Historically Tracing Academic Disability in the Social Construction of the LEP (Limited English Proficiency) Student Category From 1968 to 2017

By

James S. Corona

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The dissertation is approved by the following members of the Final Oral Committee:

Carl A. Grant, Professor, Curriculum and Instruction

Mary Louise Gomez, Professor, Curriculum and Instruction

Francois Tochon, Professor, Curriculum and Instruction

Morris Young, Professor, English

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Dedication

This work is dedicated to my three children, Francisca, Valentino, and Zufan.

Este estudio se lo dedico a esos tres amores de mi vida.

Que sigan hablando dos o tres idiomas en vez de hablar un solo idioma.

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Table of Contents

1 Rationale for Study, Conceptualizing the Cultural Deficit Orientation in Multicultural Education, & The Study's Theoretical Framework

Rationale for Study
The Initial Impetus for The Study **10**
The Academic Impetus for The Study **12**
Conceptualizing the Deficit Orientation in the Field of Multicultural Education **24**
The Emergence of Multicultural Education **24**
How Multicultural Education Conceptualizes the Cultural Deficiency Orientation **27**
Critiquing Cultural Deficiency in Multicultural Education **28**
The Cultural Asset Orientation in Multicultural Education **34**
The Study's Theoretical Framework **38**
Shaping This Study's View on the Social Construction of Disability: Incorporating Social Constructionist Elements from the Social Sciences **38**
Shaping This Study's View of the Social Construction of Disability: Incorporating the Idea of Human Disability Through A Socially Constructed Lens of Disability **46**
Normality/Abnormality Through Disability Lens **49**
Connecting LEP Category to Disability Lens **52**

2 Methodology

Method of Study **57**
Considerations Concerning the Quality of This Qualitative Study **66**

3 Historically Tracing the Academic Disability Embedded in the Education Literature of LEP Student Category *Before* the No Child Left Behind (NCLB) Era

Introduction **70**

Historically Tracing the Academic Disability Embedded in the LEP Student Category Through the Emergence of the Culturally Deprived Student **77**
Solidifying the Connection Between Cultural Deprivation and Intellectual Disability **87**
Examining Education Literature from the 1960s: Laying the Intellectual Foundation for the Social Construction of the Academically Disabled LEP Student Through the Social Construction of the Culturally Deprived Student **90**

Who is Socially Constructed as the Culturally Deprived
Student **90**
Establishing the Academic Deficiencies of the Culturally
Students and Evaluating these Difficulties in Light of
Middle Class Norms of Normality **97**
Interpreting Basil Bernstein into the Social Construction
Of the Culturally Deprived Student **103**
Ideas on Remedial Action in Light of the Social Construction of
The Culturally Deprived Student **105**
The Use of Non-Standard English as Educationally
Disabling **108**
Attempting to Resist the Entry of Some Educationally Disabling
Features into the Social Construction of the Culturally
Deprived Student Category **110**
How Educational Literature From the 1960s and 1970s Specifically
Focuses on the Academic Disability of LEP Students **115**
The Social Construction of an Anti-School Oriented Home
Environment in 1960s/70s **116**
Non-English/Spanish Language Interference with Student
Educational Achievement in 1960s/70s **120**
General Cultural Alienness as Educationally Disabling in
the 1960s/70s **122**
The Failure to Meet Middle Class Academic Norms For
Educational Normality in 1960s/70s **123**
Difficulties in Distinguishing the LEP Student Category From
the Special Education Student Category and the Learning
Disabilities Student Category in 1960s/70s **125**
The Apparent Need for Remedial/ Compensatory Programs
in the 1960s/70s **126**
Disabling Elements Embedded in the LEP Category Contained
in the Bilingual Act of 1968 **127**
Situating the Bilingual Act of 1968 within Education Literature
Linking Cultural deprivation and Educationally Disabling Oral
Development **129**
Situating the Bilingual Act of 1968 within Education Literature
Linking the LEP Student's Cultural Deprivation to a Disabling
Illiterate/Semi-Literate Cultural Heritage **133**
Situating the Bilingual Act of 1968 within Education Literature
Linking "Serious Learning Difficulties" with Both Bilingualism
and home Environments **137**
Situating the Bilingual Education Act of 1968 within Education
Literature on the Disabling Effect of Foreignness on the LEP
Student Identity **138**
Signaling the Academic Disability of LEP Students in the Bilingual
Act of 1968: The Emergence of Remedial Programs **143**
Education literature from the 1980s: Tracing the Educational

Disability Embedded in the LEP Student Category **145**
Non-English Language Interference with Student Academic Achievement **145**
Difficulties Distinguishing the LEP Student Category from Special Education/Learning Disability Category **151**
Cultural Alienness as Academically Disabling **154**
Education Literature from the 1990s: Tracing the Educational Disability Embedded in the LEP Student Category **156**
The Presence of a Non-English Language Interferes with the LEP Student's Academic Achievement **156**
Familial Life and Cultural Heritage as Academically Disabling for the LEP Student **160**
The Presence of Academically Disabling Elements in the Social Construction of the LEP Student Category Makes it Difficult to Distinguish the LEP Student Category from the Learning Disabled Student Category **162**
Identifying LEP Students as Educationally Disabled Invites the Presence of a Less Academically Challenging Coursework **165**

4 Historically Tracing the Educationally Disabled Identity of the LEP Student During the NCLB (No Child Left Behind) Era

Introduction **168**

Detecting the Educationally Disabling Identity of the LEP Student Embedded in the NCLB Act of 2001 Through a Socially Constructed Disability Lens **172**
NCLB Historically Inherits Cultural Foreignness as Educationally Disabling **174**
NCLB and the Social Construction of Educable, Though Academically Limited, LEP Students **177**
Signaling the Academic Disability of LEP Students Through an Inaccurate Characterization of Language use in an LEP Student's Social/Familial Environment **180**
NCLB and Insinuating the Presence of Non-English Languages as Academically Disabling **182**
Contextualizing the Existence of NCLB within Education Literature That Suggests the Presence of Non-English Languages as Not Necessarily Academically Disabling **183**
Signaling the Academic Disability of LEP Students within the NCLB Era: Encountering Difficulties Distinguishing the LEP Category from The Learning Disable (LD)/ Special Education Categories **189**
Signaling the Academic Disability of LEP Students within the NCLB Era: Exposing LEP Students to Less Academically Challenging Coursework **195**
Signaling Academic Disability When Historically Tracing the Notion

of Sub-Normality: A Way in Which the Pre-NCLB Era and the NCLB Era Intersect **204**
Signaling the Academic Disability of the LEP Student within the NCLB Era: Affirming Academic Disability Through the Portrayal of the LEP Student Sub-Normality **212**
Portraying LEP Students as an Abnormally Low Academic Performing Group **212**
Revealing LEP Student Sub-Normality Through Academic Comparisons with Non-LEP Students **214**
Inferring the Educational Sub-Normality of LEP Students by Examining the LEP/ELL Label **215**

5 Conclusion
The Uniqueness of This Study **219**

References

ABSTRACT

Although it has not been done before, this study applies a theoretical framework of socially constructed disability to education literature that touches upon the educational identity of LEP (Limited English Proficiency) students from 1968, when the LEP student category is officially created, to 2017, when the No Child Left Behind Act of 2001 (NCLB) continues to officially regulate the American educational system. When viewed globally, this historically inflected study reiterates the idea that in education literature LEP students have historically, and therefore persistently, been *defined as if* they were *unofficially* speaking academically disabled, despite *not* being *officially labeled* as students with learning disability. Indeed, within education literature, the language of disability, or some defining elements of disability, continues to help define the educational identity of LEP students. In addition, this study furthers our detailed understanding of the specific nature of those disabling portrayals, doing so while linking some of those portrayals, both conceptually and historically, to the educational depictions of other student groups, such as African Americans. As noted in some multicultural education literature, this study confirms the notion that LEP students have been historically depicted, in part, in accordance with a deficit orientation toward their academic capacities. At the same time, if LEP students are unofficially defined *as if* they were unofficially academically disabled (as this study finds), then this study helps to open up the idea that LEP students have been seen, at least partially, as permanently limited functioning students, even when educational improvements have been seen as remedially possible

Historically Tracing Academic Disability In The Social Construction Of The LEP Student Category From 1968 to 2017

CHAPTER 1

Rationale For This Study

The Initial Personal Impetus For The Study

As a bilingual teacher, someone who can "pass" as both a native English speaker and a native Spanish speaker (once I have been either officially or unofficially tested), I have long been *troubled* by a speculative idea: the social stigmatization the often accompanies becoming designated as an LEP/ESL student. From my perceptual vantage point, indicators of this stigmatization litter the educational highways of our educational infrastructure, revealing its existence in a multiplicity of ways: the social association of an LEP designation with foreignness, rather than Americanness; the linking of an LEP label with a non-college academic trajectory; the unspoken, yet perceived, connection between an LEP student identity and undesirable academic underperformance, which, in turn, often becomes attached to negative personal traits, such as a lack of intelligence and an inability to do complex as opposed to simple academic work; and, of course, our social preference for the commonplace term ELL (English Language Learner) over the *legal* term LEP (Limited English Proficiency), which might partially stem from our social desire to reduce the stigmatizing impact of the LEP label on our students. Moreover, in conceptually reframing Young (2004), while acknowledging his claim that some children of immigrants view "Standard English" as an "important signifier" of Americanness (p. 63), I have found it useful to entertain the possibility

that, given "the manifold anxieties about the meanings of U. S. citizenship," the LEP student identity could be unofficially "classified as alien," even for those students who hold "birthright and legal understanding in the United States as citizens" (p. 49).

Hence, the LEP designation has sometimes given these LEP students a perceivable sense of being educationally *abnormal* within an educational system that sometimes seems to primarily serve the educational needs of those raised as standard English monolinguals. Consequently, does that speculative perception, on my part, of the stigmatization that accompanies the LEP label and the LEP student warrant treating it as social reality? In other words, does that sort of stigmatization actually exist, or is it actually reflected in our educational literature?

Such speculative ideas on the stigmatizations of students, linked to an LEP designation, have made me wonder whether, if true, these stigmatizing ideas have historically arisen, at least partially, because of embedded elements of student identity that form essential features of an LEP student identity, though doing so in ways that academically disables the recipient of such an educational label. Of course, I am not suggesting that the stigmatization of students with an LEP designation is mostly an explicit or a deliberate process. Rather, the educational system might treat the LEP category *as if* it were a label of educational disability without either *explicitly* or *officially* doing so; after all, for example, as a teacher, I could theoretically treat a student as a "slow learner" without ever calling her/him one. Indeed, I could define you as a "slow learner" without consciously attaching the label of "slow learner" to your name. In fact, we often can perceive the reality of any

situation or phenomena without ever labeling it, even as we might acknowledge the nature of its existence. Moreover, labels, like words, almost invariably display multiple definitions, which, although subtly denoting differences, have often been socially deemed to be so similar to each other that they warrant the social convention of grouping them around a single word that defines them, thereby further encouraging us to view them all similarly. Therefore, have LEP students been defined in ways that make it reasonable for us to view them as a category of students who unofficially, and educationally, resemble the group of students who are officially recognized as educationally disabled?

The Academic Impetus For The Study

From the onset, it should be noted that this study has chosen to refer to ESL/ELL students as LEP students because of two major reasons: first, and most importantly, the Limited English Proficiency label is the *legally official* label of these students, as noted in federal legislation (the Elementary and Secondary Education Act of 1965, the Bilingual Act of 1968, and the No Child Left behind Act of 2001); and second, this *official* label accurately portrays the educational limitedness, or the limited educational ableness, that is embedded in much of the education literature that socially constructs the LEP student *as if* she/he were educationally disabled.

In a broad sense, as noted by Apple (2014), the legitimatization of “official knowledge” within educational systems often involves “accords or compromises,” whether explicitly or implicitly arrived at, among a diverse array of educational

stakeholders (pp. 9-10). An example of institutionalized "official knowledge" emerges with the rise of new learning disabilities categories in the 1960s. In fact, the modern existence of learning disabilities officially emerges, according to Sleeter (1987), in 1963, when the modern concept of "learning disability" becomes "the newest special education category in the US" (p. 211).

Within the area of education regulations, Sleeter (1987) suggests that during the 1960s the category of learning disabled was legislatively constructed to accompany the *traditional* student categories of the mentally retarded, of the slow learner, of the emotionally disturbed, and of the culturally deprived (pp. 220-224). Those four student categories were partially used, according to Sleeter (1987), to educationally segregate a spectrum of students into a multiplicity of socio-economic, racial and cultural groups. Sleeter (1987) believes modern "learning disabilities in the US is essentially a category for reading failure" that "was constructed to explain and protect failing white middle class children by differentiating them from the other four categories (mentally retarded, slow learner, emotionally disturbed, and culturally deprived) in ways that made them almost 'normal,' " while simultaneously legitimizing their abnormality (p. 226).

At the same time, however, as it pertains to the LEP student population, Sleeter (1987) has argued that over time there has been "a shift in who is classified as learning disabled and how the category is used" (p. 230), with minority groups putting "pressure on educators to discard the notion of cultural deprivation and stop classifying disproportionate numbers of minority children as mentally retarded" (p. 231). A social constructionist view of disability might suggest, if

evidence is forthcoming, that this social pressure might have gradually made an LEP student placement a reasonable alternative to a special education placement, precisely because the LEP student category – as this study eventually highlights – has historically embedded elements of academic disability into the categorical identity of the LEP classification.

