findings contrast existing literature of an urban division in California. Research evidence found significant overrepresentation of DLLs in special education from grades 6-12, particularly with the completion of high school, when compared to English-proficient students (Artiles et al., 2002; 2005). Researchers indicated some underlying factors may be a lack of language support at the secondary level and tracking practices based on pre-assigned labels, which may lead to fewer opportunities (Artiles et al., 2002; 2005). However, it is possible that variation in school divisions (e.g., urban, suburban, rural) and grade level were missed since data for the current study were averaged at the state level and aggregated secondary or elementary level. This will be discussed in the limitations section.

While the current study lacks evidence of disparities at the secondary level, interview responses revealed a lack of collaboration between ESOL and special education from grades six through 12. A lack of collaboration may be a contributing factor to overrepresentation and underrepresentation of DLLs in special education in some school divisions that had higher than a 1.2 relative risk ratio and lower than a .80 relative risk ratio as seen in Appendix F. DLLs who are identified as having a disability are more likely to stop receiving language acquisition services and be placed in self-contained classrooms.

As we reflect on the needs of secondary-level students, *how do schools support DLLs with disabilities who need to pass standardized assessments to attain verified credits to graduate with a high school diploma given these conditions?* This is particularly taxing for DLLs in Virginia because they are required to take content-based assessments in English after a year of arriving in the U.S. What may be perceived as a learning disability due to poor performance on standardized measures, may be social and systemic factors that are further complicated when ESOL and special education teachers are not collaborating and adequately trained.

Overrepresentation of Students of Color

The third major finding is that *in 2017-18 Asian and Latinx DLLs were overrepresented in special education and Black and White DLLs were underrepresented when isolating DLL status. However, when isolating race and ethnicity, Latinx and Black DLLs were overrepresented and no DLL subgroups were unrepresented*. Many disproportionality studies show similar trends of overrepresentation of Latinx DLLs (Artiles et al., 2005; Linn & Hemmer, 2011; Sullivan, 2011) despite research at the national level indicating Latinx students are not overrepresented in special education when focusing solely on race and ethnicity. When DLL status is an additional factor there is often a serious civil rights violation (Artiles et al., 2002).

Evidence of Latinx DLLs overrepresentation in special education is reflective of communities in California, Texas, and a southwestern state in the U.S. (Artiles et al., 2005; Linn & Hemmer, 2011; Sullivan, 2011). However, Virginia, the state examined for the present study, has been overlooked in despite of its growing Latinx student population. This is particularly true for the community examined for the present study because trends of a growing Latinx immigrant population were evident after the hurricane disasters in Puerto Rico and as deteriorating economic and security conditions increased in the Northern Triangle as mentioned by interview participants. However, Asian DLLs were also overrepresented in special education and similar to the Latinx DLL subgroup, they represent a wide diversity of languages and ethnocultural differences. Despite proactive efforts to respond to disparities, a limitation with the VDOE datasets and other large data is how students are classified by four racial and ethnic subgroups (e.g., Asian, Black, Latinx, White). *How can data unmask ethnocultural differences, migration trends, languages spoken, and traditions for practitioners to learn about beforehand?* This will be discussed in the limitations and implications.

When looking at disproportionality research, Artiles and colleagues (2002) argue that the intersection of DLL status, race and ethnicity, and special education have not been examined thoroughly. This is particularly true when discussing Asian DLLs, Black DLLs, and White DLLs. Black DLLs and White DLLs were underrepresented in the present study; however, the results should be interpreted with caution given sample sizes. This will be discussed in the limitations.

Gender Gap in Representation

The fourth major finding is that *male DLLs were overrepresented in special education when compared to female DLLs in Virginia in 2017-18.* Even though there is evidence of the underrepresentation of girls and overrepresentation of boys in special education (Arms, Bickett, & Graff, 2008; Coutinho & Oswald, 2005; Oswald, Best, Coutinho, & Nagle, 2003), the case for gender disparities in special education has received minimal academic attention. This may be partly due to evidence that biological differences make males more prone to learning disabilities based on gendered norms in schools (Anderson, 1997). Research argues our definitions of learning disabilities are based on male norms as a product of their overrepresentation in special education, thereby leading to the underrepresentation of females because of their “good” behavior (Anderson, 1997). Additionally, research on the gender gap was greater for emotional behavioral disabilities than learning disabilities (Arms et al., 2008; Coutinho & Oswald, 2005; Oswald et al., 2003).

The role of gender is an important factor in disproportionality research because the teacher workforce is primarily female and most state laws suspend or expel students for disrupting school activities or otherwise willfully defying school authority, disproportionately impacting Black and Latinx boys. For this reason, California continues to expand its state law

(SB-607 Pupil Discipline: Suspensions and Expulsions: Willful Defiance of 2017, 2019), which prohibits the suspension of students enrolled in kindergarten to third grade for defiance and disruption, to include fourth to eighth grade and prohibit expulsion of students up to grade 12. Clear guidance is needed because recurring disciplinary infractions often lead to eligibility for services under a behavioral disorder and emotional disturbances designation and can lead to an unnecessary change in placement (Arms et al., 2008; Coutinho & Oswald, 2005; Oswald et al., 2003).

While we trouble gender disparities in special education in our K-12 schools, we must also highlight the unique needs of male DLLs given the increasing complexity of each individual student case and our current sociopolitical climate. Many immigrant students are coming from countries that are experiencing social turmoil and community violence. For example, school divisions across Virginia have received an increasing number of unaccompanied minors from the Northern Triangle (El Salvador, Guatemala, and Honduras). These students are often boys with limited formal education who have worked to support their families in their home country and may have experienced sustained trauma. If from rural areas, they may speak precolonial languages, such as Mam and Quiche in Guatemala, so they are already multilingual.

We also have students coming from refugee camps as mentioned by participants. As described in Chapter 4, a Congolese boy exited a newcomer ESOL class after being in school for four months and stopped receiving language acquisition services. This is particularly troubling given the prevalence of self-contained classes with only boys as mentioned by participants. Refugee students from the Democratic Republic of Congo are often affected by armed conflict and may endure traumatic stressors, requiring additional coping strategies as they transition to U.S. schools (Cherewick, 2016). School personnel need training on how to support refugee students and unaccompanied minors through the eligibility process, particularly as more research on how exposure to trauma can result in the development of psychological disorders surfaces. *When thinking about DLL boys, how can we disrupt gendered norms during the eligibility process while also capitalizing on their linguistic abilities and resilience?* Evidence of DLL gender disproportionality in special education and the current context of the learning community can inform conversations about school systems, training for school personnel, and the diverse needs of newcomer students.

As noted, there is significant variability by DLL status, race and ethnicity, and socioeconomic status in Virginia's school divisions. Half of these communities had 10 or more DLLs and only 23 divisions had 10 or more DLLs with disabilities in 2017-18. Of those 23 school divisions, the minimum count was 11 students and maximum count was 5,386 students. This speaks to the substantial variability in DLLs counts in Virginia's school divisions and how space (urban and rural) may be an important factor. There is also significant variability in student counts by race and ethnicity for Asian, Black, Latinx DLL students and other more nuanced intersectional subgroups that include gender and socioeconomic status in communities across Virginia.

Decreased Risk Over Time

A fifth major finding is that *the decrease in DLL relative risk for special education services over time (from 2015-18) in Virginia is significant when the proportion of DLLs with disabilities is controlled*. School divisions in Virginia with the highest proportion of DLLs with disabilities had the greatest decrease in projected DLL relative risk from 2015-18. There is significant variability of DLL relative risk for special education by school division and over time (school years 2015-18) across Virginia. Of the 132 school divisions in Virginia, 27 school divisions had 10 or more DLLs with disabilities in 2017-18, the smallest number of DLLs with disabilities was 12 students and the largest was 9,653 students. This speaks to the variability of rural and urban communities across the state. The current study contributes to a lack of literature on DLL disproportionality in Virginia or across time to examine the impact of federal or state guidelines on the eligibility process for DLLs with a suspected disability.

Despite a need for more literature on DLL policies and in the Virginia context, the proportion of DLLs with disabilities is an important factor to consider in spaces like Virginia that have significant variability. When thinking about the proportion of DLLs with disabilities as a confounding variable, at best, it is possible some of the 27 school divisions across the state responded to federal and state guidance on the DLL eligibility process with professional development and resources. This could have resulted in the decline of DLL relative risk over time. At worst, school divisions were less likely to refer DLLs who are suspected of having a disability for child study due to a lack of qualified instructional staff (Quintero & Hansen, 2017) and due to the uncertainty between language acquisition or learning disability (Nguyen, 2012). This would prove to be an additional challenge because teacher certification programs have not made these intersecting ESOL and special education needs a priority (Quintero & Hansen, 2017) and students with intersecting needs are erased from capacity building (Cho, Crenshaw, & McCall, 2013).

Even though there are needs for practice and policy, the results of the current study did not provide relative risk ratios by school division to protect their anonymity but they are included in the state average and will be redacted for future dissemination of these findings. The following press release is of a representative school division: a 2013 press release about a comprehensive settlement agreement between the Department of Justice’s Civil Rights Division with the Prince

William County School District in Virginia "to improve services for approximately 13,000 students who are English Language Learners" with one of several identified issues in its review including "insufficient procedures for identifying and serving ELL students with disabilities" (Department of Justice, 2013) was found. The process continued for at least a three-year period. The changes that may have resulted from this settlement agreement with Prince William County would have occurred between 2015 to 2018. However, Prince William County is only one school division and the needs and circumstances of that community are contextualized.

Dominant Narratives Impact Resources

A sixth major finding is that *immigrants in rural communities are marginalized and impacted by dominant narratives, and this can affect DLL resources and programming.* School divisions across Virginia, a state with significant variability by social categories in rural and urban communities, have "develop[ed] greater knowledge" of how to support DLLs (Carla). This may be an "exciting time" for Virginia (Carla), but many participants expressed concerns for immigrants living in the community for the current study and other rural towns. Other rural communities, such as the small town of Galax in southwestern Virginia, have experienced one of the fast-growing Latinx immigrant populations in the state (Block, 2018) often fueling DLL disproportionality in special education if teachers lack professional development on evidence-based practices (Barrio, 2016; Hoover & Erickson, 2015). Schools in rural communities and their students are further challenged by geographic isolation, lack of support and access to professional development, lack of supplies and materials (Hoover & Erickson, 2015), and the absence of a process to assure accountability and progress of a new policy to mitigate DLL disparities in special education (Barrio 2017).

In a region with mostly supporters of alarmist narratives, there are conflicting views on immigration with the rise of anti-immigrant rhetoric (Chavez, 2008). Dominant narratives or stories that are told in the interest of a dominant social group have negatively impacted children who play for the local soccer team and attend local schools in the rural community of Galax, Virginia (Block, 2018). These interpretations are normalized and perpetuated through repetition and authority. One example from the current study is, DLLs are "…children of very hardworking parents, and they're very hardworking students, also. Don't always know how to translate hard work into learning, but they're very hardworking" (Miguel). In a society that privileges Whiteness, this common dominant narrative racializes a DLL's ability by labeling them as hardworking laborers or workers rather than focusing on their academic learning in school. This can impact both the student's self-perception of their own intellectual ability and how they are treated in school. It can also lead to tracking students lower and placement in classes with less rigorous coursework, and potentially placement in special education if there is underperformance on assessments (Abedi, 2006).

Recently, the community of the present study also received a negative reputation for hateful, racist messaging toward immigrants and People of Color despite its history of refugee resettlement dating back to the 1970s. Messaging against immigrants can affect micropolitics and in turn reduce the amount of resources for DLL programming, thereby impacting the quality of language acquisition services students receive (Mitchell, 2012), not to mention a negative school climate and biases on certain student subgroups because of the school's geographic location (Soja, 2009). Micropolitics can block resources and professional development for teachers who work with DLLs because funding for Title III (ESOL) programs and services comes mostly from localities and state sources (Sanchez, 2017). On average, federal education funding represents 11 percent of school divisions spending (Musu-Gillette & Cornman, 2016). This is further complicated because of the teacher shortage in the U.S., where ESOL teachers in Virginia often lack the capacity to work with these students given Virginia’s reduced ESOL teacher endorsement requirements, which took effect on September 1, 2017 (Virginia Department of Education, 2016).