What's more, this study explores the possibility that if the LEP category became a significant site for struggling Spanish-speaking Hispanic pupils and struggling multilingual Asian students, the LEP category might have initially been an educational category that contained/incorporated assumptions of academic and sociocultural disability. In other words, some sort of notion of "learning disability" might have *already existed* from the moment the LEP category was created, despite the fact that the LEP category was never officially recognized as a disabled student category. Alternatively, this study also explores the possibility that because the LEP category was generally created for dealing with problematic multilingual students who were performing poorly in traditional/mainstream English language classrooms, some notion of "learning disability" might have *gradually,* and accidentally, *leaked* into the LEP student category and therefore distorted or transformed the initial perception of an LEP student' academic identity, turning it more negative and disabled-like in nature. In any event, those two possibilities are not mutually exclusive. Thus, for example, the LEP category might have – as this study eventually suggests – contained elements of educational disability as identifying features and the presence of these features could have triggered a

leakage of other unofficial notions of educational disability into the social construction of the LEP category.

My initial review of literature that linked learning disabilities with LEP student status suggested a need to more broadly and historically trace elements of an LEP student's identity that might be reasonably viewed as educationally disabling. Subsequently, it gradually became clear that to socially construct the LEP student, whether explicitly or implicitly, whether officially or unofficially, as if she/he were an academically disabled student, might make it more likely that he/she is improperly placed in special education classes. In fact – perhaps reflecting the implicit existence of educationally disabling elements of identity embedded in the construction of the LEP category – a variety of studies confirmed the historically *persistent* practice of disproportionately placing LEP students in certain special education programs, particularly ones associated with learning disabilities (Guiberson, 2009; Samson & Lesaux, 2009; MacSwaon & Rolsad, 2006; Zehler et al., 2003; Fletcher & Navarrette, 2003; and Minow, 2001). Thus, for example, as will be reiterated in our theoretical framework and in some of the education literature this study analyzes, the continuing practice of disproportionately placing LEP students in certain special education programs, such as those associated with language disabilities (MacSwan and Rolstad, 2006, p. 2304), has raised the possibility that, at some implicit level, the LEP category itself is signifying, to people in the education system, forms of student academic disability.

This propensity for improperly placing LEP students in special education classes raises an interesting possibility, one highly germane to this study. In an

important review of the literature of LEP students who have been "misdiagnosed as having a disability," Butterfield (2012) highlighted four major factors that appeared to induce this "misdiagnosis": "professionals' lack of knowledge of second language development and disabilities, inappropriate instructional practices, lack of intervention strategies, and limited appropriate assessment tools" (p. 2). And yet, perhaps an unexamined factor in such improper placements might be more subtly difficult to detect, something more connected to *how LEP students are socially constructed*: how the LEP category has been a figurative depository of unofficially recognized academic disability.

As noted by the Education Commission of the States (2003), placing an unwarranted learning disability definition (though not designation) on ordinary LEP students not only bestows educational "stigma" to its recipients, but it also "places a label on the child that may result in lowered expectations from teachers, peers, and the student himself" (p.1). Indeed, to the degree that the LEP category is explicitly or implicitly conceptualized as an academically disabling category, this defining process might help sustain the kind of "lowered expectations" that facilitates lower academic achievement. As a matter of fact, The Grantmakers For Education (2010) organization has determined that "only 6 percent of fourth-grade ELL students scored at or above proficiency in reading in English, compared to 34 percent of non-ELL fourth graders" – despite the fact that over 75 percent of kindergarten through fifth grade ELL students are *second and third generation* Americans (p. 1). Therefore, could these lowered expectations, as reflected in lower

academic preparation and lower in standardized tests scores, emerge from the LEP designation?

Interestingly, when some former LEP students have found themselves in a situation with higher educational expectations they have tended to perform better academically. Thus, for example, Flores, Painter, Harlow-Nash & Pachon (2009) have found that LEP students who move from LEP English classrooms into mainstream English classes are achieving "significantly better on all academic indicators than ELLs who were not reclassified (mainstreamed into regular English classes) by 8th grade" (pp. 1-2). Nevertheless, perhaps this situation of lowered LEO student expectations, emanating from an educationally disabling LEP identity, may help explain, in part, the relatively low LEP/ELL test scores in places like Florida, where, according to O'Connor (2012), the reading scores of ELL students are largely comparable with those obtained by students with educational disabilities (while 33 percent of ELL students attain "passing" statewide reading scores, 29 percent of students with disabilities "pass" their statewide reading test).

Furthermore, exploring the potential existence of various forms of disability that might be embedded in the LEP category is important because such negative social constructions eventually affect both public opinion and educational policy. In analyzing symbolic social constructions embedded in public policy frameworks, Miller (2012) reminds us that "some groups (are) marginalized by the way the (are) constructed in public policy discourse, while other groups (are) embraced as both deserving and entitled" (p. 27). This means, among other things, that not only do "policy designs socially construct target populations" (Ingram, Schneider & de Leon,

1993, p. 97), but that "punishment-oriented policy" is often designed for "*negatively* (my italic) constructed groups" (Schneider & Ingram, 1993, p. 334).

What's more, as underscored by Freathy & Packer (2010), historical research – such as this exploration of how features of academic disability might be embedded in the historical trajectory of the LEP student category – can "illustrate how a past educational policy, theory, practice or setting emerge," arising "in a specific spatial, temporal and sociocultural context" (p. 233). Consequently, with regard to this study, the presence of elements suggestive of student disability, embedded closely into the LEP category, might potentially open up avenues for further exploration of how the social construction of LEP students as academically disabled has undermined their collective educational trajectory by inadvertently fostering harmful or inappropriate educational policies directed at them.

This study applies a socially constructed framework of disability to the educational identity of LEP students in order to analyze how LEP students are depicted as defective students. When seen within the broad field of multicultural education, this approach provides another perspective, an additional tool, and an additional theoretical standard for more fully understanding how LEP students are conceptualized as defective students. In other words, while the traditional multicultural education approach for understanding how minority students (including LEP students) are treated as defective students tends to center on analyzing how they are viewed as deficient culturally and academically – as seen from a deficit perspective – the current study applies a socially constructed lens of disability to the LEP identity.

These two broad approaches – the deficit lens and the socially constructed disability lens – though similar, display differences that can enhance our understanding of how LEP students, and potentially other minority students, are negatively portrayed in education literature. Therefore, I see these two interrelated analytical approaches as complementary rather than as antithetical approaches for understanding the negative identities of student groups in our educational system. Put differently, just as when we try to explain or to ascertain the existence of a physical illness in the body through a variety of methods – whether we invoke blood tests, saliva tests, fecal tests, x-ray tests, or a series of behavioral tests – the application of a socially constructed lens of educational disability for analyzing the negative portrayal of LEP students can represent an additional tool of analysis, rather than a competing or replacement tool of analysis within a broadly conceived field of multicultural education.

The deficit approach toward analyzing an LEP student's educational identity tends to focus on critiquing what that student allegedly "lacks" (which is educationally relevant) in order to be academically successful. By contrast, the "disabilities" approach tends to stress the critiquing of the existence of supposedly negative traits within an LEP student's identity that *educationally disables*, making him/her "unable" to function as a normal student. So the "deficit" approach invites a balance sheet analogy toward understanding the LEP student's negatively constructed student identity. From that perspective, a student's negative educational identity is tied to an erroneous perception that she/he "lacks" the necessary cultural/intellectual skills to educationally succeed. Consequently, the

"deficit" perspective stresses that not only might LEP students be perceived as erroneously "lacking" necessary educational traits, but also that even if these students actually lacked them, the difficulties emanating from those alleged "deficits" could be reasonably overcome or superseded by developing and acknowledging the cultural/academic "assets" that these students bring to educational sites, since these assets have been unacknowledged, have been ignored, and have been underappreciated.

On the other hand, the educational disabilities approach could potentially suggest a darker, more pessimistic view – even if accurate – of how the social perception of an LEP student's educationally-connected disabilities negatively affect his/her educational trajectory. To the degree that education literature depicts LEP students as "unable" and therefore *incapable* of academically performing like *normal/average* students, then these students could be educationally immobilized, treated as warranting a permanent placement in the figurative basement of the edifice of academic performance. In other words, if LEP students are depicted/portrayed as potentially educationally disabled, *unable to academically perform as normal/average students*, then no amount of sociocultural assets might be sufficient to overcome the negative effects of persistently perceived sociocultural disabilities, or of educational sub-normalities implicitly or explicitly viewed as interfering with *normal*/average educational performances.

In short, the socially constructed educational disabilities approach offers another lens through which to analyze and understand the negative educational identity of LEP students as depicted in education literature. Hence, in the final

analysis, if the negative educational identity of the LEP student is sufficiently strong within current educational institutions, perhaps it might be time to consider the possibility of potentially either modifying, deeply reshaping, or eliminating the notion of an LEP student category or the notion of an LEP student, and therefore, replacing it with a different way of conceptualizing less affluent multilingual students.

In addition, given the broad interest in student identity, other scholars in educational fields that are closely connected to the field of multicultural education have also delved into these deficit and disability analytical lenses. For example, Pacheco (2010a) sees that “deficit-oriented ideologies” continue to influence classroom practices (p. 89). Similarly, within the field of world language education, Tochon (2009) finds that many “bilingual children tend to be rejected by the school systems instead of being considered assets” (p. 633), with a linguistic hierarchy established, one in which the language of the home is seen as deficient vis-à-vis the school language (p. 664). Moreover, Tochon (2009) also notes how the language of low-income families is often “considered in terms of handicap” (p. 664), which tends to engender negative “stereotypical labels” on students from low income families (p. 664). Finally, in the area of curriculum studies, Baker (2002) has suggested that “proliferation of categories of educational disability” has been “used to mark students as outside the norms of child development or as at-risk of school failure” (p. 676).

Therefore, in a historically inflected manner, which has not been done quite like this before, this study applies a theoretical framework of socially constructed

disability to educational documents that will be examined, through discourse analysis, to trace the historical trajectory – from 1968 to 2017– of the social construction of LEP students as academically disabled students. In other words, this study, in applying a theoretical framework of socially constructed disability, analyzes educational discourses embedded in academic journals, education articles, and specific laws in order to ascertain the presence, over the years from 1968 to 2017, of a specific social construction of LEP students: one that conceptualizes/*defines* them *as if* they were, *unofficially* speaking, academically disabled, despite not being *officially* labeled as students with learning disabilities.

The following interconnected research questions will guide this historically oriented qualitative research study:

1. Applying a conceptual lens of socially constructed disability, in what explicit and implicit ways, if any, have notions of academic disability helped to historically socially construct – from 1968 to 2017 – LEP students as a student category?
2. How is this social construction of academic disability embedded in the category of LEP/ESL/ELL student?

Succinctly stated, I took the following steps in my analysis of educational documents connected to the social construction of the LEP student category: first, I examine academic texts (journal articles), plus some popular magazines, to detect notions of academic disability in the social construction of dual/multiple language

student learners from the early 1960s to the late 1960s, before the enactment of the Bilingual Act of 1968; second, I analyze, within a historical context, how the social construction of the LEP student category – within the Bilingual Act of 1968 and the No Child Left Behind Act of 2001 – contains elements of academic disability embedded within its socially constructed identity; and third, I explore education/academic literature from the 1970s, 1980s, 1990s, and 2000s to ascertain and analyze the manner in which, if any, the LEP student category has been constructed as an academically disabled one.

Finally, it should be noted that the *results* of this historical study on how education literature portrays LEP students *as if* they were academically disabled, while underscoring at least major five ideas: first, this study confirms the idea that in education literature LEP students have historically been *defined as if* they were *unofficially* speaking academically disabled, despite *not* being *officially* labeled as students with learning disabilities; second, the historical origins of the educationally disabling identity of LEP students has been linked to the negative historical portrayals of other student groups, such as African Americans; third, this study reiterates the notion that LEP students have been depicted, in part, in accordance with a deficit orientation toward their academic capacities; fourth, this study furthers our detailed understanding of how the portrayals of LEP students are both conceptually and historically linked to the educational depictions of other student groups, such as African Americans; and fifth, this study potentially opens up new ways of seeing and understanding the historical portrayal of LEP students in education literature.

How The Cultural Deficit Orientation Toward Minority Students, Including LEP Students, Has Been Historically Conceptualized Within The Field Of Multicultural Education

The Emergence Of The Academic Field Of Multicultural Education

While early precursors of the modern multicultural education movement in the United States included scholars such as G. W. Williams in the 1880s, C.G. Woodson in the 1920s, and W.E.B. DuBois in the 1930s, the contemporary seeds of today's field of multicultural education are generally situated around the Black ethnic studies movement that emerged throughout the 1960s and 1970s (Banks, 2004, pp. 8-9). This intellectual awakening, according to Banks (2004), sought "to integrate the school and college curriculum with content about African Americans" (p. 8). Sleeter and Delgado Bernal (2004) see this yearning for the academic institutionalization of ethnic studies, whether African American, Latina/o or Asian American, as an attempt to push "for the inclusion of ethnic content in the curriculum in order to bring intellectual counter-narratives to the dominant Eurocentric narratives" (p. 240). For their part, Grant and Lei (2001) highlight how two concepts connected to a student's cultural heritage accompanied the eruption of ethnic studies disciplines: first, the idea that minority cultures, such as those embedded in Latino communities, exist somewhat autonomously from the majority culture, which meant that many of these early scholars sought the uncorking of a sort of "cultural democracy" within a framework of "cultural pluralism" (p. 212); second, the notion that "cultural equality" – *rather than cultural deficit* – should be strongly advocated, since such advocacy was pitted against what many minority

scholars saw as the "cultural supremacy" of Euro-centric curriculums in American schools (p. 213).

In addition, Grant, Fondrie, and Elsbree (2004) have also identified the two most dominant research paradigms in multicultural education, regardless of whether the "themes of race, class, ethnicity, ability, sexuality, language or religion" are evoked – namely, the assimilation paradigm and the pluralism paradigm (p. 187). Grant, Fondrie, and Elsbree (2004) stress that while the assimilation paradigm "espouses tolerance and acceptance of difference in an effort to uphold the existing social structure and power relations," though "without considering the intersection of multiple social constructs or the social constructs of other individuals in that classroom," the pluralism paradigm, with its emphasis on he "philosophical ideas of freedom, justice, equality, equity and human dignity," underlines how the "intersections of the social constructs of race, class, gender, ethnicity, ability, sexuality, language, and religion are essential variables in analyzing data," for that latter approach ultimately "seeks equity by transforming power relationships" in classroom settings (p. 187).

As the pedagogical terrain of multicultural education has shifted over time, its defining parameters have expanded, becoming more expansive in its reach of the educational life of students. In pioneeringly researching the field of multicultural education, Grant and Sleeter (2003) have detected five distinctive orientations within multicultural education: the human relations approach, the single-group studies approach, the multicultural education approach, the multicultural and social-reconstructionist orientation, and the teaching of the exceptional and

culturally different. Grant and Sleeter (2003) conceive the human relations approach as a way of helping students of different backgrounds communicate "to create positive feelings" and "reduce stereotypes," while "promoting unity and tolerance in a society" (79). Moreover, Grant and Sleeter (2003) visualize the single group studies orientation as one that mostly pays attention to the experiences and cultures of a specific group, such as an ethnic group, and aims "to reduce social stratification" and "give students of color a sense of their history and identity in American society" (p. 114).

As for the multicultural approach, Grant, Fondrie, and Elsbree (2004) describe it as aiming to "promote social structural equality and cultural pluralism," to maintain "power relationships at the forefront of their research analysis in an effort to seek social justice goals" (p.188). In addition, according to Grant and Sleeter (2003), the teaching of the exceptional and culturally different focuses on helping students of color "fit into the mainstream American society," since it "regard(s) immigrants, the poor, the unemployed, people with disabilities, and alienated members of society as lacking primarily the right skills, values, and knowledge" to fit into society (p. 39). Finally, it should be noted that the multicultural and social-reconstructionist approach is one which Grant, Fondrie, and Elsbree (2004) discern practitioners who examine "inequality and oppression in society critically and are concerned with structural equality, cultural pluralism, and the potential for social action" (p. 188). Ultimately, although not opposed to the multicultural and social-reconstructionist approach, this historically centered study is most comfortably situated within the multicultural education orientation. What's more, this study is

partially *an attempt to apply a social constructionist theoretical framework of disability to cultural deficient notions that are embedded in the academic identity of the LEP student and the LEP student category.*

Examining How The Field Of Multicultural Education Conceptualizes The *Cultural Deficiency Orientation* Toward Minority Students, Including LEP Students

In general, when examining the preoccupations embedded in the field of multicultural education, it appears that many multicultural education researchers have devoted considerable intellectual resources for not only *critiquing cultural deficit approaches* toward the teaching of the culturally different, but also for developing *cultural asset orientations* toward the teaching of minority students.

Converging with those who view "cultural deficit" theories skeptically, Grant and Sleeter (2003) define the "deficiency orientation" as an inclination toward seeing the "prevailing standards for 'American culture' and 'normal' human development as universally correct, and they trace failures to achieve those standards to supposed deficiencies in children's home environments and in their physiological and mental endowments or in both" (p. 41). On the other hand, these two educators sketch the "difference orientation" as one in which the "prevailing" educational "standards" are treated "as relative to the demands of a particular culture and hold that different culture contexts produce equally healthy but different patterns of normal development" (p. 41). Therefore, Grant and Sleeter (2003) believe that the best sort of multicultural education is one whereby minority

students "learn to function positively in mainstream culture as well as in their own community culture" (pp. 41-42).

In anchoring their review of the literature on Limited English Proficiency (LEP) students, Sue and Padilla (1986) find that the "cultural deficit" and the "cultural mismatch" perspectives constitute two out of the four (including the "genetic inferiority" paradigm and the "contextual interaction" orientation) major explanations for the academic underperformance of language minority students in public schools. According to Sue and Padilla (1986), a variety of "cultural deficit" paradigms are deployed in education literature to explain academic difficulties through a perceptual prism of defectiveness: "minority group members are viewed as lacking the cultural competence necessary for dealing with academic and social challenges" (p. 44), since they are "culturally deficient, underprivileged, deprived, pathological, or deviant" (p. 45).

Critiquing The Cultural Deficiency Orientation In The Field Of Multicultural Education

The cultural deficiency approaches, which shape the education of minority students, including LEP students, are seen by many multicultural educators as misguidedly damaging to the educational futures of these students. In denouncing the perpetuation of myths that undermine efforts to reform classroom pedagogies, instead of creating ones that would better serve the academic interests of culturally marginalized students, Ladson-Billings (2007) takes aim at four major cultural myths which tend to engender a form of "deficit" cultural determinism: first, the

sense that minority student "parents just don't care" about their children's education, despite evidence on how "highly effective teachers" use a "variety of creative strategies for involving parents" (p. 318); second, the expectation that minority children should be "permitted to fail" because they lack enough home-based educational experiences (pp. 318-319), despite the fact that many of those same teachers often "demand success" from their White, more affluent students (p. 319); third, the unfounded belief of how poor "families don't value education," despite plenty of evidence on how the poor not only "pay more of their tax dollar toward education," but also have engaged schools as "primary battleground" sites during the Civil Rights Era; finally, the unreflective idea that working class minority students inevitably "come from a culture of poverty," despite the reality that "poverty is not a culture," but rather, "a condition produced by the economic, social, and political arrangements of a society" (p. 320).

In analyzing how cultural knowledge from minority students is "marginalized" and rendered "invisible" in schools, given its perceived cultural inferiority vis-à-vis Euro-American culture, King (2004) contends that "Euro-American cultural knowledge" is highly esteemed "because it serves to legitimate the dominant White middle-class normative cultural model" (p. 357), rather than "because it is Eurocentric" (p. 357). While examining the intersection between race/ethnicity and culture, King (2004) argues that "American cultural identity continues to be formed not only along the boundaries of the color line, but also within the normative cultural demarcations that denote and connote degrees of assimilation to an idealized White Euro-American middle class cultural norm" (p.

350). Other educational scholars, such as Ladson-Billings, continue to express the intersectionality of cultural dimensions within non-dominant theoretical frameworks, such as the perspective offered by Critical Legal Theory, which tends to conceptualize “the construction of whiteness as the ultimate property,” as a set of “cultural practices” that remain embedded in White hegemonic social practices that are viewed as better than deficient non-Eurocentric ones (Ladson-Billings, 1995, p. 58).

Concerns about the detrimental dimensions of devaluing a student’s cultural identity also emerge when Garcia (2004) analyzes the effects of the “Americanization” process on immigrant schoolchildren. Viewing it as a culturally transforming process, Garcia (2004) regrets that “Americanization for Mexican American students unfortunately still means the elimination not only of linguistic and cultural differences but also of an undesirable culture” (p. 499). In attempting to provide a quality education for Mexican American students, including many ESL students, Garcia (2004) questions whether “changing the values, language, and culture of the group will be the solution to the educational underachievement” of many ESL students (p. 499), given that this “Americanization” process erroneously “presumes that culturally different children are culturally flawed as a group” (p. 499).

Multicultural education is also concerned with how the transitional nature of almost all bilingual programs, particularly those directed at LEP students, tend to lead to a situation of subtractive bilingualism. This phenomenon tends to arise when the teaching of the socially dominant language is accompanied by a scheduled

decrease and elimination of the student's home minority language. Consequently, the home minority language tends to be replaced by the nationally dominant language throughout the curriculum. The existence of such subtractive bilingualism processes, according to some multicultural educators, can signal the idea that non-English languages should be eliminated because they are either educationally unimportant or they interfere with what is perceived to be genuine academic learning. Analyzing the transitional nature of bilingual programs, Perez (1998) has found that "most bilingual programs for poor and minority students are driven by subtractive bilingualism approaches," which "encourages the child to supplant their first language with the second language" (p. 12). According to Perez (1998), "subtractive bilingualism is the social context found in many language minority communities within the United States, where ethno-minority languages are not only not valued but there is also a strong societal expectation and pressure for the native language to be abandoned in favor of English" (p. 12).

From the vantage point of Skutnabb-Kangas and Phillipson (1994), the existence of *subtractive language learning* situations in public schools devalues the existence of language minority groups in at least two ways: first, it makes it difficult for minority language members to "identify positively with their mother tongue, and have that identification respected by others" (p. 2); second, it deactivates the right of minority groups "to exist, to define independently who they are (to endo-categorize), and to reproduce themselves as minorities and, accordingly to have mother tongue medium education" (Skutnabb-Kangas, 2002, p. 4), for it implicitly disavows their "right to enjoy and develop their language and the

right for minorities to establish and maintain schools and other training and educational institutions, with control of curricula and teaching in their languages" (Skutnabb-Kangas and Phillipson, 1994, p. 2). Indeed, the notion that subtractive language learning may endanger the survival of minority cultures is not altogether incompatible with Spring's (2016) notion of "deculturalization," which he defines as "the educational process of destroying a people's culture and replacing it with a new culture" (p. 10).

Beyond the culturally ingrained beliefs that identify English monolingualism with a normative American identity, plus the "common sense" perception that the academic cultivation of Spanish by native Spanish speakers academically interferes with their educational achievements, there is also the negative stereotype that the LEP student must directly confront: the use of non-English languages, such as Spanish, is culturally marginalized, both by minority language speakers and by non-minority language speakers, because these languages are *culturally stigmatized* in the larger American society. In fact, Fishman (2001) believes "Spanish is widely viewed as the dialectally splintered and socially stigmatized language of lower-class illiterates" (p. 11).

In reviewing some of the literature on the suppression of the Spanish language in English medium schools – which suggests that the existence of minority languages hurts or serves as a cultural deficit generator for LEP students academically-speaking – MacGregor-Mendoza (2000) acknowledges how "many schools espoused (formally or informally) 'No Spanish Rules' in which the use of Spanish in classrooms, at lunchtimes, and on the playgrounds was strictly

prohibited" (p. 356). What's more, MacGregor-Mendoza's (2000) own ethnographic work confirms the widespread use of "punishment" – ranging emotional to physical – directed at heritage language students who dared to use Spanish in public school grounds (pp. 358-364). Indeed, after reviewing the literature on "Spanish as a social problem" in American schools (pp. 402-406), Hurtado and Rodriguez (1989) find that in their ethnographic study about 43 percent of their Mexican American students "responded that the school personnel disapproved of Spanish when they attended elementary and secondary school" (p. 407). Consequently, it is this ongoing cultural legacy of linguistic repression that many teachers of minority language students say must be overtaken in their classrooms.

This suppression of minority languages in school settings opens the door to a perceived deficit in a student's eventual linguistic destination: the growth of "subtractive bilingualism," rather than the development of additive bilingualism. As a term originally coined by Wallace Lambert, a Canadian educator, additive bilingualism refers to a social or an individual situation "where the addition of a second language and culture is unlikely to replace or displace the first language and culture" (Baker and Jones, 1998, p. 154). So unlike "subtractive bilingualism" – in which the learning of a second language may "undermine" a person's first language (Baker and Jones, 1998, p154), and therefore create learners that are "semi-linguals, that is, seriously limited in both languages" (Diaz and Klinger, 1991, p. 175) – the fruits of additive bilingualism "may not only be linguistic and cultural, but social and economic as well" (Baker and Jones, 1998, p. 154). According to Lambert, in such linguistically additive situations the individual or social beneficiaries of bilingualism

display "positive attitudes to the first and second language" (Baker and Jones 1998, p. 643), given the multiplicity of benefits that they derive from the synergistic presence of both languages. Therefore, while additive bilingualism helps students develop and maintain their native heritage language, subtractive bilingualism is often viewed as coercively "imposed" language, implemented in an attempt to "replace" or "displace" an intimate home language with a more impersonal social one (Skutnabb-Kangas, 2002). Consequently, according to the advocates for the existence of "subtractive bilingualism," within those circumstances, the subjected student(s) not only "fails to acquire proficiency" in the compelled language, but he/she simultaneously loses command over the home's cultural language, thereby "becoming twice disadvantaged" (Bgoya, 2001, p. 287).