Communities like the one selected for the current study, however, have an infrastructure to support refugees dating back to the Vietnam War. This community, unlike others in Virginia, provides resources and services for refugee families, often drawing immigrants from across the state. Despite infrastructure dating back half a century ago and a DLL student population that has been burgeoning since the 1980s, leadership both at the division and school-level are mostly White (Katya). There is cultural and linguistic diversity in this community; however, immigrants are marginalized and “relegated to working in… factories” instead of being “accepted as leaders in the community” (Miguel). In some cases, Spanish-speaking parents or guardians of DLLs in this community have “immersed [them]self in a Spanish community and… never learned English” (Rose). Given the emphasis on English-only instruction and linguicism in K-12 schools, DLLs are treated as if they were monolingual, which perpetuates a limited perspective of what it means to know English (Mitchell, 2012). In addition, the U.S. is culturally and linguistically subtractive, even more so in rural communities, so immigrant families find ways to preserve their culture and native language(s) (Valenzuela, 2010).

Lack of Resources Leads to Greater Disparities

A seventh major finding is that *the lack of clear guidelines, appropriate assessments, collaboration, and professional development contribute to greater disparities of DLLs in special education*. As policies are communicated from top-down and “passed down the chain” (Rose), some education stakeholders are not receiving the information they need to implement specific practices to mitigate DLL disparities. Many memos come through a school division's Central Office and division leaders have to "keep up" with that information (Miranda). There are also challenges with communicating and enforcing guidelines from top-down so teachers are knowledgeable and trained on how to implement recommended practices. However, "the information to teachers doesn't really get conveyed" (Katya) and the importance of mitigating disparities is often not communicated to teachers and school administrators (Miguel). The lack of oversight may be why some school administrators decide how policies are implemented (Rose) because implementation is supported mostly through training by the state agency (Carla) and at the division level (Katya).

This is further challenged by the lack of resources to stay in compliance and provide interpreters and appropriate assessments as stated by participants and supported by research (Abedi, 2003; 2006). In addition, this is also tasked by supporting collaboration efforts between special education and ESOL (Cho, Crenshaw, & McCall, 2013). Collaboration requires time and professional development to determine the collaborative approach and how practitioners should support each other. It was clear from interviews with participants that collaboration was not happening at the school but also limited at the Central Office division level. *How do we support collaboration between ESOL and special education despite a lack of a systemically created approach to collaboration and differences by grade level (elementary and secondary)?*

Evidence of lack of access to appropriate assessments and knowledge of testing procedures mediating DLL disparities in special education aligns with extant research on the impact of inappropriate psychometric tests and testing procedures (Abedi, 2006; Mahoney & MacSwan, 2005; Newsome, 2006). These challenges were noted when participants said, there is "a struggle for us with availability of assessments" (Miranda) and a lack of training on how to administer existing assessments, such as the Woodcock-Johnson or the Woodcock-Muñoz (Spanish language version of Woodcock-Johnson), because some special education teachers are not "given instruction…on how to administer the Woodcock-Johnson in Spanish" (Dixie). Some are "just handed it and told to do it." (Dixie). A lack of collaboration and resources as noted earlier can contribute to an absence of professional development on testing procedures and even scaling these training opportunities for education stakeholders who may have had more experience with the eligibility process (Stein, 2011). Providing professional development beyond the introductory phase to mitigate uncertainty or inform the process if eligibility were taking longer than usual (Stein, 2011). Having informed perspectives shape what the eligibility process should look like and what assessments are needed would prevent both overrepresentation and underrepresentation of these students in special education.

Critical Quantitative Methods. The present study used CRT and quantitative methods to contextualize numbers (Covarrubias & Velez, 2013) and test theories from a critical race perspective (Sablan, 2019). QuantCrit scholars argue intersectional approaches emphasize the assets of students rather than deficits and challenge structural racism and racial inequality throughout the research process (Covarrubias & Velez, 2013; Garcia, López, & Vélez, 2018; Sablan, 2019). QuantCrit methods can be used to examine not only the representation of but also causal inferences of Asian DLLs, Black DLLs, and White DLLs in special education, student subgroups that have been under examined in disproportionality research. The current study draws from these approaches and also the need for reexamining how federal agencies monitor the disproportionality of students in special education.

Implications

Awareness of disproportionality patterns both at the national and local levels is important, especially when they have remained constant for some student subgroups. However, DLL disparities at the school division and school level, as well as by social category, are impacted by programming and representation in the community. This demands education stakeholders to develop an understanding of the phenomenon over time and monitor data of student subgroups.

Although researchers often examine disproportionality by race and ethnicity, there is limited literature on DLL subgroups with different intersecting social categories and local politicized contexts. We learned it is critical to examine nuanced groups and conditions that can impact relative risk and its change over time. Despite there being many factors that can contribute to DLL disproportionality in special education, evidence-based practices should inform procedures when working with these students. An initial recommendation that overlaps with both practice and policy would be to require both in-service and pre-service teachers and other school personnel to complete professional development on White supremacy and the racializing and gendering of abilities that are documented. In addition to that, practitioners should also receive relevant and scaled professional development on how to mitigate disparities by using strategies before child study, identifying differences between language acquisition and disability, and collaborating with practitioners as well learning how to effectively serve DLLs who have a disability. These professional development opportunities would ideally capitalize on DLL language abilities through first language and additive approaches.

In addition to building capacity, schools could implement and monitor internal policies that require ESOL teacher participation in child study, eligibility processes, and once found eligible for special education services for DLLs in the school. This specialist could also serve as a leader in supporting collaboration between ESOL and special education teachers and departments. Collaboration requires specialized training where both adults determine the collaborative approach and are provided with the time to co-plan their lessons. In addition to supporting collaborative practices, leadership both at the school and division level should monitor key target student subgroups by intersecting social categories and grade level.

The current study contributes to a lack of literature that examines how our understanding and implementation of policies mediate the disproportionality of DLLs in special education. We learned there were two sets of policies, both at the federal and state level, that were not effectively communicated to Central Office and school personnel. Creating confusion for education stakeholders who are trying to stay in compliance without having all the information while faced with limited resources. These recommendations target education stakeholders at the local, state, and federal levels. There is a need for adding DLL status and other social categories when monitoring disproportionality and even developing new categories of ethnocultural groups. These can be used to inform instructional practices. Another important recommendation to policy is using reference categories for relative risk ratio analyses that isolate one factor rather than all students. This would allow practitioners to see social divisions. Another factor would involve encouraging school division teams to develop a plan of action to target DLL disparities. This should involve a committee of diverse perspectives and backgrounds to contribute to how to develop procedures and guidelines within the community context.

The current study leaves us with many questions given the complexity of the issue. Given the lack of research on DLL disparities, there are opportunities to build on the existing literature base and contribute to the field. Some recommendations include having state and federal agencies provide researchers to access data at the student level that do not repress counts of under 10 students. This would allow a greater look at relationships and causal inferences using quantitative methods and data with a CRT lens. This would contradict quantitative research that continues to racialize and gender abilities. Leaving us with intersectionality as a tool to explore complex relationships that impact DLL disparities but also inequities that impact all historically underrepresented students.

Limitations

There are many limitations to the current study. The current study presented limitations beyond what is inherent in both quantitative and qualitative methods. Only using division and school-level data from one state to analyze the rate of representation provides a limited perspective. Even if focusing solely on Virginia and not generalizing findings to other states, an analysis with student-level data to examine individual factors with disaggregated counts would provide a clearer picture. The VDOE indicated certain social categories had missing counts if less than 10 as reported in the missing data section, thereby potentially causing a threat to the quantitative analyses. There are also potential threats to the student self-reporting process and the limited number of social categories to choose from gender and race and ethnicity. Another potential limitation is the reclassification process for DLLs with disabilities who may not be able to exit ESOL services because of the English language proficiency tests and procedures (Schissel & Kangas, 2018).

For the qualitative component, a purposive sample was selected that included different education stakeholder perspectives and the researcher made several attempts to recruit participants from each category. Despite this, there were challenges with recruiting a representative sample of participants with school leadership roles (i.e., principals, assistant principals). This group was not represented. There were also limitations with recruiting more teachers. One participant, an ESOL teacher, completed the interview and the next day opted out of participating in the study the next day. For this reason, the representativeness of the sample may be another limitation.

The results of the relative risk ratio analysis from the current study were not disaggregated by individual grade level but by two subgroups (elementary and secondary). The VDOE suppressed student counts under 10 for DLLs, economically disadvantaged (low SES), and special education from school and division-level datasets (VDOE, n.d.). The data were aggregated into two subgroups because the sample size would have been too small to run tests by grade level and for some nuanced student subgroups. If student-level data were provided and not suppressed, researchers would have a more accurate sample of student counts to analyze by grade level and a better picture of DLL disparities across Virginia, particularly given the DLL, racial, ethnic, and socioeconomic variability across the state. This may help inform education stakeholders as they design professional development for practitioners by developmental level and reading proficiency.

Both elementary and secondary data were aggregated by grade level subgroups and at the state level, unlike research by Artiles and colleagues (2005). In the current study, the results represent the average of 132 school divisions in Virginia, a state with significant variability by student demographics and space (i.e., urban, rural, suburban), despite only 27 school divisions having 10 or more DLLs with disabilities in 2017-18. State-level relative risk ratio averages were presented because the current study is an investigation of the landscape of DLL disparities in Virginia. However, division-level relative risk ratios were used to select school division participants and to create visual representations (see Appendix X) for education stakeholder interviews. The researcher intends to share redacted division-level findings with local and state-level education stakeholders. This will be discussed in the implications section.

Even though the current study indicates disparities of overrepresentation and underrepresentation for student subgroups by race and ethnicity, the random variance could be an issue based on the sample size of some target subgroups and reference categories. For example, based on previous research citing the overrepresentation of Black students in special education (Office of Special Education Programs [OSEP], 2007; Skiba et al., 2008), the use of Black non-DLL students as a reference category likely underestimates the identification of Black DLLs in special education.

Another limitation is that the VDOE data's classification by four racial and ethnic subgroups (e.g., Asian, Black, Latinx, White) masks ethnocultural differences and countries that are experiencing increasing migration trends to the U.S. Knowing the country of origin of DLLs across the state would help inform professional development opportunities for practitioners and resources (e.g., interpretation and translation services, assessments in their native language) based on the needs of each school division.

Conclusion

Disproportionate DLL representation in special education is a complex issue. For some DLLs, special education services are what they need to be successful in school and society, if they are referred and found eligible. For others, biased tests and procedures, lack of professional development, and the perception of racialized and gendered abilities can lead to change in placement and removal from ESOL services thereby impacting student outcomes. In either case, receiving language acquisition services when developing English language proficiency is a student’s right. That is why collaboration is key to supporting individualized needs but also to ensuring the eligibility process is equitable.

As we face a sociopolitical climate that is hostile against immigrants and People of Color, school systems must remember how DLLs and ESOL programs are positioned lower in the school hierarchy. These students are impacted by not only the school political context but also the broader social landscape of power and hierarchy. We must challenge perceptions of ability by ensuring professional development of evidence-based practices that capitalize on linguistic abilities and challenge discrimination and marginalization from top-down.

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Appendix A

Teacher Interview Protocol

Introduction

Thank you for agreeing to participate in this interview to gather information about how policies on the identification of English learners for special education services are understood and implemented. There are two parts to this dissertation study. First, I analyzed state and division-level data to determine the rate of representation of English learners in special education in Virginia and if it has changed since federal agencies provided guidance in 2015. For the second part, I am gathering information about how education stakeholders understand and implement these policies through interviews.

I will show you visuals of the results from the statistical analyses, which focuses on the rate of representation of these students and if it has changed since 2015, to guide a part of this conversation. Information collected from your responses will be identified using a pseudonym you created before starting this interview. I will not attribute any information in ways that can be identified as coming from you or about your school/division. You can refuse to answer certain questions and can end the interview at any time.