How The Cultural Asset Orientation Toward Minority Students, Including LEP Students, Has Been Historically Conceptualized Within The Field Of Multicultural Education

Resistance to pedagogical practices that are predicated on "deficit" models of teaching has gradually given birth to multicultural classroom practices that seek to incorporate culturally relevant pedagogies inside classroom milieus. As a pioneer in the area of culturally relevant pedagogies, Ladson-Billings (2009) endorses culturally relevant pedagogies that "empower students intellectually, socially, emotionally, and politically by using cultural referents to impart knowledge, skills, and abilities" (p. 20). Within Ladson-Billings' pedagogical framework, the following pedagogical elements are strongly championed: the building of a curriculum around a broad "range of cultural perspectives" (Ladson-Billings, 1995a, p. 162); the "use"

of “the student’s prior knowledge as a bridge to new learning” (Ladson-Billings, 1995b, p. 138); the self perception of teachers as forming part of their students’ community (Ladson-Billings, 2009, pp. 68-71); the conceptualizing of the teaching process as a “pulling knowledge out of students” (Ladson-Billings, 1990, p. 24), though recognizing that such knowledge might be encoded in non-standard English lexicon.

Speaking out against “deficit” models of education, Nieto (2003) encourages the classroom implementation of “culturally responsive” pedagogies, supported on “the notion that – rather than deficits – students’ backgrounds are assets that students can and should use in the service of their learning and that teachers of all backgrounds should develop the skills to teach diverse students effectively” (p. 1). Nieto (2002) thinks it is important for teachers to develop culturally responsive pedagogies because many children from minority cultural backgrounds are disadvantaged, “ because their culture is at odds with the culture of power” (p. 54). At the same time, with regard to minority students, schools often “culturally induce” conflicts between a “child’s culture” and “the culture of the school,” and these generated conflicts are frequently transformed by members of “culturally dominated groups,” such as LEP students, into opportunities to “resist learning” a culturally alienating curriculum (Nieto, 2002, pp. 58-59). Borrowing from Bourdieu’s ideas of cultural capital, Nieto (2002) suggests that the “overt” and “covert” devaluation of a student’s cultural heritage, through the creation of a certain sort of school environment, “represents a symbolic violence against devalued groups” (p. 60). As a result, Nieto (2002) recommends “using students’

linguistic, cultural, and experiential backgrounds as resources," for she believes that numerous studies – including those where the "native language ability" of LEP students is treated as an "advantage" – support the educational effectiveness of "culturally responsive" pedagogies (p. 61).

Concerns about the need to create effective "culturally responsive teaching" also permeate Gay's (2000) work. Taking into account the minority student's "cultural socialization" (p. 147), which is rooted in a socio-cultural system of meaning-making that they learn from their home and community, Gay (2000) is interested in having teachers develop culturally congruent pedagogies of instruction (p. 153). Not unlike Banks (2006), who views the curricular integration of African American "history and culture" as a sign of "cultural democracy" (p. 2000), or Jordan Irvine (2003), who wants to turn teachers of color into "cultural translators" that are capable of understanding "students' language, style of presentation, community values, traditions, rituals, legends, myths, history, symbols, and norms" (p. 55), Gay (2000) favors "filtering teaching through the cultural lens" of a student's cultural socialization process (p. 182). Therefore, within Gay's culturally relevant pedagogical framework, there is ultimately an educational need to "create more cultural congruity in teaching-learning processes" (p. 147), with an emphasis on teaching minority students "academic skills through their cultural frames of reference" (p. 172).

Part of the problem in getting teachers to teach "academic skills through the "cultural frames of reference" of students of color is that most teachers come from cultural backgrounds that are different from those of their students, given that most

teachers come from White, middle class and female cultural backgrounds. In Gomez's (1994) sociocultural perspective, multicultural education is, in part, about "how the race, social class, sexual preferences, and language backgrounds of prospective teachers affects their attitudes toward 'Others,' their willingness to live near and be part of communities with 'Others,' to teach 'Others,' and to expect that 'Others' can learn" (pp. 320-321). Therefore, Gomez (2014) believes that there is a strong need to "create opportunities for aspiring teachers to critically reflect on who they are and what their race, class, gender, sexual orientation, and language background means for their teaching and for their future students' learning" (p. 60). Indeed, displaying an optimistic orientation, Gomez (2011) has uncovered "that Latino/a teacher candidates are articulate concerning social injustice perpetuated on people of color and those of low socioeconomic status by institutions such as schools" (p. 129).

Beyond the urgency to elaborate culturally relevant pedagogies and to foster both intercultural sensitivity between students of color and teachers, the field of multicultural education has been increasingly turning its attention to undercutting the ideology of White cultural supremacy as it enters classroom settings. As Woodson (1990) noted in the 1930s, schools have traditionally been places where African Americans "must be convinced of their inferiority" (p. 2), where "the same educational process which inspires and stimulates the oppressor with the thought that he is everything and has accomplished everything worthwhile, depresses and crushes at the same time the spark of genius in the Negro by making him feel that his race does not amount to much" (p. xiii). Alluding to the education of Mexican

American students, Bartolome (2002) ultimately highlights the importance of training teachers of language minority students as "cultural brokers," as teachers that dismiss "deficit views of Mexicano/Latino students and resist romanticized views of the White middle class (mainstream) culture as superior" (p. 172).

The Study's Theoretical Framework

Shaping This Study's View On The Social Construction Of Disability: Incorporating Social Constructionist Elements From The Social Sciences

Shaped by the work of Berger and Luckmann (1966), which examined how "the sociology of knowledge is concerned with the analysis of the social construction of reality" (p. 3), this study's theoretical framework will affirm an important social constructionist precept that Malmquist (2004) characterizes as "the internalization of social reality," which is carried out through social mechanisms of socialization (15). Rather than only paying attention to the meaning-making capacity of the individual learners, Eijkman (2004), as a social constructionist, sees knowledge as an inherently social activity, embedded in social practices. Unlike more conventional views of knowledge, which emphasize what is inside the mind of the individual learner, Warmoth (2000) affirms how, within a social constructionist framework, "knowledge is not what individuals believe, but rather what social groups, or knowledge communities, believe" (p. 1). Reiterating this idea, Gee (1992) believes "that the study of the mind is a study of social practices, which are ultimately inherently ideological and political" (xix), because they involve the distribution of valuable "social goods," such as the acquisition of a variety of literacies (Gee, 2005,

p. 100). And so, Gee (2005) has coined the term “social mind” to convey how the individual mind is “social (cultural) in the sense that sociocultural practices and settings guide and norm the pattern in terms of which people think, act, talk, value, and interact” (p. 68); after all, Gee (1989) has noted that, however uniquely configured, the individual is ultimately “the meeting point of many conflicting (social) Discourses” (p. 20).

Hacking (1999) argues that social constructionist perspectives tend to be “critical of the status quo,” since they display the following epistemological underpinning: “X need not have existed, or need not be at all as it is; X, or X as is at present, is not determined by the nature of things, it is not inevitable” (p. 6). Thus, for example, within a social constructionist orientation, the social construction of the educational identity of ESL students, and the accompanying educational practices associated with them, are socio-culturally contingent, for those processes did not need to necessarily emerge as they did, nor were these educational developments socially “inevitable”.

In fleshing out the specific social constructionist orientation of this study, it should be noted that this work moves away from both universal constructionism and vulgar constructionism. With respect to universal constructionism, which Hacking (1999) equates with the idea ”that everything is socially constructed” (p. 24), since “only what is talked about exists” and “nothing has reality until it is spoken of, or written about” (p. 24), that constructionist view of reality is rejected in this work. Instead, this study accepts Searle’s (2008) distinction between “observer-independent” facts, which do not require human confirmation of their existence, and

"observer-relative" facts, which do require human verification for their constitution. While "observer-independent" facts, such as gravity, death, predatory pathogens, the sun and the ocean exist regardless of human existence, other sorts of facts, such as social identities, literacy, legal frameworks and social institutions exist because of human activity, and, therefore, are dependent on human meaning-making capacities for their existence as social realities, although, of course, once created, human artifacts simultaneously exist as "observer-independent" facts and as "observer-dependent" facts.

With respect to the complexity of reality, Pfohl (2008) reiterates how the "social construction of reality is never equivalent to the complexities of the real world," and yet, "neither is the creative artifice of construction ever entirely separate from what is real" (p. 646); after all, according to Pfohl (2008), "human life is framed and filtered, transformed by powerful interpretive screens, mediated by social constructions" (p. 646). *Therefore, according to the constructionist theoretical framework of this study, human reality is hybrid*, composed of not fully accountable (or predictable) mixtures of observer-independent facts and observer-relative facts, yet the degree to which social reality is malleable will probably remain an open question throughout this study, though within a social constructionist orientation, social reality is unequivocally malleable, at least to a significant extent.

In any event, following Wortham and Jackson (2008), this study accepts the idea that researchers "must take some provisional certainties for granted as they analyze how other aspects of the social world are constructed" (p. 108). *Consequently, this social constructionist researcher will carefully delve into socially*

constructed aspects of educational reality that are deemed to be based on credible academic knowledge by specific educational communities. This study also agrees with Desrosieres (2002) when he affirms that to the extent that theoretical frameworks, such as social constructionism or scientific experimentalism, either objectify or reduce reality some distortions of reality may be the inevitable consequence of every research project that attempts to “allow the discovery or creation of entities that support our descriptions of the world and the way we act on it” (p. 3). Indeed, describing reality, analyzing reality and taking action are important constitutive features of the field of education, particularly as it socially constructs reality for students, teachers, parents, policymakers and a variety of other figurative shareholders.

What’s more*, this work rejects vulgar constructionism*, which Best (2008) defines as the idea that social constructionism should be intellectually discredited because it mainly centers on “scientific errors or dubious social problem claims,” rather than on empirical knowledge (p. 46). Following Best’s (2008) lead, this study sees social constructionism as an approach that deals with not only the social construction of mistaken ideas, but also with the construction of credible academic knowledge in fields such as education, which investigate empirical reality. Thus, for example, when Berger (2002) applies a constructionist lens to the Holocaust, Best (2008) sees it as an empirical study that analyzes the Nazis’ “routine processes of claimsmaking and policymaking,” wherein lies the *real* existence of “the banality of evil becomes manifest” (p. 47).

In adopting a constructionist lens, this study will display a *contextual constructionist* perspective, rather than a strict constructionist orientation. As articulated by Burningham and Cooper (1999), contextual constructionism distinguishes between "what participants believe or claim about social conditions and what is 'in fact' known about the conditions," for contextual constructionists are interested, among other things, in evaluating "the relative merit of claims about the conditions" (p. 304). By contrast, a "strict constructionist" view, according to Burninghan and Cooper (1999), shies away from "making any assumptions about 'the reality' of conditions and focus entirely on the claims made about them" (p. 304), regardless of whether or not those claims are useful, destructive, true or false. As a result, while applying a constructionist framework, this study will emphasize the contextualization of socially constructed knowledge in the fields of LEP/ESL/ELL education. Indeed, social science researchers have found that most studies in the field of constructionism tend to employ some form of contextual constructionism as an interpretative lens (Ibarra, 2008; Best, 2008; Holstein and Miller, 2003; Burningham and Cooper,1999).

Shaping This Study's View Of The Social Construction Of Disability: Incorporating the Idea Of Human Disability Through A Socially Constructed Lens Of Disability

Applying an analytic lens of socially constructed disability, this study attempts to ascertain in what sense, if any, is the discursive label of LEP student a signifier of

disability, whether speaking academically or socio-culturally (the LEP student as an academically disabled alien).

Unlike the medical model, which assumes that "impairments" unequivocally prevent people "from taking part in (certain) social activities" (Carson, 2009, p. 9), the social constructionist paradigm of disability conceptualizes disability in light of "social and cultural contexts," rather than as a straightforward response to psychological or physiological "deficits" that "exists within the individual" (Baglieri, Valle, Connor, & Gallagher, 2011, p. 267). Therefore, as noted by Herndl (2005), within the constructionist framework, disability "is not something that a person possesses but something one *encounters* (my italic) when dealing with other people or with physical spaces that are inaccessible" (p. 593).

According to Shakespeare (2010), two dominant ways of conceptualizing disability define the contemporary notion of "disability": the medical model and the social construction of disability. The medical model, which sees "impairments" as "any loss or abnormality of psychological, physiological or anatomic structure or function" (Carson, 2009, p.7), essentially defines disability as "any restriction or lack, resulting from an impairment, of ability to perform any activity in the manner or within the range considered normal for a human being" (Carson, 2009, p. 7).

Within the realm of the social construction of disability, there are at least three ways of socially constructing disability – disability as a social model, disability as a category of social policy, and disability as a sociocultural category – that are particularly relevant to this study. Unlike the medical orientation, which stresses the experience of physical illness, the social model of disability gravitates toward what

Wilton (2005) typifies as the “environmental and social barriers faced” by those treated as disabled people (116). The social model of disability conceives of “disability” as “an unequal relationship within a society in which the needs of people with impairments are often given little or no consideration” (Carlson, 2009, p. 11). In dichotomizing the ideas of “impairment” and “disability,” the social model of disability associates “impairment” with “lacking part or all of a limb, or having a defecting limb, organ or mechanism of the body “ (Carlson, 2009, p. 13), while at the same time treating “disability” as “the disadvantage or restriction of activity caused by a contemporary social organization which takes little or no account of people who have physical impairments and thus excludes them from participating in the mainstream of social activities” (Carlson, 2009, p. 13). A version of the social model of disability has been internationally incorporated into the United Nation’s Convention on the Rights of Persons with Disabilities.