The conversation will be recorded and I will be taking some notes as we speak. I can stop the recording to answer questions and take breaks at any time. Do you have any questions before getting started? What would you like your pseudonym to be?

Interview Questions:

Relationship to School and Community

1. What is your role/job? Please describe what you do in your job and how your work relates to the school?
2. How many years have you been in this role?
3. How many years have you worked in this school division?
4. What is your relationship to the community within which the school is located?

Impression of School and Community

1. What are your general impressions about the school and school division within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your answer?
2. What are your general impressions about the community within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your response?
3. Would you describe the community as diverse?
    - Probe: If yes, in what sense? Please elaborate.
    - Probe: If no, in what sense? Please elaborate.
4. Would you describe your school as diverse? How about the school division?
    - Probe: If yes, in what sense? Please elaborate.
    - Probe: If no, in what sense? Please elaborate.

5. Do you think your school is responsive to this diversity? How about the school division?
    - Probe: If yes, in what ways? Please elaborate.
    - Probe: If no, why not? Please elaborate.

Groups in School and Division

1. How would you describe the students in your school? English learners? Students with disabilities? Parents/guardians?
    - Probe: What are some challenges or strengths when working with these groups?
    - Probe: Can you offer insight into why you gave this answer?
2. How would you describe the teachers in your school? ESL teachers? Special education teachers? School administration?
    - Probe: What are some challenges or strengths when working with these groups?
    - Probe: Can you offer insight into why you gave this answer?
3. How do ESL and special education teachers collaborate in your school?
    - Probe: Is there collaboration between these two departments? If so, what does that look like?
    - Probe: Is this collaboration supported by the school administration or Central Office? Are resources and training provided?
    - Probe: Can you elaborate on your answer?
4. How would you describe the Central Office staff in your school division? ESL staff? Special education staff?
    - Probe: What are some challenges or strengths when working with these groups?
    - Probe: Can you offer insight into why you gave this answer?

Meeting Student Needs

1. How are students performing academically in your school? English learners? Students with disabilities?
    - Probe: Are they passing SOL assessments?
    - Probe: Are they graduating on time? With which diploma (e.g., advanced, standard, applied studies, or modified standard)?
    - Probe: Are English learners exiting ESL services on time?
    - Probe: Is your school different from others across the division?
    - Probe: Please elaborate.
2. What is your school doing to address academic underperformance? How about the division?
    - Probe: Does the plan of action vary by student group? English learners? Students with disabilities?
    - Probe: Is your school different from others across the division?
    - Probe: Please elaborate.
3. Is your school responsive to the cultural and linguistic needs of students and their parents/guardians?
    - Probe: If yes, in what ways?
    - Probe: If no, why not?
    - Probe: Is your school different from others across the division?
    - Probe: Please elaborate.

4. What educational opportunities are available to students (e.g., advanced coursework, specialty programs)? Are English learners and students with disabilities represented in these classes/programs?
    - Probe: How many English learners do you know that currently take advanced coursework or are enrolled in specialty programs? Students with disabilities?
    - Probe: Have you known of any?
    - Probe: Is your school different from others across the division?
    - Probe: Please elaborate.
5. What keeps English learners and students with disabilities from accessing these educational opportunities?
    - Probe: Do you think their lack of access is impacted by larger attitudes and bias?
    - Probe: Can you provide an example of this?
    - Probe: Please elaborate.

Eligibility Process

1. How familiar are you with the eligibility process at your school? Is there a standard process?
    - Probe: Can you walk me through it?
    - Probe: What happens after a referral is submitted?
    - Probe: Do other schools follow the same process?
    - Probe: What makes you think that?
2. Does the eligibility process change if the student is an English learner?
    - Probe: How does it change?
    - Probe: Are additional school/division personnel/staff involved if the student is an English learner? If so, who?
    - Probe: Are additional resources used if the student is an English learner? Testing materials? Translation and interpretation services? Bilingual staff/personnel?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
3. What is your role during the eligibility process?
    - Probe: Are you involved from the beginning, once a referral is submitted?
    - Probe: Are you involved in the meeting where the assessments for evaluation are discussed?
    - Probe: Are you involved in the eligibility meeting following assessment where the final determination is made?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
4. Are ESL teachers invited to special education meetings if the student is an English learner?
    - Probe: Are their suggestions/insights taken into account? Can you give me an example of this?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
5. What happens after an English learner is found eligible for special education services?
    - Probe: Does the student continue receiving ESL services?
    - Probe: What does that look like?

Probe: Has this always been the case?
Probe: Can you elaborate on your answer?

6. Has the eligibility process for English learners changed since you have been working in the field of education?
   Probe: How has it changed?
   Probe: When did it change?
   Probe: Do you know why it changed?
   Probe: Can you elaborate on your answer?

Knowledge and Implementation of Relevant Policies

1. Have you heard about a *Dear Colleague Letter* from federal agencies that came out in 2015? (show copy of the letter)
   Probe: How did you find out about this letter?
   Probe: Can you elaborate on your answer?
1. Have you heard about a VDOE handbook titled *Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities* that came out in 2015? (show copy of handbook)
   Probe: How did you find out about this handbook?
   Probe: Can you elaborate on your answer?
2. Did a school administrator communicate these new policies?
   Probe: If so, how was it shared with you?
   Probe: Did other school staff receive this information? If so, how was it shared with them?
   Probe: Did parents receive this information? If so, how was it shared with them?
   Probe: Can you elaborate on your answer?
3. How does your school division communicate new policies?
   Probe: Who do you receive this communication from?
   Probe: Does this information come from Central Office staff or through your school administration?
   Probe: Can you elaborate on your answer?
4. Has the eligibility process for English learners changed as a result of these policies? If so, how has it changed?
   Probe: Can you elaborate on your answer?
5. Has the implementation of these policies been discussed in other opportunities? During staff meetings? Department meetings? Follow-up emails?
   Probe: Can you elaborate on your answer?
6. Who oversees the implementation of these policies?
   Probe: Can you elaborate on your answer?
7. Is the implementation of these 2015 policies supported? If so, please elaborate.
   Probe: What types of resources are provided to help teachers implement them? Professional development? Additional staff?
   Probe: Can you elaborate on your answer?
8. What are some of the challenges with implementing these policies? In your school? In your division?
   Probe: How about the advantages? In your schools? In your division?
   Probe: Can you elaborate on your answer?

Disproportionality Data

Part of my research involves understanding federal and state policies on the identification of English learners for special education services. Based on federal special education law, school divisions must report if they have been cited for racial disproportionately. However, language or English learner status is not a factor. For this reason, I have analyzed VDOE data to determine the rate of representation of English learners in special education in Virginia by different groups with varying factors such as race, ethnicity, language, gender, socioeconomic status, and disability category, and if the rate has changed since federal agencies provided guidance in 2015.

1. Here are some visuals to help explain how your school division is doing when it comes to identifying different student groups for special education services. This is of English learners compared to non-English learners. Does this surprise you?
   Probe: Why or why not?
   Probe: Can you elaborate on your answer?
2. This is of other student groups with differences by race, ethnicity, language, gender, socioeconomic status, and disability category. Does this surprise you?
   Probe: Why or why not?
   Probe: Can you elaborate on your answer?
3. Here are some visuals to help show if the rate of representation of English learners has changed since 2015. Does this surprise you?
   Probe: Why or why not?
   Probe: Can you elaborate on your answer?
4. Why do you think these disparities occurred?
   Probe: What are some contributing factors in your school or division?
   Probe: How about factors in the community? Outside of the community?
   Probe: Can you elaborate on your answer?
5. Would having this information be useful to you as a teacher? Schools? Divisions?
   Probe: How would it be helpful?
   Probe: What would you do with it?
   Probe: Can you elaborate on your answer?

Conclusion

Is there any more relevant information you would like to share with me about your school, division, or community?

Thank you so much for your time and candidness.

Appendix B

School Administrator Interview Protocol

Introduction

Thank you for agreeing to participate in this interview to gather information about how policies on the identification of English learners for special education services are understood and implemented. There are two parts to this dissertation study. First, I analyzed state and division-level data to determine the rate of representation of English learners in special education in Virginia and if it has changed since federal agencies provided guidance in 2015. For the second part, I am gathering information about how education stakeholders understand and implement these policies through interviews.

I will show you visuals of the results from the statistical analyses, which focuses on the rate of representation of these students and if it has changed since 2015, to guide a part of this conversation. Information collected from your responses will be identified using a pseudonym you created before starting this interview. I will not attribute any information in ways that can be identified as coming from you or about your school/division. You can refuse to answer certain questions and can end the interview at any time.

The conversation will be recorded and I will be taking some notes as we speak. I can stop the recording to answer questions and take breaks at any time. Do you have any questions before getting started? What would you like your pseudonym to be?

Interview Questions:

Relationship to School and Community

1. What is your role/job? Please describe what you do in your job and how your work relates to the school?
2. How many years have you been in this role?
3. How many years have you worked in this school division?
4. What is your relationship to the community within which the school is located?

Impression of School and Community

1. What are your general impressions about the school and division within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your answer?
2. What are your general impressions about the community within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your response?
3. Would you describe the community as diverse?
    - Probe: If yes, in what sense? Please elaborate.
    - Probe: If no, in what sense? Please elaborate.
4. Would you describe your school as diverse? How about the school division?
    - Probe: If yes, in what sense? Please elaborate.
    - Probe: If no, in what sense? Please elaborate.
5. Do you think your school is responsive to this diversity? How about the school division?

Probe: If yes, in what ways? Please elaborate.
Probe: If no, why not? Please elaborate.

Groups in School and Division

1. How would you describe the students in your school? English learners? Students with disabilities? Parents/guardians?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?
2. How would you describe the teachers in your school? ESL teachers? Special education teachers? Your school administration team?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?
3. How do English as a Second Language (ESL) and special education teachers collaborate in your school?
    Probe: Is there collaboration between these two departments? If so, what does that look like?
    Probe: Is this collaboration supported by the school administration or Central Office? Are resources and training provided?
    Probe: Can you elaborate on your answer?
4. How would you describe the Central Office staff in your school division? ESL staff? Special education staff?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?

Meeting Student Needs

1. How are students performing academically in your school? English learners? Students with disabilities?
    Probe: Are they passing SOL assessments?
    Probe: Are they graduating on time? With which diploma (e.g., advanced, standard, applied studies, or modified standard)?
    Probe: Are English learners exiting ESL services on time?
    Probe: Is your school different from others across the division?
    Probe: Please elaborate.
2. What is your school doing to address academic underperformance? How about the division?
    Probe: Does the plan of action vary by student group? English learners? Students with disabilities?
    Probe: Is your school different from others across the division?
    Probe: Please elaborate.
3. Is your school responsive to the cultural and linguistic needs of students and their parents/guardians?
    Probe: If yes, in what ways?
    Probe: If no, why not?
    Probe: Is your school different from others across the division?
    Probe: Please elaborate.

4. What educational opportunities are available to students (e.g., advanced coursework, specialty programs)? Are English learners and students with disabilities represented in these classes/programs?
    Probe: How many English learners do you know that currently take advanced coursework or are enrolled in specialty programs? Students with disabilities?
    Probe: Have you known of any?
    Probe: Is your school different from others across the division?
    Probe: Please elaborate.
5. What keeps English learners and students with disabilities from accessing these educational opportunities?
    Probe: Do you think their lack of access is impacted by larger attitudes and bias?
    Probe: Can you provide an example of this?
    Probe: Please elaborate.

Eligibility Process

1. How familiar are you with the eligibility process at your school? Is there a standard process?
    Probe: Can you walk me through it?
    Probe: What happens after a referral is submitted?
    Probe: Do other schools follow the same process?
    Probe: What makes you think that?
2. Does the eligibility process change if the student is an English learner?
    Probe: How does it change?
    Probe: Are additional school or Central Office staff involved if the student is an English learner? If so, who?
    Probe: Are additional resources used if the student is an English learner? Testing materials? Translation and interpretation services? Bilingual staff/personnel?
    Probe: Has this always been the case?
    Probe: Can you elaborate on your answer?
3. What is your role during the eligibility process?
    Probe: Are you involved from the beginning, once a referral is submitted?
    Probe: Are you involved in the meeting where the assessments for evaluation are discussed?
    Probe: Are you involved in the eligibility meeting following assessment where the final determination is made?
    Probe: Has this always been the case?
    Probe: Can you elaborate on your answer?
4. Are ESL teachers invited to special education meetings if the student is an English learner?
    Probe: Are their suggestions/insights taken into account? Can you give me an example of this?
    Probe: Has this always been the case?
    Probe: Can you elaborate on your answer?
5. What happens after an English learner is found eligible for special education services?
    Probe: Does the student continue receiving ESL services?
    Probe: What does that look like?

Probe: Has this always been the case?
Probe: Can you elaborate on your answer?

6. Has the eligibility process for English learners changed since you have been working in the field of education?
    Probe: How has it changed?
    Probe: When did it change?
    Probe: Do you know why it changed?
    Probe: Can you elaborate on your answer?

Knowledge and Implementation of Relevant Policies

1. Have you heard about a *Dear Colleague Letter* from federal agencies that came out in 2015? (show copy of the letter)
    Probe: How did you find out about this letter?
    Probe: Can you elaborate on your answer?
1. Have you heard about a VDOE handbook titled *Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities* that came out in 2015? (show copy of handbook)
    Probe: How did you find out about this handbook?
    Probe: Can you elaborate on your answer?
2. Did staff in Central Office communicate these new policies?
    Probe: If so, how was it shared with you?
    Probe: Did other school personnel receive this information? If so, how was it shared with them?
    Probe: Did parents receive this information? If so, how was it shared with them?
    Probe: Can you elaborate on your answer?
3. How does your school division communicate new policies?
    Probe: Who do you receive this communication from?
    Probe: Does this information come from Central Office staff?
    Probe: Can you elaborate on your answer?
4. Has the eligibility process for English learners changed as a result of these policies? If so, how has it changed?
    Probe: Can you elaborate on your answer?
5. Has the implementation of these policies been discussed in other opportunities? During staff meetings? Department meetings? Follow-up emails?
    Probe: Can you elaborate on your answer?
6. Who oversees the implementation of these policies?
    Probe: Can you elaborate on your answer?
7. Is the implementation of these 2015 policies supported? If so, please elaborate.
    Probe: What types of resources are provided to help school administrators and teachers implement them? Professional development? Additional staff?
    Probe: Can you elaborate on your answer?
8. What are some of the challenges with implementing these policies? In your school? In your division?
    Probe: How about the advantages? In your schools? In your division?
    Probe: Can you elaborate on your answer?

Disproportionality Data

Part of my research involves understanding federal and state policies on the identification of English learners for special education services. Based on federal special education law, school divisions must report if they have been cited for racial disproportionately. However, language or English learner status is not a factor. For this reason, I have analyzed VDOE data to determine the rate of representation of English learners in special education in Virginia by different groups with varying factors such as race, ethnicity, language, gender, socioeconomic status, and disability category, and if the rate has changed since federal agencies provided guidance in 2015.

1. Here are some visuals to help explain how your school division is doing when it comes to identifying different student groups for special education services. This is of English learners compared to non-English learners. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
2. This is of other student groups with differences by race, ethnicity, language, gender, socioeconomic status, and disability category. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
3. Here are some visuals to help show if the rate of representation of English learners has changed since 2015. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
4. Why do you think these disparities occurred?
    - Probe: What are some contributing factors in your school or division?
    - Probe: How about factors in the community? Outside of the community?
    - Probe: Can you elaborate on your answer?
5. Would having this information be useful to you as a school administrator? Practitioner? Central Office staff?
    - Probe: How would it be helpful?
    - Probe: What would you do with it?
    - Probe: Can you elaborate on your answer?

Conclusion

Is there any more relevant information you would like to share with me about your school, division, or community?

Thank you so much for your time and candidness.

Appendix C

Division Staff Interview Protocol

Introduction

Thank you for agreeing to participate in this interview to gather information about how policies on the identification of English learners for special education services are understood and implemented. There are two parts to this dissertation study. First, I analyzed state and division-level data to determine the rate of representation of English learners in special education in Virginia and if it has changed since federal agencies provided guidance in 2015. For the second part, I am gathering information about how education stakeholders understand and implement these policies through interviews.

I will show you visuals of the results from the statistical analyses, which focuses on the rate of representation of these students and if it has changed since 2015, to guide a part of this conversation. Information collected from your responses will be identified using a pseudonym you created before starting this interview. I will not attribute any information in ways that can be identified as coming from you or about your school/division. You can refuse to answer certain questions and can end the interview at any time.

The conversation will be recorded and I will be taking some notes as we speak. I can stop the recording to answer questions and take breaks at any time. Do you have any questions before getting started? What would you like your pseudonym to be?

Interview Questions:

Relationship to School Division and Community

1. What is your role/job? Please describe what you do in your job and how your work relates to the school division?
2. How many years have you been in this role?
3. How many years have you worked in this school division?
4. What is your relationship to the community within which the school division is located?

Impression of School Division and Community

1. What are your general impressions about the school division within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your answer?
2. What are your general impressions about the community within which you work?
    - Probe: Can you elaborate on your answer?
    - Probe: Is there something that led you to your response?
3. Would you describe the community as diverse?
    - Probe: If yes, in what sense? Please elaborate.
    - Probe: If no, in what sense? Please elaborate.
4. Would you describe your school division as diverse?

Probe: If yes, in what sense? Please elaborate.
Probe: If no, in what sense? Please elaborate.

5. Do you think your school division is responsive to this diversity?
    Probe: If yes, in what ways? Please elaborate.
    Probe: If no, why not? Please elaborate.

Groups in School Division

1. How would you describe the students in your school division? English learners? Students with disabilities? Parents/guardians?
    Probe: What are some challenges or strengths when working with and supporting these groups?
    Probe: Can you offer insight into why you gave this answer?
2. How would you describe the teachers in your school division? ESL teachers? Special education teachers? Your Central Office team?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?
3. How do English as a Second Language (ESL) and special education teachers collaborate in your school division?
    Probe: Is there collaboration between these two departments? If so, what does that look like?
    Probe: Is this collaboration supported by Central Office staff? Are resources and training provided?
    Probe: Can you elaborate on your answer?
4. How would you describe the Central Office staff in your school division? ESL staff? Special education staff?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?

Meeting Student Needs

1. How are students performing academically in your school division? English learners? Students with disabilities?
    Probe: Are they passing SOL assessments?
    Probe: Are they graduating on time? With which diploma (e.g., advanced, standard, applied studies, or modified standard)?
    Probe: Are English learners exiting ESL services on time?
    Probe: Is your school division different from others in the region?
    Probe: Please elaborate.
2. What is your school division doing to address academic underperformance?
    Probe: Does the plan of action vary by student group? English learners? Students with disabilities?
    Probe: Is your school division different from others in the region?
    Probe: Please elaborate.
3. Is your school division responsive to the cultural and linguistic needs of students and their parents/guardians?
    Probe: If yes, in what ways?
    Probe: If no, why not?

  Probe: Is your school division different from others in the region?
  Probe: Please elaborate.
4. What educational opportunities are available to students (e.g., advanced coursework, specialty programs)? Are English learners and students with disabilities represented in these classes/programs?
  Probe: How many English learners do you know that currently take advanced coursework or are enrolled in specialty programs? Students with disabilities?
  Probe: Have you known of any?
  Probe: Is your school division different from others in the region?
  Probe: Please elaborate.
5. What keeps English learners and students with disabilities from accessing these educational opportunities?
  Probe: Do you think their lack of access is impacted by larger attitudes and bias?
  Probe: Can you provide an example of this?
  Probe: Please elaborate.

Eligibility Process

1. How familiar are you with the eligibility process in your school division? Is there a standard process?
  Probe: Can you walk me through it?
  Probe: What happens after a referral is submitted?
  Probe: Do other schools follow the same process?
  Probe: What makes you think that?
2. Does the eligibility process change if the student is an English learner?
  Probe: How does it change?
  Probe: Are additional school/division personnel/staff involved if the student is an English learner? If so, who?
  Probe: Are additional resources used if the student is an English learner? Testing materials? Translation and interpretation services? Bilingual staff/personnel?
  Probe: Has this always been the case?
  Probe: Can you elaborate on your answer?
3. What is your role during the eligibility process?
  Probe: Are you involved from the beginning, once a referral is submitted?
  Probe: Are you involved in the meeting where the assessments for evaluation are discussed?
  Probe: Are you involved in the eligibility meeting following assessment where the final determination is made?
  Probe: Has this always been the case?
  Probe: Can you elaborate on your answer?
4. Are ESL teachers invited to special education meetings if the student is an English learner?
  Probe: Are their suggestions/insights taken into account? Can you give me an example of this?
  Probe: Has this always been the case?
  Probe: Can you elaborate on your answer?
5. What happens after an English learner is found eligible for special education services?

Probe: Does the student continue receiving ESL services?
Probe: What does that look like?
Probe: Has this always been the case?
Probe: Can you elaborate on your answer?

6. Has the eligibility process for English learners changed since you have been working in the field of education?
   Probe: How has it changed?
   Probe: When did it change?
   Probe: Do you know why it changed?
   Probe: Can you elaborate on your answer?

Knowledge and Implementation of Relevant Policies

1. Have you heard about a *Dear Colleague Letter* from federal agencies that came out in 2015? (show copy of the letter)
   Probe: How did you find out about this letter?
   Probe: Can you elaborate on your answer?
1. Have you heard about a VDOE handbook titled *Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities* that came out in 2015? (show copy of handbook)
   Probe: How did you find out about this handbook?
   Probe: Can you elaborate on your answer?
2. Did state professionals at the VDOE or Central Office staff communicate these new policies?
   Probe: If so, how was it shared with you?
   Probe: Did other division staff receive this information? If so, how was it shared with them?
   Probe: Did parents receive this information? If so, how was it shared with them?
   Probe: Can you elaborate on your answer?
3. How does your school division communicate new policies?
   Probe: Who do you receive this communication from?
   Probe: Does this information come from Central Office or VDOE leadership?
   Probe: Can you elaborate on your answer?
4. Has the eligibility process for English learners changed as a result of these policies? If so, how has it changed?
   Probe: Can you elaborate on your answer?
5. Has the implementation of these policies been discussed in other opportunities? During Central Office staff meetings? Division-level meetings? Follow-up emails?
   Probe: Can you elaborate on your answer?
6. Who oversees the implementation of these policies?
   Probe: Can you elaborate on your answer?
7. Is the implementation of these 2015 policies supported? If so, please elaborate.
   Probe: What types of resources are provided to help school administrators and teachers implement them? Professional development? Additional staff?
   Probe: Can you elaborate on your answer?
8. What are some of the challenges with implementing these policies? In your school division?

Probe: How about the advantages? In your school division?
Probe: Can you elaborate on your answer?

Disproportionality Data

Part of my research involves understanding federal and state policies on the identification of English learners for special education services. Based on federal special education law, school divisions must report if they have been cited for racial disproportionately. However, language or English learner status is not a factor. For this reason, I have analyzed VDOE data to determine the rate of representation of English learners in special education in Virginia by different groups with varying factors such as race, ethnicity, language, gender, socioeconomic status, and disability category, and if the rate has changed since federal agencies provided guidance in 2015.

1. Here are some visuals to help explain how your school division is doing when it comes to identifying different student groups for special education services. This is of English learners compared to non-English learners. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
2. This is of other student groups with differences by race, ethnicity, language, gender, socioeconomic status, and disability category. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
3. Here are some visuals to help show if the rate of representation of English learners has changed since 2015. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
4. Why do you think these disparities occurred?
    - Probe: What are some contributing factors in your school division?
    - Probe: How about factors in the community? Outside of the community?
    - Probe: Can you elaborate on your answer?
5. Would having this information be useful to you as a division staff?
    - Probe: How would it be helpful?
    - Probe: What would you do with it?
    - Probe: Can you elaborate on your answer?

Conclusion

Is there any more relevant information you would like to share with me about your school division or community?

Thank you so much for your time and candidness.