This Convention acknowledges that “disability is an evolving concept and that disability results from the interactions between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others” (United Nations, Final Report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with disabilities on its eighth session, 2007, p. 5). The Convention further defines people with disabilities as “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full effective participation in society on an equal basis with others” (United Nations,

2007, p. 7). Therefore, the United Nations officially recognizes that *intellectual impairments* – when coupled with environmental hurdles – "hinder" the "full and effective participation in society on an equal basis with others."

With regard to the social model of disability, this study will examine whether or not LEP/ESL secondary school students are socially constructed *as if* they had impairments, regardless as to whether or not these perceived impairments triggered attitudinal or environmental barriers that impeded their inclusion into mainstream educational life. So within the context of this study, special attention will be given to whether or not LEP/ESL students are treated as if they were educationally "impaired" in a major way: as academically disabled.

With respect to how the formation of the LEP student category feeds from widespread sociocultural processes of social categorizations/social stereotypes, this study will attempt to show how broad sociocultural processes – broadly reflected in the social, cultural and educational worlds of America – may be shaping how LEP students might be socially constructed as academically disabled. Moreover, besides exploring these historically-situated sociocultural processes, this study will also touch upon, in a more narrow sense, student disability as a category of educational policy, one embedded implicitly and/or explicitly in legal instruments, such as the Bilingual Acts and the No Child Left Behind Act of 2001, that officially defined (and currently define) the LEP student category.

Shaping This Study's View On The Social Construction Of Student Disability: Connecting The Learning Disabilities (LD) Student Category To The LEP Student Category Through A Socially Constructed Lens Of Disability

Arising from a deficit model, one congruent with America's "cultural inclination to focus on what is wrong with individual children" (McDermott, Goldman & Verenne, 2006, p.15), rather than on what students can accomplish, the learning disabilities category explicitly emerges during the 1960s, when it sought to explain "why children of privilege and intelligence could not learn to read as expected" (p. 13). From a social constructionist perspective, according to McDermott, Goldman & Verenne (2006), the analytic focus on learning disabilities centered around "cultural arrangements that make an LD label relevant" (p. 13), given the importance of discursive practices and institutional mechanisms that make it possible for educational specialists to be continuously "looking for and producing evidence of LD in educational settings designed to make symptoms of LD visible" (p. 13). Therefore, McDermott (1993) sees learning disabilities as a education category that more highly values "the rate of learning" by students over the nature of the learning processes that produce these labels (pp. 272-73), since within these education contexts many "institutional arrangements" are "served by having many children designated LD" (p. 273), especially within educational contexts in which funding sources are limited and the existence of learning disabilities might open up new revenue sources for school districts.

Indeed, McDermott and Varenne (1995) note that while American education "has numerous made-to-order general categories for describing children in trouble" (p. 331), the educational problems are "a product of cultural arrangements – a

product of our own activities – as much as a product of isolated fact about the neurology, personality, language, or culture of any child" (p. 331). So within McDermott's and Varenne's (1995) social constructionist framework, living in "a culture is a great occasion for developing disabilities, or at least for having many people think that they have disabilities" (p. 332). In other words, McDermott and Varenne (1995) thinks that "all cultures can use established cultural forms to disable " people (p. 332). McDermott and Varenne (1995) goes on to suggest: "By established cultural forms, we mean anything from built physical structures that leave people locked out of public spaces, through poor school assessment systems that leave people from learning what is in some way needed, on to metaphors and tropes that deliver so consistently a view of people as less than they are" (p. 332).

With regard to the possible destructiveness of the labeling processes surrounding a learning disability designation, McDermott (1993) believes that while "cognitive difficulties separate those who can from those who cannot and make the deficits obvious" (p. 281), these "tasks do not have to be cognitively more complex for use to experience them as harder" (p. 281). McDermott (1993) suggests that some "school tasks could be harder simply because they are more arbitrarily constructed" (p. 281); thus, for example, literacy and math activities could be carried out in a language context that is unfamiliar to the student, irrespective of the actual difficulty of the reading problems or the math problems. What's more, McDermott (1993) notes that the labeling process for learning disabilities may take place in a social context that "organizes the degradation of those found at the bottom of the pile" (p. 286), thereby inviting a student's stigmatization, which may

affect not only that person's present academic performance, but also their future accomplishments.

Reid and Valle (2004) affirm that the concept of "learning disability" is a malleable, "historically and culturally determined" phenomena (p. 466), in which educational sites tend to treat it as a "pathology" that is socially constructed "within a discourse of individualism" (Dudley-Marling, 2004, p. 482). By contrast, as underscored by Dudley-Marling (2004), a socially constructed theory of learning disability may suggest that "learning and learning problems dwell in activities and cultural practices situated in the context of social relations rather than in the heads of individual students" (p. 482). In fact, it is this latter socially constructed theory of learning disability that ultimately forms part of this proposal's theoretical framework.

However, within most educational sites, learning disabilities are deemed to be located inside the minds of academically struggling students, rather than within broadly coordinated social structures that regulate or administer educational institutions. Thus, for example, Reid and Valle (2004) broadly typify the social construction of the learning disabled child in the following way: first, a teacher or an administrator determines that the academic performance of a student falls outside the normalized range of "grade appropriate" (p. 469); second, the student is referred to a group of education specialists who "administer a battery of pyschoeducational tests to the child to generate an individualized psychoeducational report" (p. 469); third, a special education committee meets to determine the student's eligibility (p. 469); and fourth, the student is determined to

quality for special education disability based on the "centering and privileging of statistically define 'normalcy' " (p.469). Therefore, Dudley-Marling (2004) highlight that the labeling of language disabilities "requires an institutional framework that assigns particular meanings to students' behavior that, in other cultural contexts, do not carry the same significance" (p. 484). Indeed, according to Reid and Valle (2004), in homes where a language other than English is spoken – as in the case of LEP students – "educators may question a child's linguistic competence and use standardized tests to 'diagnose disability' " (p. 469).

Shaping This Study's View On the Social Construction Of Student Disability: Looking at Student Educational Normality/Abnormality Through The Prism Of the Social Construction Of Disability

In following its modern meaning, Hacking (1990) explains how the term *normal* suggests not only "how things are," but also the existence of its opposite: the "pathological state" of living organisms (p. 162). In discussing the trajectory of the notion of normality, Canguilhem (1989) historically associates normality with an ideal type of person, leaving deviations from the norm as abnormalities. Similarly, Davis (2001) finds human disabilities constructed as undesirable abnormalities. Following Canguilhem's theoretical lead, Carlson (2003) suggests that deviations from the norm have often been inappropriately linked to pathologies rather than to "variety or diversity" (p. 155). As Carlson (2003) suggests in relation to the classification of abnormality, the special educational categories, especially those involving learning disabilities, might be treated as negative classifications, as categories programmed for transformation. The socio-cultural generation of

academic disability implicitly touches upon Young's (1999) idea of "a politics of difference," in which "hegemonic discourses," such as those advocating middle class, English monolingual literacy, help establish "ruling norms" in an attempt to restrictively define the "normal" or normative student (pp. 2-3). This approach stigmatizes those *falling outside a narrowly construed curve of linguistic literacy normality*, as if literacy differences can be most usefully conceptualized by ranking them in accordance with notions of bell curve normality.

Within the field of education, as noted by Fendler and Muzaffar (2008), this tendency to evaluate students according to standards of bell curve normality often ignores how bell curve normality is frequently used as a social construct to stratify and to stigmatize students, rather than to academically help them. In analyzing the stratifying effects of socially constructed intellectual impairments on people, Allan (2003) argues that the erection of these obstacles may deny the categorized people access to valuable resources, such as funds for strengthening student educational outcomes.

Therefore, the field of socially constructed disabilities studies, when applied to educational sites, may be used to analyze the educational applications of what Foucault (1984) calls "a new type of supervision – both knowledge and power – over individuals who resisted disciplinary normalization" (p. 237). This "supervision of normality," according to Foucault (1984), is "supported by a judicial apparatus which, directly or indirectly, gives "it legal justification" (p. 237). In a social constructionist Foucaultian perspective, these technologies of "normalization," which are applied in educational institutions, are "ordered around

the norm, in terms of what is normal or not, correct or not, of what one should or should not do" (Foucault, 2003, p. xxiii).

Foucault (1995) believes that school "discipline proceeds from the distribution of individuals in space" (p. 141). This involves the "enclosure" of students within segregated locales that spatially confine its students (p. 141). In the case of schools, for example, such "partitioning" may take many forms: physically segregating students from each other according to age, grade, sitting charts, subject matter, distinctive textbooks, perceived academic ability, instructional language distinctions, able-bodiedness, instructional methods and individual teachers. All of this "partitioning," in turn, transforms schools into what Foucault (1995) characterizes as "functional sites" (p. 143), places capable of "distributing individuals in a space in which one might isolate them and map them" (p. 143), all in accordance with certain *normalized/normalizing standards*.

Ware (2001) suggests that disability, including educational disability, is a "cultural signifier" (p. 108), one in which "normalizing discourses" create and circulate notions of what constitute normal and abnormal students (p. 107), while simultaneuosly giving birth to "categorical systems" of student abilities and disabilities (p. 110). Therefore, for example, through a socially constructed disabilities lens, learning disabilities can form part of what Baker (2002) calls an "outlaw ontology," which "refers to a way of being or existing that is thought outside the normal" (p. 674). Within the broad field of humanities-based disabilities studies, particularly as it refers to the field of education, it has been suggested that "a proliferation of categories of educational disability" has been "used to mark

students as outside norms of child development or as at-risk of school failure" (Baker, 2002, p. 676). According to Baker (2002), these categories are used to label and to "qualify a child for special educational services" (p. 677). Baker (2002) specifically refers to the following labels as having accompanied the creation of categories of educational disability: ADD (attention deficit disorder), ADHD (attention deficit hyperactivity discord), BD (behavior disorder), SBD (severe behavior disorder), CD (cognitively delayed), ED (emotionally disturbed0, LD (learning disability), and OD (oppositionally defiant).

How This Study Conceptually Connects The LEP Student Category To A Socially Constructed Lens of Disability

In the United States the acknowledgement of the existence of learning disabilities *officially* takes place, according to Sleeter (1987), in 1963, when the notion of "learning disability" becomes "the newest special education category in the US" (p. 211). This new student classification sought, among other things, to distinguish "the learning disabled from those classified as slow or retarded by specifying that the organic damage affected specific areas of learning, not learning in general" (Sleeter, 1987, p. 227). Gallagher (2010) suggests that "the strongest case for the 'existence' of learning disability remain(s) centered on the discrepancy between students' performance on standardized measures of achievement and intelligence" (p. 6), which are assumed to be predicated on "neurologically-based difficulties in processing information" (p. 6). Gallagher (2010) adds that "the field of special education," which covers the educational arena of learning disabilities, is "fundamentally dependent upon disability theorized as an objective condition

intrinsically owned by (and manifested within) individual students" (p. 14). Gallagher (2010) ultimately agrees with Reid and Valle (2004) when they define learning disabilities as social construction practices, rather than biologically determined abnormalities that "both define people a having LD (learning disability) and determine what happens to them after the are so labeled" (p. 466). These socially constructed practices, which create the learning disabilities categories, principally rely on what Skrtic and McCall (2010) characterize as ideology and institutional practices (pp. 1-32). Ultimately, Skrtic and McCall (2010) underline that ideology and institutional practices tend to privilege some social groups while simultaneously marginalizing other social groups (pp. 7-8).

Within the field of educational regulations, Sleeter (1987) suggests that during the 1960s the category of learning disabled was constructed to accompany the student categories of the mentally retarded, of the slow learner, of the emotionally disturbed, and of the culturally deprived (pp. 220-224). These student categories were used, according to Sleeter (1987), to *separately* place a variety of students from a multiplicity of socio-economic, racial and cultural groups. Indeed, according to Sleeter (1987), "learning disabilities in the US is essentially a category for reading failure" that "was constructed to explain and protect failing white middle class children by differentiating them from the other four categories (mentally retarded, slow learner, emotionally disturbed and culturally deprived) in ways that made them almost 'normal' "(p. 226); after all, the learning disabled category "elevated" those they labeled as learning disabled "by specifying that the organic

damage affected specific areas of learning, not learning in general" (Sleeter, 1987, p. 227).

As noted by Blanchett (2010), "legal mandates," such as the Bilingual Act of 1968, "paved the way for children to be physically present in the same schools," although in the case of those with learning disabilities "identification practices became the way to ensure that they were not in the same classrooms" (p. 2). In the case of Spanish-speaking students, however, many of these pupils may have ended up becoming "culturally deprived" students (p. 223), with some of those students getting labeled as LEP students with the advent of the Bilingual Education Act of 1968. Sleeter (1987) further believes that, with the passage of time, there has been "a shift in who is classified as learning disabled and how the category is used" (p. 230), given that "minority groups (have) exerted pressure on educators to discard the notion of cultural deprivation and stop classifying disproportionate numbers of minority children as mentally retarded" (p. 231).