Appendix D

State Professional Interview Protocol

Introduction

Thank you for agreeing to participate in this interview to gather information about how policies on the identification of English learners for special education services are understood and implemented. There are two parts to this dissertation study. First, I analyzed state and division-level data to determine the rate of representation of English learners in special education in Virginia and if it has changed since federal agencies provided guidance in 2015. For the second part, I am gathering information about how education stakeholders understand and implement these policies through interviews.

I will show you visuals of the results from the statistical analyses, which focuses on the rate of representation of these students and if it has changed since 2015, to guide a part of this conversation. Information collected from your responses will be identified using a pseudonym you created before starting this interview. I will not attribute any information in ways that can be identified as coming from you or your agency. You can refuse to answer certain questions and can end the interview at any time.

The conversation will be recorded and I will be taking some notes as we speak. I can stop the recording to answer questions and take breaks at any time. Do you have any questions before getting started? What would you like your pseudonym to be?

Interview Questions:

Relationship to School and Community

1. What is your role/job? Please describe what you do in your job and how your work relates to schools/divisions?
2. How many years have you been in this role?
3. How many years have you worked for the VDOE?
4. What is your relationship to the community within which the VDOE is located?

Impression of School and Community

1. What are your general impressions about the VDOE?
    Probe: Can you elaborate on your answer?
    Probe: Is there something that led you to your answer?
2. What are your general impressions about the community within which you work?
    Probe: Can you elaborate on your answer?
    Probe: Is there something that led you to your response?
3. Would you describe the community as diverse?
    Probe: If yes, in what sense? Please elaborate.
    Probe: If no, in what sense? Please elaborate.
4. Would you describe school divisions in Virginia as diverse?
    Probe: If yes, in what sense? Please elaborate.
    Probe: If no, in what sense? Please elaborate.

5. Do you think school divisions in Virginia are responsive to this diversity?
    Probe: If yes, in what ways? Please elaborate.
    Probe: If no, why not? Please elaborate.

Groups in School Division

1. How would you describe the students in Virginia? English learners? Students with disabilities? Parents/guardians?
    Probe: What are some challenges or strengths when supporting these groups?
    Probe: Can you offer insight into why you gave this answer?
2. How would you describe practitioners in Virginia? ESL coordinators? Special education coordinators?
    Probe: What are some challenges or strengths when working with these groups?
    Probe: Can you offer insight into why you gave this answer?
3. How do VDOE staff in ESL and special education collaborate?
    Probe: Is there collaboration between these two departments/offices? If so, what does that look like?
    Probe: Is this collaboration supported by state leadership? Are resources and training provided?
    Probe: Can you elaborate on your answer?
4. How would you describe VDOE staff? ESL staff? Special education staff?
    Probe: Can you elaborate on your answer?
    Probe: Can you offer insight into why you gave this answer?

Meeting Student Needs

1. How are students performing academically in Virginia? English learners? Students with disabilities?
    Probe: Are they passing SOL assessments?
    Probe: Are they graduating on time? With which diploma (e.g., advanced, standard, applied studies, or modified standard)?
    Probe: Are English learners exiting ESL services on time?
    Probe: Is Virginia different from other states in the region?
    Probe: Please elaborate.
2. What is the VDOE doing to address academic underperformance?
    Probe: Does the plan of action vary by student group? English learners? Students with disabilities?
    Probe: Is your agency different from others in the region?
    Probe: Please elaborate.
3. Is the VDOE responsive to the cultural and linguistic needs of students and their parents/guardians?
    Probe: If yes, in what ways?
    Probe: If no, why not?
    Probe: Is your agency different from others in the region?
    Probe: Please elaborate.
4. What educational opportunities are available to students (e.g., advanced coursework, specialty programs)? Are English learners and students with disabilities represented in these classes/programs?

  - Probe: How many English learners do you know that currently take advanced coursework or are enrolled in specialty programs? Students with disabilities?
  - Probe: Have you known of any?
  - Probe: Is your agency different from others in the region?
  - Probe: Please elaborate.
5. What keeps English learners and students with disabilities from accessing these educational opportunities?
    - Probe: Do you think their lack of access is impacted by larger attitudes and bias?
    - Probe: Can you provide an example of this?
    - Probe: Please elaborate.

Eligibility Process

1. How familiar are you with the eligibility process in Virginia? Is there a standard process?
    - Probe: Can you walk me through it?
    - Probe: What happens after a referral is submitted?
    - Probe: Do most school divisions follow the same process?
    - Probe: What makes you think that?
2. Does the eligibility process change if the student is an English learner?
    - Probe: How does it change?
    - Probe: Are additional school/division personnel/staff involved if the student is an English learner? If so, who?
    - Probe: Are additional resources used if the student is an English learner? Testing materials? Translation and interpretation services? Bilingual staff/personnel?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
3. What is your role when thinking about the eligibility process for an English learner?
    - Probe: Can you elaborate on your answer?
4. Are ESL teachers invited to special education meetings if the student is an English learner?
    - Probe: Are their suggestions/insights taken into account?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
5. What happens after an English learner is found eligible for special education services?
    - Probe: Does the student continue receiving ESL services?
    - Probe: What does that look like?
    - Probe: Has this always been the case?
    - Probe: Can you elaborate on your answer?
6. Has the eligibility process for English learners changed since you have been working in the field of education?
    - Probe: How has it changed?
    - Probe: When did it change?
    - Probe: Do you know why it changed?
    - Probe: Can you elaborate on your answer?

Knowledge and Implementation of Relevant Policies

1. Have you heard about a *Dear Colleague Letter* from federal agencies that came out in 2015? (show copy of the letter)
    Probe: How did you find out about this letter?
    Probe: Can you elaborate on your answer?
1. Have you heard about a VDOE handbook titled *Handbook for Educators of Students Who Are English Language Learners with Suspected Disabilities* that came out in 2015? (show copy of handbook)
    Probe: How did you find out about this handbook?
    Probe: Can you elaborate on your answer?
2. Did federal agencies communicate these new policies?
    Probe: If so, how was it shared with you?
    Probe: Did other state agencies receive this information? If so, how was it shared with them?
    Probe: Did parents receive this information? If so, how was it shared with them?
    Probe: Can you elaborate on your answer?
3. How does your agency communicate new policies?
    Probe: Who do you receive this communication from?
    Probe: Does this information come from federal agencies?
    Probe: Can you elaborate on your answer?
4. Has the eligibility process for English learners changed as a result of these policies? If so, how has it changed?
    Probe: Can you elaborate on your answer?
5. Has the implementation of these policies been discussed in other opportunities? During staff meetings? Follow-up emails?
    Probe: Can you elaborate on your answer?
6. Who oversees the implementation of these policies?
    Probe: Can you elaborate on your answer?
7. Is the implementation of these 2015 policies supported? If so, please elaborate.
    Probe: What types of resources are provided to help division staff and school personnel implement them? Professional development? Additional staff?
    Probe: Can you elaborate on your answer?
8. What are some of the challenges with implementing these policies?
    Probe: How about the advantages?
    Probe: Can you elaborate on your answer?

Disproportionality Data

Part of my research involves understanding federal and state policies on the identification of English learners for special education services. Based on federal special education law, school divisions must report if they have been cited for racial disproportionately. However, language or English learner status is not a factor. For this reason, I have analyzed VDOE data to determine the rate of representation of English learners in special education in Virginia by different groups with varying factors such as race, ethnicity, language, gender, socioeconomic status, and disability category, and if the rate has changed since federal agencies provided guidance in 2015.

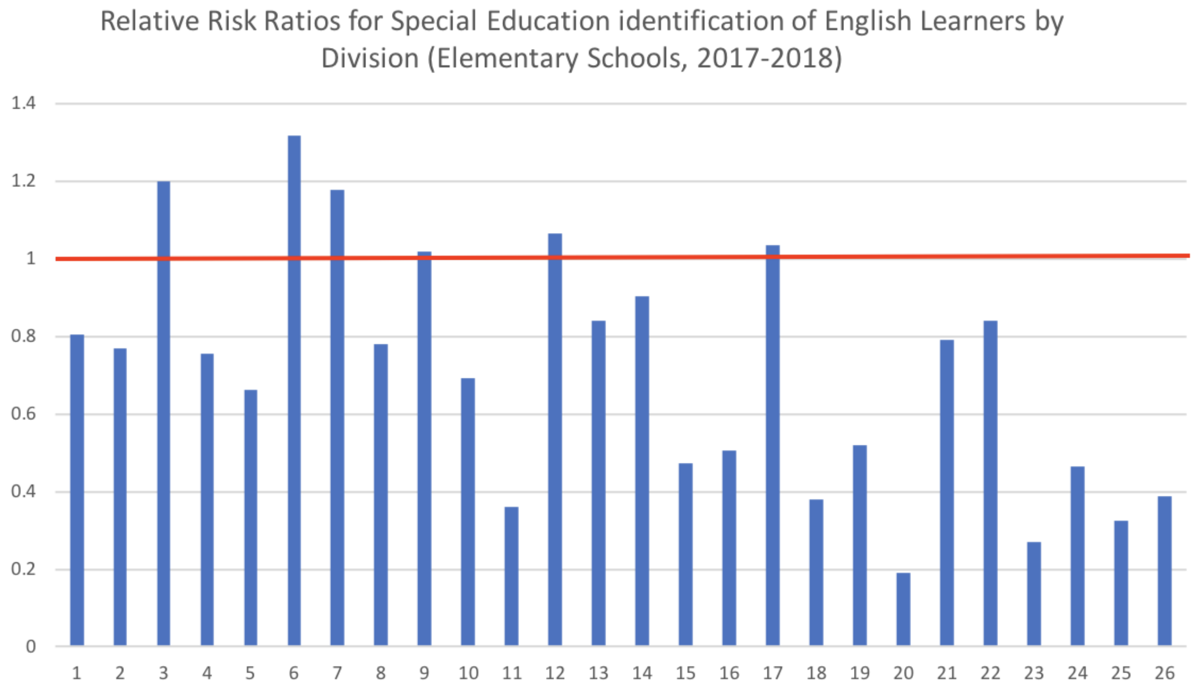
1. Here are some visuals to help explain how Virginia's school divisions are doing when it comes to identifying different student groups for special education services. This is of English learners compared to non-English learners. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
2. This is of other student groups with differences by race, ethnicity, language, gender, socioeconomic status, and disability category. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
3. Here are some visuals to help show if the rate of representation of English learners has changed since 2015. Does this surprise you?
    - Probe: Why or why not?
    - Probe: Can you elaborate on your answer?
4. Why do you think these disparities occurred?
    - Probe: What are some contributing factors in Virginia?
    - Probe: How about factors in the community? Outside of the community?
    - Probe: Can you elaborate on your answer?
5. Would having this information be useful to you as a state leader/professional?
    - Probe: How would it be helpful?
    - Probe: What would you do with it?
    - Probe: Can you elaborate on your answer?

Conclusion
Is there any more relevant information you would like to share with me about your agency or community?

Thank you so much for your time and candidness.

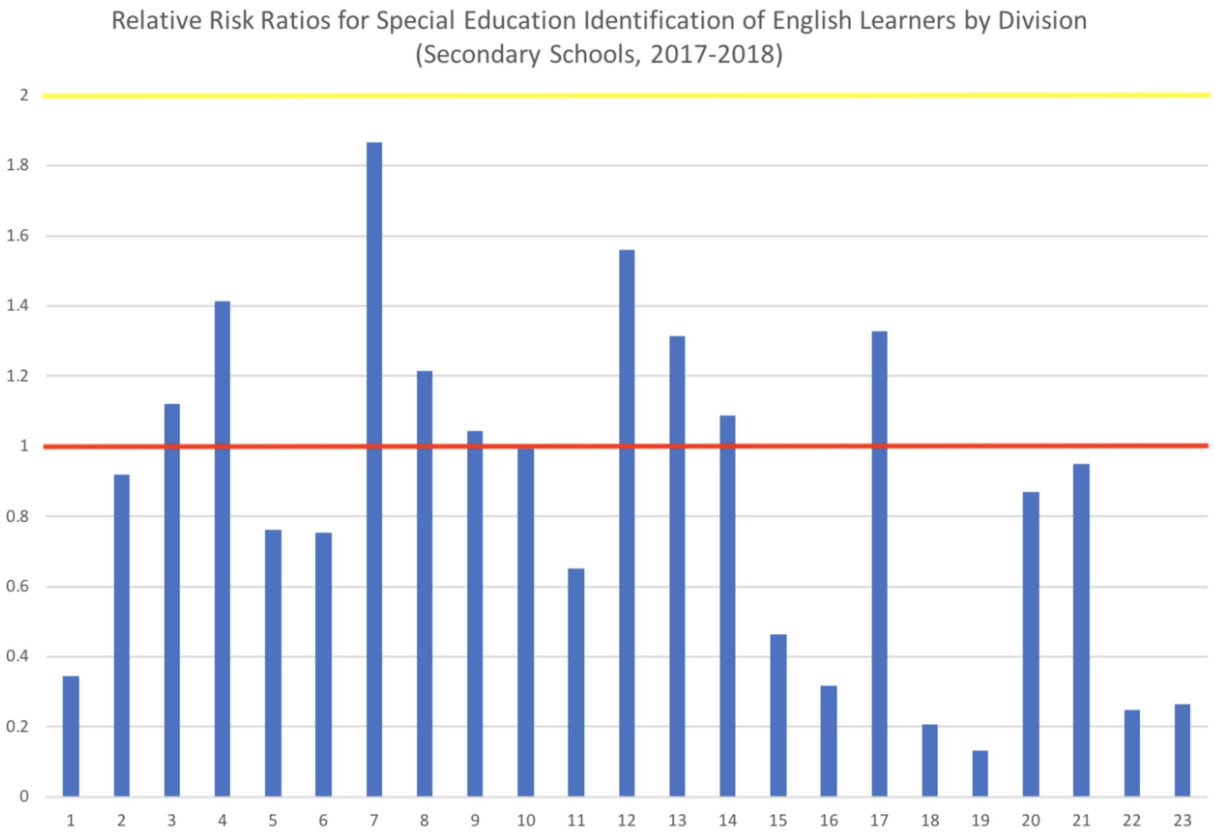
Appendix E

Visual Representation of DLL Relative Risk Ratios at the Elementary Level for 2017-18



Appendix F

Visual Representation of DLL Relative Risk Ratios at the Secondary Level for 2017-18



Appendix G

Table of State-level Relative Risk Ratios of Elementary-level Representation in Special Education by Group for 2015-16, 2016-17, 2017-18

Elementary-Level Subgroups	2015-16	2016-17	2017-18
1. DLLs	0.74	0.66	0.70
Race and Ethnicity:			
2. Asian DLLs *(compared to Asian non-DLLs)*	3.10	1.89	1.70
3. Asian DLLs *(compared to White DLLs)*	1.14	1.08	0.86
4. Black DLLs *(compared to Black non-DLLs)*	0.65	0.61	0.63
5. Black DLLs *(compared to White DLLs)*	1.11	1.00	0.84
6. Latinx DLLs *(compared to Latinx non-DLLs)*	1.05	1.01	1.28
7. Latinx DLLs *(compared to White DLLs)*	1.97	2.42	2.51
8. White DLLs *(compared to White non-DLLs)*	0.72	0.72	0.72
Gender:			
9. Female DLLs *(compared to female non-DLLs)*	0.88	0.76	1.33
10. Female DLLs *(compared to male DLLs)*	0.37	0.35	0.35
11. Male DLLs *(compared to male non-DLLs)*	0.69	0.75	0.74

12. Male DLLs *(compared to female DLLs)*	3.58	3.65	3.16
Race, Ethnicity, and Gender:			
13. Asian female DLLs *(compared to Asian female non-DLLs)*	2.40	3.76	3.12
14. Asian female DLLs *(compared to Asian male DLLs)*	0.29	0.31	0.31
15. Asian female DLLs *(compared to White female DLLs)*	0.69	0.69	0.69
16. Asian male DLLs *(compared to Asian male non-DLLs)*	2.42	3.51	3.88
17. Asian male DLLs *(compared to Asian female DLLs)*	5.11	5.28	3.43
18. Asian male DLLs *(compared to White male DLLs)*	2.53	2.25	1.34
19. Black female DLLs *(compared to Black female non-DLLs)*	0.88	1.03	0.97
20. Black female DLLs *(compared to Black male DLLs)*	0.36	0.40	0.40
21. Black female DLLs *(compared to White female DLLs)*	0.83	0.90	0.94
22. Black male DLLs *(compared to Black male non-DLLs)*	0.60	0.64	0.68
23. Black male DLLs *(compared to Black female DLLs)*	2.75	2.50	2.53
24. Black male DLLs *(compared to White male DLLs)*	1.43	1.84	1.04
25. Latinx female DLLs *(compared to Latinx female non-DLLs)*	1.64	1.29	1.94
26. Latinx female DLLs	0.31	0.31	0.32

(compared to Latinx male DLLs)			
27. Latinx female DLLs *(compared to White female DLLs)*	1.04	0.98	1.02
28. Latinx male DLLs *(compared to Latinx male non-DLLs)*	1.16	0.96	0.83
29. Latinx male DLLs *(compared to Latinx female DLLs)*	4.17	3.87	3.74
30. Latinx male DLLs *(compared to White male DLLs)*	3.13	3.56	1.70
31. White female DLLs *(compared to White female non-DLL)*	1.21	1.22	1.11
32. White female DLLs *(compared to White male DLLs)*	0.46	0.43	0.39
33. White male DLLs *(compared to White male non-DLLs)*	0.55	0.53	0.75
34. White male DLLs *(compared to White female DLLs)*	2.15	2.33	2.56
Socioeconomic Status:			
35. DLLs of low SES	1.87	1.60	1.84
36. DLLs of high SES	0.68	0.74	0.70
Socioeconomic Status, Race, and Ethnicity:			
37. Asian DLLs of low SES *(compared to Asian non-DLLs of low SES)*	*	*	*
38. Asian DLLs of low SES *(compared to Asian DLLs of high SES)*	0.57	0.66	0.71
39. Asian DLLs of low SES *(compared to White DLLs of low SES)*	0.70	0.59	1.31
40. Black DLLs of low SES *(compared to Black non-DLLs of low SES)*	0.50	0.42	0.44

41. Black DLLs of low SES *(compared to Black DLLs of high SES)*	0.75	0.84	0.84
42. Black DLLs of low SES *(compared to White DLLs of low SES)*	0.89	0.86	0.94
43. Latinx DLLs of low SES *(compared to Latinx non-DLLs of low SES)*	1.06	1.11	1.16
44. Latinx DLLs of low SES *(compared to Latinx DLLs of high SES)*	1.72	1.53	2.08
45. Latinx DLLs of low SES *(compared to White DLLs of low SES)*	1.08	0.97	2.12
Race, Ethnicity, Gender, and Socioeconomic Status:			
46. Asian female DLLs of low SES *(compared to Asian female non-DLLs of low SES)*	*	*	*
47. Asian female DLLs of low SES *(compared to Asian female DLLs of high SES)*	0.38	0.48	0.73
48. Asian female DLLs of low SES *(compared to White female DLLs of low SES)*	1.15	0.54	0.64
49. Asian male DLLs of low SES *(compared to Asian male non-DLLs of low SES)*	*	*	*
50. Asian male DLLs of low SES *(compared to Asian male of high SES)*	0.49	0.49	1.98
51. Asian male DLLs of low SES *(compared to White male DLLs of low SES)*	0.69	0.59	0.73
52. Black female DLLs of low SES *(compared to Black female non-DLLs of low SES)*	0.37	0.18	0.56
53. Black female DLLs of low SES *(compared to Black female DLLs of high SES)*	1.01	0.81	*
54. Black female DLLs of low SES *(compared to White female DLLs of low SES)*	2.30	0.41	0.89
55. Black male DLLs of low SES *(compared to Black male non-DLLs of low SES)*	0.34	0.37	0.39

56. Black male DLLs of low SES *(compared to Black male DLLs of high SES)*	0.73	0.76	0.75
57. Black male DLLs of low SES *(compared to White male DLLs of low SES)*	0.95	0.88	0.94
58. Latinx female DLLs of low SES *(compared to Latinx female non-DLLs of low SES)*	3.17	2.84	4.27
59. Latinx female DLLs of low SES *(compared to Latinx female DLLs of high SES)*	1.30	1.08	1.29
60. Latinx female DLLs of low SES *(compared to White female DLLs of low SES)*	4.51	1.64	1.22
61. Latinx male DLLs of low SES *(compared to Latinx male non-DLLs of low SES)*	2.00	1.48	1.49
62. Latinx male DLLs of low SES *(compared to Latinx male DLLs of high SES)*	1.63	1.17	1.68
63. Latinx male DLLs of low SES *(compared to White male DLLs of low SES)*	1.14	1.07	1.03

Appendix H

Table of State-level Relative Risk Ratios of Secondary-level Representation in Special Education by Group for 2015-16, 2016-17, 2017-18

Secondary-Level Subgroups	2015-16	2016-17	2017-18
1. DLLs	0.99	0.88	0.89
Race and Ethnicity:			
2. Asian DLLs *(compared to Asian non-DLLs)*	4.96	3.64	3.24
3. Asian DLLs *(compared to White DLLs)*	1.89	1.26	1.11
4. Black DLLs *(compared to Black non-DLLs)*	1.08	0.61	0.58
5. Black DLLs *(compared to White DLLs)*	1.31	1.04	1.43
6. Latinx DLLs *(compared to Latinx non-DLLs)*	2.05	2.40	2.57
7. Latinx DLLs *(compared to White DLLs)*	2.46	1.91	3.00
8. White DLLs *(compared to White non-DLLs)*	1.10	0.95	0.78
Gender:			
9. Female DLLs *(compared to female non-DLLs)*	1.87	1.37	1.21
10. Female DLLs *(compared to male DLLs)*	0.57	0.54	0.65
11. Male DLLs *(compared to male non-DLLs)*	1.25	0.83	0.74

12. Male DLLs *(compared to female DLLs)*	2.56	2.06	1.85
Race, Ethnicity, and Gender:			
13. Asian female DLLs *(compared to Asian female non-DLLs)*	9.12	6.72	6.31
14. Asian female DLLs *(compared to Asian male DLLs)*	0.57	0.52	0.53
15. Asian female DLLs *(compared to White female DLLs)*	0.75	0.76	0.82
16. Asian male DLLs *(compared to Asian male non-DLLs)*	4.79	4.19	4.14
17. Asian male DLLs *(compared to Asian female DLLs)*	1.76	1.93	1.90
18. Asian male DLLs *(compared to White male DLLs)*	1.31	3.11	3.09
19. Black female DLLs *(compared to Black female non-DLLs)*	1.37	0.94	0.65
20. Black female DLLs *(compared to Black male DLLs)*	0.54	0.53	0.37
21. Black female DLLs *(compared to White female DLLs)*	0.72	0.79	0.87
22. Black male DLLs *(compared to Black male non-DLLs)*	0.87	0.53	0.52
23. Black male DLLs *(compared to Black female DLLs)*	1.84	1.88	3.29
24. Black male DLLs *(compared to White male DLLs)*	1.31	1.22	1.35
25. Latinx female DLLs *(compared to Latinx female non-DLLs)*	3.00	2.19	2.39
26. Latinx female DLLs	0.57	0.53	0.63

(compared to Latinx male DLLs)			
27. Latinx female DLLs *(compared to White female DLLs)*	1.21	1.42	1.31
28. Latinx male DLLs *(compared to Latinx male non-DLLs)*	2.78	2.85	2.19
29. Latinx male DLLs *(compared to Latinx female DLLs)*	2.67	2.26	1.71
30. Latinx male DLLs *(compared to White male DLLs)*	1.58	4.04	3.97
31. White female DLLs *(compared to White female non-DLL)*	2.97	1.81	1.81
32. White female DLLs *(compared to White male DLLs)*	1.00	0.82	0.80
33. White male DLLs *(compared to White male non-DLLs)*	1.49	0.66	0.69
34. White male DLLs *(compared to White female DLLs)*	1.00	1.23	1.24
Socioeconomic Status:			
35. DLLs of low SES	2.38	2.07	1.93
36. DLLs of high SES	0.73	0.70	0.64
Socioeconomic Status, Race, and Ethnicity:			
37. Asian DLLs of low SES *(compared to Asian non-DLLs of low SES)*	7.77	9.85	5.66
38. Asian DLLs of low SES *(compared to Asian DLLs of high SES)*	0.87	0.61	0.63
39. Asian DLLs of low SES *(compared to White DLLs of low SES)*	1.20	0.95	0.98
40. Black DLLs of low SES *(compared to Black non-DLLs of low SES)*	0.63	0.31	0.41