This situation opens up the possibility that, over time, as the category of LEP has gained increasing legitimacy, a growing number of Spanish-speaking Hispanic students have been placed in the LEP category as it evolves, or *implicitly* becomes, either an *unofficial* learning disable category for Spanish-speaking Hispanic students or an unproblematized category for treating culturally deprived, Spanish-speaking Hispanic students. Consequently, given Sleeter's (1987) critique of the learning disable category, if the LEP category becomes the predominant domain of struggling Spanish-speaking pupils and multilingual Asian students, the LEP category might have unintentionally evolved, over time, into an educational category whose

educational approach contains/incorporates assumptions of academic and sociocultural disability. In other words, some sort of notion of "learning disability" might have leaked into a category (the LEP one) that was not officially recognized as a learning disabled category but which nevertheless displays features of a learning disabled orientation, though doing so not within the official learning disabled categories (which were not intended for the average LEP student) but within an educational category (namely, the LEP category) that was generally created for problematic/struggling multilingual students that were performing poorly in a traditional/mainstream English monolingual classroom.

In the United States, the treatment of linguistic obstacles as if they were *intellectual impairments* has deep historical roots in the educational trajectory of many children from immigrant families. For example, Cohen (1970) has examined a United States Immigration Commission study, published in 1911, in which significant differences in "retardation" (being held back in school) were found between children from English-speaking countries and those from non-English-speaking localities: "children of immigrant parents from English-speaking countries were no more often retarded (27%) than children of native white parents, but more than 43% of immigrant children from non-English-speaking countries were retarded" (p. 17). In more recent years, the *wrong* language has been associated with the kind of "cultural deprivation" that some American educators have linked to "learning disabilities" (Sleeter, 1987, p. 223). Given the parallel historical trajectories of troubled student categories, such as the LEP category and the learning disable categories, the LEP student category might have evolved as a

troubled student category that covers students whose non-English linguistic heritage, coupled with their non-mainstream sociocultural background, leads to a social construction that incorporates elements of academic and sociocultural disability into the educational identity of the LEP student category. Therefore, within the context of analyzing the impact of education categories on students, uncovering elements that suggest a variety of disabilities associated with the LEP student category might be important for at least three reasons: first, as pointed out by the Education Commission of the States (2003), a student mistakenly labeled as a special education candidate "may result in lowered expectations from teachers, peers and the student himself" (p. 1); second, treating LEP students as if they were somehow disabled – regardless of whether or not they are actually placed in Special Education – might potentially contribute to the fact that LEP (or English Language Learners) students "have among the greatest grade retention and dropout rates of all youth" in America (Sullivan, 2011, p. 318); third, studies that have found a disproportionate number of misidentified LEP as special education candidates have not generally attributed the social construction of what constitutes an LEP category as an explicit reason for such bureaucratic mistakes. Indeed, Butterfield (2012) attributes the disproportionate number of LEP students placed in special education programs to four institutional flaws, though none touch upon the social construction of the LEP label: "professionals' lack of knowledge of second language development and disabilities, inappropriate instructional practices, lack of intervention strategies, and limited appropriate assessment tools" (p. 2).

CHAPTER 2

Methodology

As a historically oriented qualitative study, one that employs a social constructionist theoretical framework of socially constructed disability, this study will primarily use discourse analysis to examine the manner in which notions of academic disability, in explicit and implicit ways, may have helped to socially construct LEP/ESL students. This study entails archival research in several ways. First, it entails primarily analyzing academic journals – from the early 1960s to the late 1960s – to ascertain to what degree, if any, non-English speaking or multilingual students are socially constructed in ways that suggests that their academic disabilities are viewed analogous to those of other academically struggling student groups, particularly those with learning disabilities (broadly defined). At the same time, with respect to LEP/ESL students, academic literature of the 1960s decade will be explored and analyzed to determine the ways, if any, that these students are socially constructed in ways suggestive of academic disability, and thus, of the possible need to conceptualize some sort of academically disabled LEP student category. At the legal site level, and within a researched historical context, this study will selectively analyze federal legislation – the Bilingual Acts of 1968, plus the No Child Left Behind Act of 2001 – to determine if the construction of LEP students contains elements of academic disability embedded in the LEP student category; finally, this study will analyze academic journal articles from the 1970s, 1980s,

1990s and 2000s to trace, over time, the ways, if any, in which the LEP student category suggests academic disability.

As already noted above, this study employs historical inquiry to trace the historical trajectory – from 1968 to 2017 – of the social construction of LEP secondary school students, doing so in light of notions of academic disability. Freathy & Parker (2010) affirm that historical inquiry often involves "the analysis and interpretation of documentary and/or nondocumentary primary sources" (p. 230). As with most historical research within educational settings, as noted by Dordelly Rosales (2009), this work will engage in the "systematic collection and analysis of data" while unfolding "the pertinent facts within an interpretive framework" (p. 2), which in this case entails a social constructionist lens of disability. According to Gall, Gall and Borg (2007), historical research is viewed as a form of qualitative research because it studies "behavior in natural rather than in contrived or hypothetical settings" and it focuses on "the centrality of interpretation in the research process" (p. 529).

The primary source of historical data of this study will be "documents," which Mcmillan and Schumacher (2010) define as "historical evidence" consisting of "both handwritten and printed materials and may be official or unofficial, public or private, published or unpublished, prepared intentionally to preserve a historical record or prepared to serve an immediate practical purpose" (p. 420). I will take into consideration Best's and Kahn's (2006) distinction between primary and secondary sources of historical data, whereby primary sources are renditions given by "an actual observer or participant in an event" and secondary sources are

depictions "of an event not actually witnessed by the reporter" (p. 91). Within the context of this study, which focuses on the social construction of LEP students within the educational arena, federal education laws, academic articles and educational journal articles (expressing the opinions of socially recognized expects in the field of education) will constitute this study's primary sources of historical data.

Following the recommendation of Graue and Trainor (2014), this study attempts to be "forthcoming and clear about the roles theory has played in the design, implementation and writing" of this historically-based narrative (p. 270). Jenkins & Munslow (2004) suggests that historical narratives generally fall within three types of written genres: reconstructionist, constructionist, and deconstructionist (pp. 5-18). While Jenkins & Munslow (2004) typify reconstructionism as an "undiluted belief in the power of empiricism to access the past as it actually was" (p. 7), and they characterize deconstructionism as rejecting the "unthinking empiricism that associates the existence of data with ultimately being able to know what it means with a high degree of certainty," (p. 12), this study's historical narrative will follow a *constructionist perspective*, one in which "the prudent use of concepts and theories of explanations borrowed and adapted from other humanities and social science disciplines is an essential prerequisite to understanding the structures that shaped abstract social processes, as well as the political lives, human intentions and actions of people in the past" (Jenkins & Munslow, 2004, p. 11).

Speaking more specifically, this work employs a contextual, rather than a strict, constructionist framework. As already noted previously in this study, Burningham and Cooper (1999) remind us that contextual constructionism differentiate between "what participants believe or claim about social conditions and what is 'in fact' known about the conditions," since contextual constructionists are interested in evaluating "the relative merit of claims about the conditions" (p. 304). By contrast, a "struct constructionist" perspective, according to Burningham and Cooper (1999), moves away from "making any assumptions about 'the reality' of conditions and *focus entirely* (my italic) on the claims made about them" (p. 304), regardless of whether or not those claims are useful, destructive, true or false. Within the constructionist theoretical framework of this study, human reality is *hybrid*, composed of not fully accountable (or predictable) *mixtures* of observer-independent facts and observer-relative facts.

Aiming at what Ragin (2010) calls "interpreting historically and culturally significant phenomenon," this qualitative study seeks to analyze a variety of textual data in an effort to deepen our collective understanding of how LEP/ESL students have been socially constructed within important educational sites. While Ragin (2010) notes that qualitative research strives for "the refinement and elaboration of images and concepts" (p. 83), *this study seeks to explain and interpret, in textured and refined ways, how conceptions of academic disability may be embedded in the socially constructed images of LEP/ESL secondary school student identities.*

In exploring the methodology of qualitative inquiry, Patton (2002) underscores a number of important design strategies, data collection strategies and

analysis strategies. With respect to this study, it should be noted that purposeful sampling will be the central design strategy. As a qualitative inquiry, this study's research design is built on *purposeful sampling*. Thus, the types of laws and the kinds of scholarly articles studied somewhat depend on purposeful sampling. Unlike quantitative methods, which usually rely "on larger samples selected randomly in order to generalize with confidence from the sample to the population it represents" (Patton, 2002, p. 46), this qualitative study focuses on a relatively limited number of "information-rich cases" that "yield insights and in-depth understanding rather than empirical generalizations" (Patton, 2002, p. 230). In the case of this study, the emphasis is on gaining a deeper understanding of the ways, if any, that LEP students are socially constructed as academically disabled. Therefore, the material selected for analysis will depend on the degree to which it touches upon the socially constructed identity of the LEP student category, regardless of whether or not aspects of academic disability are found to be embedded in these social constructions of the LEP student category.

When exploring the legal domain, my discourse analysis of the Bilingual Act of 1968, coupled with my discourse analysis of relevant sections of the NCLB legislation of 2001, will enable this researcher to tap into an education site that, among other things, is legally responsible for characterizing LEP students in ways that both suggest and mandate certain educational policies and pedagogies for these students at the federal, state, local, school, and classroom levels of educational practice. The characterization of LEP students in these legally binding texts will help

determine the ways in which, if any, these students are socially constructed as academically disabled.

Analyzing legal and academic texts through a discourse analysis methodology is particularly compatible with the deployment of a social constructionist interpretive lens. While Nikander (2008) points out that discourse analysis relies on a "strong social constructionist epistemology" (p. 1), Hardy, Harley, & Phillips (2004) define discourse analysis as "a methodology for analyzing social phenomena that is qualitative, interpretive, and constructionist" (p. 19). They also emphasize that the meaning of social discourses, within a discourse analysis orientation, is mostly determined through a historically explored social context: "discourse analysis is concerned with the development of meaning and in how it changes over time " (Hardy, Harley, & Phillips, 2004, p. 20). And so, given that this study will historically contextualize the evolution of the LEP category over time, from 1968 through 2017, the discourse analysis approach appears especially well suited for the task at hand. In addition, unlike content analysis, which employs a rather rigid "a priori coding instrumentation" for analyzing textual meaning (Hopf , 2004, p. 31), without significantly exploring "the text itself" to "its relation to its context" and "the intentions of the producer of the text" (Hardy, Harley, & Phillips, p. 20), this study will heavily depend on a discourse analysis approach, which Crawford (2004) believes "can help us decipher the underlying meaning, deep assumptions, and relations of power that are supported and constructed through a discourse" (p. 23).

Within the legal terrain, this study will implement a type of purposeful sampling (or targeted sampling), a process Patton (2002) describes as one whereby the researcher "seeks a sample of sufficient intensity to elucidate the phenomenon of interest" (p. 234) – namely, the social construction of LEP students as potentially academically disabled. In fact, Savenye & Robinson (2004) note that qualitative research sampling "is often purposive or theoretical rather than random or representative" (p. 1049). This type of purposeful sampling will be a stratified purposeful sampling. According to Patton (2002), stratified purposeful sampling involves "samples within samples," in this case of laws, academic texts and historical texts (p. 240). Following Patton's (2002) reasoning, this researcher will use this sampling technique "to capture major variations rather than to identify a common core, although the latter may also emerge in the analysis" (p. 240). In other words, since this is a historically oriented qualitative study, stretching from about 1968 to 2017, this sampling method will allow this researcher to analyze what Suri (2011) characterizes as "variations in the manifestation of a phenomenon" (p. 70), which in this case entails tracing the evolution of how LEP/ESL students are socially constructed over time, but focusing on features of academic disability that may be embedded in the social construction of the LEP student identity. Indeed, as suggested by Nardi (2017), this purposive sampling of education literature will ultimately entail choosing those articles that "meet the relevant goal of the research" (p. 42), as determined by this study's research questions.

There is the expectation, although not the certainty, that these selected pieces of legislation will give us a good sense of the social construction of LEP

students within the educational arena for at least two reasons. First, with respect to the Bilingual Act, this piece of legislation officially introduced, and therefore defined, the educational category of LEP student. Second, the No Child Left Behind Act of 2001 gives us the latest definition of how the LEP student designation is currently conceptualized.

This study will select and analyze academic journal articles that significantly construct the identity of LEP students during each of the following four time periods: the 1960s, the1970s, the 1980s, the 1990s and the 2000s. These time periods roughly coincide with repeated modifications in the socio-legal construction of LEP students, at the federal legislative level, with changes (whether minor or major) in the social construction of LEP students, as reflected in the Bilingual Education Act of 1968 and in the NCLB legislation of 2001. These historical, legal, and academic texts will be partially analyzed using a modified version of Gee's (2011a & 2011b) discourse analysis method.

In Gee's (2011a) discourse analysis method "language-in-use is about saying, doing and being," in order to "enact certain practices," such as conceptualizations of the LEP student category, which "sustains" a variety of "social groups, cultures, and institutions" (p. 16). Gee's framework emphasizes how the use of language is deployed to socially construct seven "building tasks" – significance, activities (practices), identities, relationships, politics (the distribution of social goods), connections, and sign systems/knowledge (pp.17-20). With respect to this study, the focus will be mostly placed on how language is used to construct ("build") the *identity* of the LEP category in ways that might suggests a student identity that is

weighted down/anchored by ideas of academic disability, even though other building tasks might be discussed if these "tasks" touch upon the construction of that LEP student identity.