41. Black DLLs of low SES *(compared to Black DLLs of high SES)*	1.20	1.03	1.03
42. Black DLLs of low SES *(compared to White DLLs of low SES)*	1.37	1.05	1.23
43. Latinx DLLs of low SES *(compared to Latinx non-DLLs of low SES)*	2.38	1.95	2.96
44. Latinx DLLs of low SES *(compared to Latinx DLLs of high SES)*	2.32	1.12	2.19
45. Latinx DLLs of low SES *(compared to White DLLs of low SES)*	1.75	1.50	1.59
Race, Ethnicity, Gender, and Socioeconomic Status:			
46. Asian female DLLs of low SES *(compared to Asian female non-DLLs of low SES)*	*	*	*
47. Asian female DLLs of low SES *(compared to Asian female DLLs of high SES)*	0.75	0.55	1.03
48. Asian female DLLs of low SES *(compared to White female DLLs of low SES)*	2.98	1.72	1.36
49. Asian male DLLs of low SES *(compared to Asian male non-DLLs of low SES)*	*	*	7.57
50. Asian male DLLs of low SES *(compared to Asian male of high SES)*	0.85	0.93	0.76
51. Asian male DLLs of low SES *(compared to White male DLLs of low SES)*	1.41	1.21	1.21
52. Black female DLLs of low SES *(compared to Black female non-DLLs of low SES)*	0.49	0.18	0.55
53. Black female DLLs of low SES *(compared to Black female DLLs of high SES)*	0.98	1.09	3.19
54. Black female DLLs of low SES *(compared to White female DLLs of low SES)*	1.86	1.11	1.15
55. Black male DLLs of low SES *(compared to Black male non-DLLs of low SES)*	0.63	0.30	0.31

56. Black male DLLs of low SES *(compared to Black male DLLs of high SES)*	1.47	1.04	1.16
57. Black male DLLs of low SES *(compared to White male DLLs of low SES)*	1.71	1.29	1.55
58. Latinx female DLLs of low SES *(compared to Latinx female non-DLLs of low SES)*	3.53	3.17	2.96
59. Latinx female DLLs of low SES *(compared to Latinx female DLLs of high SES)*	1.08	1.68	2.71
60. Latinx female DLLs of low SES *(compared to White female DLLs of low SES)*	6.38	5.80	2.27
61. Latinx male DLLs of low SES *(compared to Latinx male non-DLLs of low SES)*	2.84	2.46	2.35
62. Latinx male DLLs of low SES *(compared to Latinx male DLLs of high SES)*	1.01	2.27	2.13
63. Latinx male DLLs of low SES *(compared to White male DLLs of low SES)*	1.91	1.66	1.86

Curriculum Vitae

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Evaluation Specialist
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Virginia Commonwealth University
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EDUCATION

Virginia Commonwealth University Richmond, VA
Ph.D. in Education spring 2020
Curriculum, Culture, and Change Program
Dissertation: *An Intersectional Analysis of Disproportionality of Dual Language Learners in Special Education in Virginia: A Mixed Methods Study*
Co-Chairs: Adai Tefera, Ph.D. and Yaoying Xu, Ph.D.

George Mason University Fairfax, VA
M.Ed. in Curriculum and Instruction 2012
English for Speakers of Other Languages (ESOL) PK-12,
Special Education, and Spanish

Catholic University of America Washington, D.C.
B.A. in World Politics 2001
Minors in Philosophy and Spanish Literature

SPECIAL AWARDS AND OTHER HONORS

- Scholarship Recipient. (2019). Andrew and Darnetta Daire Dissertation Scholarship. Virginia Commonwealth University, School of Education.
- Grant Recipient. (2019). Office of Research and Faculty Development Presentation to Publication Program. Virginia Commonwealth University, School of Education.
- Ph.D. Student Travel Award. (2019). Virginia Commonwealth University, School of Education.
- Grant Recipient. (2017). American Association of Colleges for Teacher Education (AACTE) Holmes Scholar Program Dissertation Symposium and Retreat in Orlando, FL. Virginia Commonwealth University, School of Education.
- University Fellowship. (2016-2018). Virginia Commonwealth University, School of Education.

RESEARCH AREA

Line of Research: Developing and enhancing evidence-based practices and policies to mitigate the disproportionality of English learners in special education and improve student outcomes

Interests: Practices and policies for dual language learners; intersections of language, race/ethnicity, dis/ability, and other sociocultural differences; collaboration between ESOL and special education services

PROFESSIONAL EXPERIENCE

University Instructor 2020-Present
School of Education
Virginia Commonwealth University, Richmond, VA

- Teach weekly topics, research articles and practitioner resources for spring 2020 semester course: Seminar on Educational Issues, Ethics, and Policy (EDUS 673)
- Grade weekly assignments, groups projects/presentations, and final papers using Blackboard
- Lead class discussions and facilitate group activities

Evaluation Specialist 2018-Present
Metropolitan Educational Research Consortium (MERC)

- Coordinate program evaluation teams of faculty members and doctoral students to conduct reviews of educational programs in Metropolitan Richmond school divisions as well as in other parts of the Commonwealth
- Lead MERC's English Learner Research and Evaluation Team in applying for grants to support research and evaluation efforts, disseminating related scholarly information, designing and delivering related professional development, and publishing conceptual and research articles to disseminate scholarly information and create a bridge between research, policy, and practice
- Pursue additional projects that expand MERC's overall capacity to serve the needs of local school divisions and to meet the educational mission of VCU's SOE

University Teaching Assistant 2017
School of Education
Virginia Commonwealth University, Richmond, VA

- Helped structure weekly topics, researched articles and practitioner resources for summer 2017 semester course: Seminar on Educational Issues, Ethics, and Policy (EDUS 673)
- Graded weekly assignments, groups projects/presentations, and final papers using Blackboard
- Taught a class on contemporary issues in education, language, and intersectionality
- Led class discussions and facilitated group activities

University Guest Lecturer 2017-2019

School of Education
Virginia Commonwealth University, Richmond, VA

- Presented on evidence-based practices for dual language learners with disabilities for summer 2019 semester course: Special Education and Disability Policy 601 Methods 1: Teaching Students in Special Education and General Education (SEDP 601)
- Presented on contemporary issues in education and the intersectional needs of dual language learners for summer 2019 semester course: Multicultural Perspectives in Education (SEDP 619)
- Presented on contemporary issues in education and the intersectional needs of dual language learners for fall 2018-19 semester course: Educational Issues, Ethics, and Policy (EDUS 673)
- Presented advice for first-year doctoral students for fall 2017-18 semester course: Foundations of Education Research and Scholarship I (EDUS 702)
- Presented on the diverse needs of dual language learners and students with disabilities for spring 2017 semester course: Investigations and Trends in Teaching Secondary Science and Mathematics (TEDU 681)

Graduate Research Assistant 2016-2018
Noyce Initiative
Virginia Commonwealth University, Richmond, VA

- Coordinated an induction program for novice Science, Technology, Engineering, and Math (STEM) teachers in local under-resourced schools by facilitating monthly focus group sessions, implemented problem-solving and success protocols to build teacher skills, transcribed sessions, analyzed data, and provided ongoing program support
- Conducted quarterly research interviews with pre-service STEM teachers using protocols, transcribed interviews, and analyzed data
- Disseminated quarterly surveys to pre-service teachers using REDCap, analyzed data, and supported ongoing program evaluation efforts
- Promoted the Noyce Scholarship by organizing events and creating publicity materials
- Maintained program records and compiled annual report data

Program Coordinator 2016
ALASS Tutoring Initiative
Arlington Public Schools (APS), Arlington, VA

- Oversaw an initiative where college-bound high school graduates with Deferred Action for Child Arrivals (DACA) tutored newcomer ESOL students during summer school
- Developed curriculum to train tutors and delivered training sessions
- Monitored progress and contacted summer school teachers to coordinate tutoring supports

ESOL/High Intensity Language Training (HILT) Teacher 2011-2016
Washington-Lee High School
Arlington Public Schools (APS), Arlington, VA

- Supported, collaborated, and co-taught with content and special education teachers, planning curriculum and creating lesson plans using evidence-based practices

- Differentiated and scaffolded content-specific materials and assessments for dual language learners with disabilities
- Advised content teachers, special education case managers, and specialists in designing comprehensive Individualized Education Program language goals and accommodations
- Ensured language accommodations are provided with fidelity in the classroom by general and special education teachers
- Coordinated and administered the World-Class Instructional Design and Assessment exams to dual language learners with disabilities with testing accommodations
- Developed curricula and wrote grant proposals to create visual aids and other instructional tools

World Languages and Cultures Teacher 2011-2012
Anacostia High School
DC Public Schools, Washington, D.C.

- Designed an independent study course on world languages and cultures for students in the Evening Credit Recovery Program to attain foreign language credits
- Wrote the course curriculum on foreign language development, encompassing four themes: personal development, cultural awareness, educational growth, and economic opportunities
- Implemented formative assessments and performance-based projects centered on discovery and technology-based learning using authentic texts, multimedia, and online discussion boards

Special Education Assistant 2008
Patrick Henry Elementary School
Arlington Public Schools, Arlington, VA

- Delivered differentiated instruction and adapted materials for students with hearing and auditory processing disorders in the Total Communications Program

ESOL/Spanish Teacher & Translator 2006-2008
Self-Employed & LexiTrans, Cuzco, Peru

- Translated legal and political documents from Lima, and taught basic medical Spanish and English to serve international clients from North American and European countries

ESOL Teacher 2004-2005
King’s International School & GDA Academy, Bundang, South Korea

- Taught English using the direct immersion method to children ages 3-14 in private language schools

ESOL Teacher 2003
Casa de Guías, Centro de Idiomas (Language Center), Huaraz, Peru

- Taught beginner-intermediate level English to children and adults in a private language center

PUBLICATIONS

Peer-reviewed Articles:

Parkhouse, H., Massaro, V., **Cuba, M. J**., & Waters, C. (accepted). Agile advocacy: Teachers' efforts to support undocumented students within unclear policy contexts. *Harvard Educational Review.*

Cuba, M. J. (2020). Frontloading academic vocabulary for English learners with disabilities in an integrated classroom setting. *Intervention in School and Clinic, 55*(4), 230-237.

Cuba, M. J., Massaro, V. R., Waters, C., Watson, S., Cody, A. M., & Stemhagen, K. (2018). Beyond the label: Using a multilevel model of intersectionality to explore the educational experiences of Latino English learners. *Journal of Latinos and Education*, 1-16.

Campbell, E., & **Cuba, M.** (2015). Analyzing the role of visual cues in developing prediction making skills of third- and ninth-grade English language learners. *The CATESOL Journal, 27*(1), 53-93.

Book Chapters:

Tefera, A. A., Artiles, A. J., Lester, A. M., & **Cuba, M. J.** (2019). Grappling with the paradoxes of inclusive education in the U.S. - Intersectional Considerations in Policy and Practice. In Hartmann, M.; Hummel, M.; Lichtblau, M., Löser, J.; Thoms, S. (Eds.), *Facetten Inklusiver Bildung.* (pp. 117-125). Bad Heilbrunn: Klinkhardt.