Exploring the social constructions of LEP students will be important because some of the explicit and implicit ideas that are generated from these texts may help to directly or indirectly generate and circulate ideas that may be used to socially construct LEP students in ways that may be highly relevant to this study's research questions. Moreover, such depictions may have influenced how LEP students are culturally constructed in ordinary classrooms.

Within the realm of data collection and analysis, this study will rely on a form of document analysis – discourse analysis – to answer the research questions connected to the social construction, over time, of LEP/ESL students. Since this historical study entails the examination of historical information, the study will essentially rely on data arising from documents; after all, as Bowen (2009) has observed, "documents may be the most effective means of gathering data when events can no longer be observed" (p. 31). Following Patton's (2002) suggestions on strategies for data analysis, this project will heavily lean on inductive analysis ("immersion in the details and specifics of the data to discover important patterns, themes, and interrelationships," p. 40), "context sensitivity" (the placing of "findings in a social, historical, and temporal context, p. 40), and a "holistic perspective" (understanding the social construction of LEP students "as a complex system that is more than the sum of its parts," p. 40). Therefore, this study is ultimately centered on document analysis. Best and Kahn (2003) succinctly define this sort of analysis

as one “concerned with the explanation of the status of some phenomenon” over time, with “adding knowledge to fields of inquiry” and with “explaining certain social events” (p. 257).

This nuanced selection process will allow this researcher to pick samples that most intensely illustrate the process of LEP student identity construction without allowing the development of what Linders (2008) calls “findings” that are “predetermined by the particular selection of documents,” or by “conclusions” that are “foregone in the sense that we pick only documents that fit” our expectations (p. 475). Rather, texts will be selected that might directly or indirectly depict the social construction of LEP students without assurances that these selected documents will necessarily show how LEP students are socially constructed as if they were academically disabled.

Considerations Concerning The Quality Of This Qualitative Research Study

Unlike many quantitative studies, this historically inflected qualitative study does not “seek causal determination, prediction, and generalization findings” (Golafshani, 20003, p. 600). Rather, this work “seeks instead illumination, understanding, and extrapolation” to specific “solutions” (Golafshani, 2003, p. 600). Indeed, Stenbacka (2001) reiterates that the most important goal of qualitative work is “generating understanding” (p. 551). As a result, the quality of this work partially depends on issues of *interpretive validity and credibility*, rather than on what Opie (2004) calls “traditional categories of internal validity, external validity,

reliability and objectivity" (p. 71). This study borrows the idea of the hermeneutic circle from hermeneutic approaches to text interpretation. Interpretive validity in this study will partially rest on what DeLuca (2011) calls a "recursive process" in which "individual pieces of evidence" from individual texts are viewed in light of an overall understanding of a specific text (p. 312).

Moreover, these specific textual passages and words are interpreted taking into consideration not only the overall view of how the identity of the LEP student is portrayed, but also on how such a text fits (or does not fit) within a group of texts written within a particular time frame. Therefore, this hermeneutic circle of interpretation, seen through a socially constructed prism of disability, "does not remain in the same place but constantly acquires new knowledge" (Debesay, Naden, and Slettebo, 2008, p. 58). Thus, for example, this study traces the evolutionary changes, figuratively speaking, that historically take place in the portrayal of the LEP student or the LEP category with the passage of time. In addition, this study assumes that texts within education literature can be meaningfully connected to each other through "shared understandings" that "occurs through language" use (Patterson and Higgs, 2005, p. 343). As a historically oriented study, this work generally aims to "express a reality" of LEP student identity, one which Cho (2018) might characterize as an "embodied sense of lived experience" (p. 97).

With respect to credibility, Tracy (2010) defines credibility as "trustworthiness, verisimilitude, and plausibility of the research findings" (p. 842). This study's researcher coincides with Tracy (2010) in underscoring that credibility can be significantly enhanced by the presence of "thick description" and

triangulation in a qualitative study. With regard to "thick description," Tracy (2010) conceives it as "in-depth illustration that explicates culturally situated meanings and abundant concrete detail" (p. 843). Creswell & Miller (2000) defines the purpose of a thick description as one that "creates verisimilitude, statements that produce for the readers the feelings that they have experienced, or could experience, the events beings described in a study" (p. 129). As for triangulation, many educational scholars have commented on its importance for sustaining a study's credibility, and therefore, its trustworthiness (Northcole (2012); Tracy (2010); Toma (2006); Patton (2002); Golafshani (20003); Flick (2004); and Creswell & Miller (2000). While Creswell & Miller (2000) see triangulation as a "validity procedure" (p. 126), Flick (2004) reminds us that "triangulation is now seen less as a validation strategy within qualitative research and more as a strategy for justifying and underpinning knowledge by gaining additional knowledge" (p. 179). In fact, viewing triangulation as "an alternative to validation," Denzin & Lincoln (2005) understand triangulation "as a strategy that adds rigor, breath, complexity, richness, and depth to any inquiry" (p. 3).

In a more specific sense, although there are various types of triangulation – including triangulation of data, theories, investigators, and methods – this study will focus on data triangulation. In other words, the triangulation of data – in the form of legal documents, historical narratives, scholarly work on education, and general education articles – will be analyzed in order to narrate the historical trajectory of the social construction of the LEP student category from 1968 to 2017. This researcher shares Northcote's (2012) idea that "interpretive adequacy" is an

important element of a study's credibility. Shank & Villella (2004) see "interpretive adequacy" when a qualitative study "gives us a richer, more complex, yet understandable picture of the area under study" (p. 50). Therefore, the author of this current work joins Shank & Villella (2004) and shares with them the notion that qualitative researchers should furnish us with "enough data and context to insure that interpretations can stand as reasonable" (p. 50). In addition, it should be noted that the idea of "presentism," predicated on the "assumption that terms used in the past had their present-day connotations" (Johnson, 2014, p. 477), will be avoided. Instead, emphasis is placed on whether historically used words – such as "deficit," "limited," or "retardation" – connote not an *identical* definition through time, but rather, *whether these words suggest*, regardless of the time period, *a lagging academically-related abnormality, one located outside the realm of normal or ordinary academic functioning among the typical/average student body population.*

In a broader sense, this study displays what Graue and Trainor (2013) describe as "coherence" through "alignment" (p. 15) – that is, there is throughout this work an "alignment" between the study's "theoretical framework and methodology" and this researcher's "representation and generalizability" of the textual '"data" found within the texts used in the study (p. 16). Indeed, not only is there considerable conceptual congruency between the language used by many social constructionists of disability and many of the authors of these educational texts, but much of the *actual* language used to define LEP students is consistent with, or compatible with, *both* everyday socially accepted *definitions* of disability

and socially constructed definitions of disability employed in the social constructionist literature on disability

CHAPTER 3

HISTORICALLY TRACING THE ACADEMIC DISABILITY EMBEDDED IN THE LEP STUDENT CATEGORY *BEFORE* THE NO CHILD LEFT BEHIND ACT OF 2001

Introduction to the Pre-No Child Left Behind Act of 2001(NCLB) Era

In tracing the gradual evolution of the identity-bestowing nature of the LEP student category, it is important to pay close attention to the education literature that covers the second half of the 1960s decade, which consolidated the modern creation of the culturally deprived student category, a conceptual ancestor to the LEP category, which is officially created with the Bilingual Education Act of 1968. As a result, the education literature of the 1960s lays the intellectual foundation for the social construction of the academically disabled LEP through its conceptual antecessor – namely, the culturally deprived student category. Put differently, figuratively speaking, the LEP student category is an educational subspecies of the culturally deprived student category species. Consequently, applying a theoretical framework of socially constructed disability to existing education literature can help us ascertain some of the specific disabling features embedded in the culturally deprived student identity.

The Education and Secondary Act of 1965, with its emphasis on eliminating societal poverty through educational efforts to expand the educational opportunities of “disadvantaged” students from “low-income families,” aimed at

remedially "meeting the special educational needs of the *educationally deprived* (my italic) children" (Title 1. Section 201). In response to this 1965 legislation, which explicitly acknowledges not only the educational deprivation of those disadvantaged/deprived students, but also their socio-cultural deprivation, education literature that arose in support of such legislation began to increasingly, though unofficially, label those targeted students as culturally deprived students.

Within such education literature, culturally deprived students are most often defined as impoverished African American, Hispanic, Asian American, Native American, and rural white Appalachian students, though most of the literature tends to focus on impoverished African American and Hispanic students. For these students, their home environments, their cultural or biological ancestry, and their language use are the strongest educationally disabling features of their educational identities. In very specific ways, the education literature underscores the anti-school or anti-academic nature of those students' home environments, while stressing the educationally disabling nature of either their non-standard English or their non-English languages. In addition, their perceived cultural alienness (vis-à-vis normal white, middle class, Americans), plus their apparent inability to meet middle class standards of educational normality, appears to make their educational identity difficult to distinguish from the educational identities of students in special education or learning disable student categories, at least according to conceptual expressions of significant educational literature from the 1960s and 1970s.

With the advent of the Bilingual Act of 1968, which amended the Elementary and Secondary Act of 1965, the official recognition of the Limited English

Proficiency (LEP) student category arrives, and the LEP student becomes a *figurative subspecies* of the culturally deprived student species, with education literature of the 1960s and early 1970s serving as a clarifying lens through which academically disabling elements of the educational identity of LEP students – recognized in the Bilingual Act of 1968 – can be better understood. Therefore, when the Bilingual Act of 1968 calls for “forward-looking approaches” that “meet the serious learning difficulties” of “limited English-speaking ability” students (BEA, Sec. 701), the educational identity of the LEP student can be more fully delineated when the Act is historically situated within education literature that links cultural deprivation with educationally disabling oral development. The education literature of the 1960s and 1970s associates the stifled/abnormal oral development of culturally deprived students, such as the LEP student, to “serious learning difficulties.” What’s more, education literature of the time also links the cultural deprivation of such students to verbal deprivation, or verbally developed abnormalities/subnormalities.

Historically situating the Bilingual Act of 1968 also enables us to see how such educational literature is conceptually compatible with the idea of getting rid of an archaically stifling non-English language home environment, while moving the LEP student into a modern, “forward-looking,” English-speaking educational environment. Indeed, the Act is situated within education literature that sees the illiterate/semi-literate cultural heritage of the LEP student as a “backward,” and therefore educationally stifling, cultural heritage, one that clashes with the heritage of familial English language literacy that characterizes many White, middle class,

normal families. Indeed, from that vantage point, primarily oral, rather than literate, familial cultures might reasonably be viewed as disadvantageous to LEP students, since those LEP students' cultural backgrounds might well be seen as providing LEP students with more "primitive," if not inhibiting, intellectual tools for grappling with a literacy oriented, school environment.

What's more, it should be noted that the Bilingual Act of 1968 exists situated within education literature that often identifies the LEP student as culturally alien. The LEP student as an unacknowledged cultural alien means, among other things, that the educational identity of the LEP student is a sort of socially stigmatizing identity, a sort of educational deviant, a violator of socially dominant norms that associate educational normality with standard English monolingualism. Such a situation might well create an educational space that deprioritizes the LEP students' needs, making them the needs of an *educational foreigner*, someone perhaps unworthy of receiving educational equality vis-à-vis the culturally American student – that is, the students who are monolingual speakers of standard American English. Within such an educational context, the Bilingual Act of 1968 might be reasonably seen as an educational instrument to partially, though incompletely, Americanize the LEP student, helping her/him to become more culturally American by entering the *cultural modernity* of a standard English language school milieu, though doing so without necessarily becoming as educationally prepared as those students who come from literate homes, where standard English monolingualism comfortably prevails.

With regard to the education literature of the 1980s, as it deals with the educational identity of LEP students, the following three elements of educational disability prominently appear embedded in the portrayal of the LEP student category: the LEP students' non-English languages actively interfere with their academic achievement; the LEP students' sub-average academic performances makes it difficult to attribute their educational performances to either official academic disabilities or unofficial educational disabilities embedded in the LEP student category, given how both types of educational disability – official ones and unofficial ones – appear to *similarly* affect the academic performance of both ordinary LEP students and the officially disabled students; and the LEP students' *abnormal* cultural alienness functions as an educationally disabling element in their academic performance.

With respect to how non-English languages educationally stifle LEP students, education literature expresses the fear that the presence of non-English languages atrophies a student's "abstraction and conceptual development," causing "cognitive deficits" within LEP students. Some of these educational limitations suggest that these attributed "cognitive deficits" are partially responsible for what some of the literature characterizes as the academic simplification of the curriculum of LEP students. What's more, with respect to how regular LEP students and officially disabled students are supposedly similarly afflicted with what are often viewed as sub-normal academic performances, the similarity of their academic profiles appears to make it difficult to distinguish the LEP student category from the disable student category. Some education literature even suggests that LEP student

performances "simulate" what has been called a "language disorder," which is often displayed by the officially disabled.

It should also be highlighted that education literature often sees the perceived cultural alienness of many LEP students as educationally disabling. While some of the literature focuses on how an LEP student's cultural alienness psychologically damages these students in ways that are educationally debilitating, other education literature centers on how the LEP students' cultural alienness makes it unusually difficult for these students to adjust to the academic culture of American schools. Moreover, according to some of the education literature, not only are many of these LEP students unfamiliar with normal academic school culture, but their home-based cultures are often viewed as incompatible with the values of American school culture, thereby interfering with the LEP students' educational achievement.