Peer-reviewed Manuscripts in Revision and Under Review:

Cuba, M. J., Nomi, B., & McMillan, J. (*under review*, submitted 2019, December). Supporting undocumented students: A comparative study of training methods for pre-service school professionals. *Journal of Education for Teaching*

Palencia, V., **Cuba, M. J.,** Rolander, K., Massaro, V. R., Waters, C., & Harris, A. (*under review*, submitted 2020, February). "We're Glad You're Here": Fostering Greater Equity and Positive School Climate for English Learners through Dual Language Programming. *TESOL Journal*

Peer-reviewed Manuscripts in Preparation *(titles are tentative)*:

Cuba, M. J., Matute, M., & Taylor, J. (in preparation). Addressing the disproportionality of racially/ethnically and linguistically diverse students in special education for practitioners. *Teacher Education and Special Education.*

Other Scholarly Work:

Cuba, M., & Rolander, K. (2019). Dual language programming: A model to enhance school climate and academic achievement in diverse schools. Research and policy brief.

Metropolitan Educational Research Consortium (MERC). Virginia Commonwealth University.

Holton, A., Tefera, A. A., **Cuba, M.**, & Lester, A. (2018). A review of special education equity and parent engagement in Henrico County Public Schools.

Publications for the Public:

Cuba. M. (2018). Member voices: Learning to navigate new spaces at Washington Week. AACTE blog Ed Prep Matters.

GRANT DEVELOPMENT

Contributing Writer 2017-2018

Virginia Commonwealth University, Richmond, VA

- Wrote sections of National Science Foundation grant proposal for the VCU Noyce Initiative, a STEM teacher retention program, that resulted in a $1.2 million award (Principal Investigator, Elizabeth Edmondson, Ph.D.)

Grant Writer 2002-2003

Strategies for International Development, Cuzco, Peru

- Produced grant proposals and suggestions for other funding opportunities to an international rural development non-governmental organization

CURRICULUM DEVELOPMENT

Curriculum Developer 2016-2017

Dream Project, Arlington, VA

- Planned, developed, and revised curriculum for the Dream Project Mentoring Program, an initiative that focuses on empowering students whose immigration status limits their access to a college education
- Identified resources required to develop and deliver mentoring sessions for students and their parents/guardians
- Consulted with key collaborators for curriculum development purposes
- Developed learning objectives and goals for nine units of study
- Provided support to Mentoring Program Coordinator and facilitators piloting curriculum during the 2016-2017 school year

PRESENTATIONS

International and National:

**indicates competitively selected presentation; # indicates invited presentation*

*Tefera, A., Lester, A. M., & **Cuba, M. J.** (2020, April). *The myth of inclusion in IDEA: How separate and unequal schools persist for students of color with disabilities*. Presentation at the American Educational Research Association Conference. San Francisco, CA.

***Cuba, M.** (2020, February). *An intersectional analysis of disproportionality of dual language learners in special education in Virginia*. Presentation at the AACTE Holmes Preconference. Atlanta, GA.

*Jackson, T., **Cuba, M.,** Matute, M., Jernigan, Q., & Brown, P. (2020, February). *Breaking barriers: Addressing imparities of racially and ethnically diverse doctoral students.* Presentation at the AACTE 72nd Annual Meeting. Atlanta, GA.

***Cuba, M.** (2019, November). *An intersectional analysis of disproportionality of dual language learners in special education in Virginia: A mixed-methods* study. Presentation at the Teacher Education Division 2019 National Conference. New Orleans, LA

***Cuba, M.**, Matute, M., & Taylor, J. (2019, November). *Addressing the disproportionality of racially/ethnically and linguistically diverse students in special education for practitioners.* Presentation at the Teacher Education Division 2019 National Conference. New Orleans, LA.

***Cuba, M.**, Nomi, B., & McMillan, J. (2019, April). *Supporting undocumented students: A comparative study of interventions for pre-service school professionals.* Presentation at the American Educational Research Association Conference. Toronto, CA.

***Cuba, M.** (2019, February). *An intersectional analysis of disproportionality of Dual Language Learners in special education in Virginia: A Mixed-Methods Study.* Presentation at the AACTE Holmes Preconference. Louisville, KY.

***Cuba, M. J**., Massaro, V. R., & Waters, C. (2018, April). *Beyond the label: Using a multilevel model of intersectionality to explore the educational experiences of Latino English learners.* Presentation at the American Educational Research Association Conference. New York City, NY.

*Reilly-O'Neil, F., Harrison, S., **Cuba, M.**, & Lockridge, P. (2015, April). *Creating educational equity for English learners with disabilities.* Presentation at the Minority Student Achievement Network Conference. Madison, WI.

Regional:
**indicates competitively selected presentation; # indicates invited presentation*

***Cuba, M.**, Waters, C., Rolander, K., Palencia, V., & Harris, A. (2019, October). *Capitalizing on the strengths of English Learners through dual language programs.* Presentation at the 16th Annual Metropolitan Educational Research Consortium Conference. Richmond, VA.

***Cuba, M.**, Rolander, K., Palencia, V., & Massaro, V. (2019, August). *Supporting English Learners: Practices and policies that enhance school climate and academic achievement.* Presentation at the Powhatan EmPOWer Conference. Powhatan, VA.

***Cuba, M.** (2019, July). *An intersectional analysis of disproportionality of English Learners in special education in Virginia.* Presentation at the Virginia Department of Education's Virginia is for ALL Learners: Education Equity Summer Institute. Richmond, VA.

#Cuba, M. (2019, April). *An intersectional analysis of disproportionality of Dual Language Learners in special education in Virginia: A mixed-methods study*. Presentation at the 22nd Annual VCU Graduate Student Associate Research Symposium & Exhibit. Richmond, VA.

***Cuba, M.**, Waters, C., & Palencia, V. (2019, February). *Dual language programming: A model to enhance school climate and academic achievement in diverse schools*. Presentation at the Virginia ESL Supervisors' Association Conference. Portsmouth, VA.

***Cuba, M.**, Harris, A., Lu, Z., Lozada, F., Parkhouse, H., Senechal, J., & Thomas, K. (2018, October). *Understanding changes to cultural diversity within our schools and the implications for professional practice.* Presentation at the 15th Annual Metropolitan Educational Research Consortium Conference. Richmond, VA.

***Cuba, M.** (2017, October). *Practice and policies for English learners.* Presentation at the 14th Annual Metropolitan Educational Research Consortium Conference. Chesterfield, VA.

*Edmondson, E., & **Cuba, M.** (2017, October). *Investigating the retention of Noyce scholars through induction meetings.* Presentation at the 14th Annual Metropolitan Educational Research Consortium Conference. Chesterfield, VA.

*Edmondson, E., & **Cuba, M.** (2017, June). *Noyce Initiative phases I & II: Partnership for success.* Presentation at the Southeast Regional Noyce Conference. Mobile, AL.

*Willis, C., **Cuba, M.**, Taylor, J., & Wallace, W. (2017, March). *Restoring equity: Aspects of disproportionality in K-12 education.* Presentation at the Equity and Social Justice Conference, Richmond, VA.

***Cuba, M.** (2017, January). *Using intersectionality to explore two English learners' experiences: A collaborative case study analysis*. Presentation at the School of Education Research Colloquium at VCU. Richmond, VA.

#Tabatabai, F., Liten-Tejada, R., & **Cuba, M.** (2013, June). *HILT resource teachers: Collaborative teaching.* Presentation at the Arlington Public Schools Administrative Council Meeting. Arlington, VA.

#Cuba, M. (2013, March). *How high school affects your child's future: What's important for parents to know*. Presentation at the Arlington Public Schools Annual Multicultural

Parent Conference. Arlington, VA.

***Cuba, M.**, & Fickes, D. (2012, March). *Can you hear me? Hispanic women's struggle for voice and equity: Implications for education*. Presentation at the Southeastern Women Studies Association Conference. Fairfax, VA.

#Cuba, M. (2012, March). *How high school affects your child's future: What's important for parents to know.* Presentation at the Arlington Public Schools Annual Multicultural Parent Conference. Arlington, VA.

ADDITIONAL PROFESSIONAL EXPERIENCE

Research Study Team Associate 2017-2019
Presidential Research Quest (PeRQ) Study on Racial Disproportionality in Special Education
Virginia Commonwealth University, Richmond, VA

- Collaborate in a concurrent transformative mixed-methods study that uses an intersectional and interdisciplinary approach to look at the mechanisms and contextual factors in local school districts facing racial disproportionality in special education

Research Study Team Associate 2018-2019
UndocuAlly Teachers Study

- Supported a qualitative, instrumental case study that looks at how teachers are responding to the unique situations, concerns, and vulnerability of undocumented students and the recent increases in enforcement of immigration laws

Evaluation Team Associate 2018
Evaluation of Special Education Programming in Henrico County Public Schools (HCPS)
ChildFocus, Inc.

- Provided guidance and knowledge of special education practices and policies in Virginia and how they impact racial disproportionality of identification, placement, and school discipline
- Synthesized advocate correspondence related to due processes between HCPS and HCPS families
- Conducted interviews with stakeholders and support process of protocol development, notetaking and probing during interviews, as well as providing post-interview summaries
- Developed surveys for teachers and administrators and facilitate collection of data for analysis
- Analyzed data collected by the team and data provided by HCPS and the state
- Reviewed relevant materials and reports that may inform the review process
- Contributed to the written final product, a report of recommendations for HCPS

Research Assistant 2001
Council on Foreign Relations, Latin American Studies, Washington, D.C.

- Located and translated articles from Spanish to English for a Research Fellow on Cuban-American relations pre-Castro, and researched topics related to Latin American politics

Policy Intern 2000

AFL-CIO, Labor Council for Latin American Advancement, Washington, D.C.

- Researched labor policy and collaborated in a monthly newsletter for a grassroots organization directed by Latino labor union leaders

Literacy Tutor 1999-2001

AmeriCorps, Heads Up: A University Neighborhood Initiative, Washington, D.C.

- Provided after school and summer academic enrichment by mentoring children in the city's most underfunded neighborhoods

PROFESSIONAL SERVICE

University:

President and Scholar 2018-Present

Holmes Scholar Program at VCU
VCU School of Education, Richmond, VA

- Lead a program that supports doctoral students from historically underrepresented groups by coordinating meetings, workshops, recruitment efforts, and new member orientations

Committee Member 2018-Present

Committee for Diversity, Equity, and Inclusion
VCU School of Education, Richmond, VA

- Help coordinate events that raise awareness about the experiences of individuals with diverse backgrounds and provide resources to encourage discourse among faculty, staff, and students

Community:

Committee Leader 2016-2019

UndocuAlly K-12 Committee
RVA Teachers for Social Justice, Richmond, VA

- Oversee committee that plans and delivers UndocuAlly K-12 training sessions for local school personnel on how to advocate and support undocumented students

Committee Chair & Board Member 2015-2016

Mentoring Program and Student Support Committee
Dream Project, Arlington, VA

- Oversaw committee and reported to the Board on progress of goals, budgetary needs, and suggestions for the mentoring program for undocumented students and students with DACA

Teacher Liaison 2014-2016

Teachers' Council on Instruction

Arlington Public Schools, Arlington, VA
- Represented Washington-Lee High School in an advisory group of teachers that advises the administration and School Board on instructional issues

Teacher Liaison 2012-2016
Bridge Team (Special Education and ESOL/HILT Departments)
Arlington Public Schools, Arlington, VA
- Collaborated in a school-based team of special education and ESOL/HILT professionals on issues related to dually identified students

International and National:

Board Member 2010-2016
International Child Empowerment Network (ICEN), Washington, D.C.
- Consulted with ICEN Director and other Board Members about developing self-determination and self-advocacy curriculum to implement in school programs in Ghana

Editorial Boards:

Ad hoc Journal Reviewer

Berkeley Review of Education	2019-Present
Journal of Latinos and Education	2018-Present

MEMBERSHIPS IN ORGANIZATIONS

- American Educational Research Association
    - Division K: Teaching and Teacher Education
    - Division G: Social Context of Education
    - Critical Educators for Social Justice Special Interest Group
- Council for Exceptional Children
    - Division for Culturally and Linguistically Diverse Exceptional Learners
    - Teacher Education Division
- Critical Race Studies in Education Association

ADDITIONAL SKILLS

- Bilingual fluency in English and Spanish
- REDCap
- Blackboard
- SPSS statistics
- Stata statistics
- ATLAS.ti
- MAXQDA

Updated January 7, 2020