As for the education literature of the 1990s, the one that touches upon LEP student identity, there is an emphasis on how the mere presence of a non-English language in the LEP student's linguistic repertoire necessarily delays or interferes with not only English language proficiency, but also subject matter knowledge, including within the area of mathematical skills development. Thus, for example, the presence of Spanish language vocabulary on tested Latina/o students is linked to lower vocabulary scores among Anglo students.

An LEP student's familial life or cultural heritage is often viewed as educationally disabling, even when comparisons are made, for example, between Anglo and Hispanic families with similar socio-economic status. The literature tends

to underscore the limited educational role that non-English speaking parents necessarily play in the academic achievements of the LEP student, as if non-English speaking parents were incapable of shaping the educational trajectory of their children in other ways, beyond the realm of English language orality.

Once again, as evidenced by the education literature on LEP student identity, the presence of academically disabling elements in the social construction of the LEP student category often makes it difficult for school personnel to differentiate the LEP student category from the learning disable student category. In other words, the social construction of academic disabilities opens the door for both LEP students and officially disabled students to be *perceived as carriers of academic disabilities*, disabilities that, even when they do not display similar behavioral manifestations, might tend to *produce similar profiles of sub-average, if not sub-normal, academic performance*. In any event, regardless of its explanation, the education literature highlights an *unequivocal fact*: the educational system struggles to differentiate the LEP student category from the learning disable (LD) student categories.

The unofficial social construction of LEP students as educationally disabled is conceptually compatible with the presence of what some of the education literature characterizes as the prevalence of less academically challenging coursework assigned to LEP students. In fact, the existence of this less academically challenging LEP curriculum may partially reflect the lowered educational expectations that often accompany the LEP student category, with its unofficially embedded elements of suggestive academic disability.

Historically Tracing the Academic Disability Embedded in the LEP Student Category Through the Emergence of the Culturally Deprived Student Category

The historical trajectory of the Limited English Proficiency (LEP) student category, as a potentially disabling student identity, is genealogically rooted in the creation of the disadvantaged/deprived student category, especially with respect to low income social groups in America. This disadvantaged/deprived student identity begins to circulate as a legitimized student category with the enactment of the Elementary and Secondary Education Act of 1965 (ESEA, Public Law 89-10; 79 Stat. 27). This legislation forms part of a broad social policy orientation: President Johnson's so-called War On Poverty political agenda, enacted most vigorously throughout the mid 1960s and early 1970s.

Interested in putting together a string of anti-poverty programs throughout his tenure as President, Lyndon Johnson explicitly announces his "war on poverty" orientation during his State of the Union speech of January 8th, 1964. Subsequently, with the help of the Democratic Part majority in Congress, Johnson manages to pass a series of legislative initiatives aimed at, according to Vinovskis (2005), eliminating and/or alleviating the causes and effects of poverty in the United States (pp. 35-59). Thus, for example, working closely with Vice President Hubert Humphrey, who had recently published a book titled *War on Poverty*, President Johnson signs the Economic Opportunity Act of 1964, a law that a Congressional report described as vital for combatting "the causes of poverty – lack of education, poor health, absence of a marketable skill, and unstable family life" (U. S. Congress, House, Committee on

Education and Labor, Economic Opportunity Act of 1964, Report no. 1458, 88th Cong., 2nd Session, 1964, p. 2). That economic piece of legislation is soon followed up by the Elementary and Secondary Education Act of 1965, which eventually gives rise to a new type of student category – namely, the deprived/disadvantaged student category. In fact, according to the Organization For Economic Cooperation and Development (1981), the Elementary and Secondary Education Act of 1965 served as "the backbone of the federal efforts to provide financial assistance to meet the special educational needs of disadvantaged children during Lyndon Johnson's War On Poverty throughout the latter part of the 1960s" (p. 25).

Comprised of six sections ("Titles"), with the first one primarily dealing with funding educational programs that were geared at improving the educational opportunities of "disadvantaged" students from "low-income families," the Elementary and Secondary Education Act of 1965, is a "declaration of policy," aimed at remedially "meeting the special educational needs of educationally deprived children" (Title I. Section 201). The legislation attempted to expand the educational opportunities of these "educationally deprived children" by funding the educational needs of these "low-income families" through a variety of mechanisms: increased spending on local low-income school districts, on instructional materials, on supplementary educational centers/services, on educational research/training, and on grants to education departments throughout the 50 states, plus territories.

Later on, the Elementary and Secondary Education Act of 1965 (ESEA) was amended, with an additional section added (Title VII), which became known as the Bilingual Act of 1968. This Act created a new type of disadvantaged/culturally

deprived student *subcategory*, that is, the disadvantaged/deprived *subcategory* of the Limited English Proficiency (LEP) student. In other words, while low income, Spanish-speaking Hispanic students have *always* fallen under the deprived/disadvantaged student category described by the general provisions of the Elementary and Secondary Education Act of 1965, the addition of Title VII to ESEA (which officially creates this LEP student subcategory) merely delineates more specific student characteristics of a *subset* of deprived/disadvantaged Hispanic students, the ones that participate in the bilingual programs envisioned by Title VII of the Elementary and Secondary Education Act. Thus, figuratively-speaking, the LEP student category is a sort of *subspecies* of a species that shares general identity-bestowing characteristics – namely, the figurative *species* of the American *culturally deprived/disadvantaged student category*.

In the *First Annual Report of the National Advisory Council on the Education of Disadvantaged Children Concerning the Administration and Operation of Title I of the Elementary and Secondary Education Act of 1965* (1966), we find a fairly detailed social construction of the disadvantaged/deprived student category that, according to National Advisory Council on the Education of Disadvantaged Children, is embedded in the Elementary and Secondary Education Act of 1965. Reminding the reader of "the high correlation between educational disadvantage and the inability of the poor to break out of the cycle of regenerating poverty" (p. 1), the First Annual Report (1966) notes how ESEA provides "funds necessary to develop programs through which children can overcome the handicapping limitations of poverty-ridden environments" (p. 1). Those descriptions, from the First Annual Report

(1966), suggest that not only are these deprived/disadvantaged students immersed in disabling "poverty-ridden environments" (p. 1), but also that they are academically disabled by "chains of disadvantage" (p. 1), by living far removed from "a world of books, or ideas" (p. 1), by an inability to intellectually understand "concepts in tests devised for the majority of the children of schools" (p. 1), perhaps children from majoritarian middle class homes. Therefore, this document not only underscores the *economic* deprivation of these disadvantaged/deprived students but also their *sociocultural* deprivation.

Emphasizing the importance of "special reading and language courses," given their "limited experiences" in life, these disadvantaged/deprived students are depicted as academically disabled, as "children of deprivation," as unable to "describe differences among things, shapes, colors and simple concepts" (p. 4). Indeed, the First Annual Report (1966) calls for close cooperation with Project Headstart, which is directed from the Office of Economic Opportunity, to assist those students "by improving their ability to think, reason, and speak clearly" (p. 4). Therefore, the First Annual Report (1966) implicitly conveys the notion that the educational special needs of these deprived/disadvantaged students stem, in part, from their unique inability "to think, reason, and speak" as "clearly" as ordinary, *normal* middle-income children (p. 4).

The First Annual Report (1966) goes on to further detail how the interested public should socially construct these disadvantaged/deprived students. The First Annual Report (1966) details the many "conditions" – "such as inadequate nutrition, limited energy, bodily injuries, and the residual effect of illness" – that incapacitate

the deprived student (pp. 12-13). Within this context, home environments are primarily described as places where there is a lack of "home guidance and assistance, no place or time for home study, and lack of exposure to the English language" (p. 13). Moreover, the First Annual Report (1966) typifies the disadvantaged student's neighborhood as generally an educationally dysfunctional setting: where there is "indifference to learning, no aspirations for development, and dearth of institutions and facilities that stimulate and encourage development" (p. 13). As a result, since these disadvantaged/deprived students inhabit a deeply educationally inhibiting sociocultural space, the First Annual Report (1966) ends by affirming the disabling elements of those students' identity: "disadvantaged children exhibit many kinds of handicaps" (p.13).

Since "most disadvantaged children have more than one physical, social, intellectual, or emotional handicap" (p. 13), the First Annual Report (1966) gives us a wide array of academically related disabilities that afflicts the disadvantaged or deprived student (p. 13): some students are viewed as too physically malnourished to have "energy" to learn at schools (p. 12); others are seen as psychologically scarred from traumatizing experiences with the world at large (p. 13); some are viewed as biologically underdeveloped, unable to perceive differences in "sounds" or "letters" (p.13); still others lack either the "oral language background" to learn to read, or they simply seem devoid of the "habits *normally* (my italic) expected of schoolchildren," such as "punctuality, undistracted work efforts," or a strong desire to learn (p.13).

Many other government publications throughout the 1960s illustrate features of academic disability embedded in the socially constructed identity of deprived/disadvantaged students. For example, at the National Conference on Education of the Disadvantaged (1966), composed of "educational professionals directly engaged in planning and administering" Title I of the ESEA of 1965, plus members of private and non-profit educational organizations, many disabling elements in the social construction of the identity of deprived/disadvantaged students came to light. In summarizing expert panel discussions on the perception of the deprived/disadvantaged student, there was a "prevailing attitude" that many of these disadvantaged/deprived students were "intellectually inferior and therefore cannot compete" with white middle class kids (p. 10). There was a social sense that many disadvantaged/deprived students "need a different kind of education" than that offered to other students, for many did not "behave as *normal* kids (my italic)" (p. 10). Implicitly contrasting white middle class families with the families of disadvantaged/deprived students, panelist Adron Doran, president of Moorhead State College, underscores how "economically disadvantaged families" mistakenly prioritize "individualism rather than mutualism," "traditionalism rather than innovation," "fatalism rather than creativity," since these families, according to this panelist, tended to see their children as if they were "passive recipients rather than active agents" in the educational process (p. 13).

With respect to the development of curriculum, the National Conference on Education of the Disadvantaged (1966) notes that panelist A. Harry Passow, from Columbia University, advocated an early education "aimed at compensating for

deficits, especially those dealing with language concepts" (p. 24). Other members of a different discussion panel reiterated the belief that "instructional materials for middle class children" should most reasonably be considered "out of place" in educational settings filled with disadvantaged/deprived students (p. 25). In short, academically disabled students deserved a less challenging curriculum, one tailored made to their academic disabilities.

Pertaining specifically to predominantly Spanish-speaking migrant families, as depicted in National Conference on education of the Disadvantaged (1966), Roy McCanne, a Coordinator of Migrant Education at Colorado State, advocated for a curricular experience centered on encouraging children "to learn English," and "ask questions, to do some independent and critical thinking on their own" (pp. 26-27). What's more, since migrant families appear to devalue education, and "many parents feel it is not worthwhile to send their children to school" (p. 27), McCanne suggests the establishment of an institutionalized process of recruiting migrant children into public schools (p. 27). Finally, McCanne suggests the pioneering of school curriculum materials that "include the study of cultural differences" in order to better educate migrant students (p. 27). Hence, there is a portrayal of LEP migrant students as educationally suffering from an inability to learn English within unstimulating educational environments, where irresponsible parents care little about the academic needs of their own children.

Other government publications, such as one written by Mackintosh, Gore, & Lewis (1965), and sponsored by the U.S. Department of Health, Education and Welfare, generally reinforce the educationally disabling elements of the

deprived/disadvantaged student's identity. Alarmed with the problem of "educating unprecedented numbers of severely disadvantaged" students from culturally deprived homes, with how they "enter school psychologically, socially, and intellectually unready to meet school expectancies" (p. iii), Mackintosh, Gore, and Lewis (1965) stress the culturally deprived nature of the deprived student's home environment:

> They come to school with almost no ability to use a verbal language, with extremely limited knowledge of cultural items generally familiar to young children in our society, with little understanding of their own environment and none of the world beyond a range of three to four blocks, with few intellectual concepts, and with almost no ability to associate with other people. (p. 1)

According to Mackintosh, Gore, and Lewis (1965), differences between the intellectual rigors of school and the intellectual desolation of the deprived student's home environment are so deep that for these children "entrance into school presents discontinuity" (p. 4). Such discontinuity creates culturally induced intellectual struggles for many of those deprived students, since "being deficient in verbal language, they must pause on the threshold of school to develop a language" (p. 4). Lacking home experiences in standard academic English (p. 11), plus unaccustomed to hearing a large speaking vocabulary (p. 11), the deprived student described by Mackintosh, Gore, and Lewis (1965) appears as a kid who primarily

uses “a language made up of grimaces, gestures, and single words, with a mixture of invented words” (p. 11). Moreover, this student inhabits a non-stimulating home environment where that child has “learned not to hear the voice of the adult unless it represents a threat to security” (pp. 14-15). Indeed, when it comes to parental non-involvement in academically relevant activities, not only must the deprived student learn to cope with disabling parents, but so must school personnel. With many parents coming from the “last generation’s school dropouts” (p. 28), schools are force to deal with parents who are “not always friendly to the school,” but rather, are often “filled with fear of and aggression toward the school” (p. 28). So within this sociocultural context, the deprived student is doubly disadvantaged: he/she must overcome her own embedded academic disabilities while at the same time continuously coping with a permanently disabling sociocultural environment.

In a similar fashion, within another government study conducted by Mackintosh, Gore, and Lewis (1966), though commissioned by the U.S. Department of Health, Education, and Welfare, the social construction of the culturally deprived/disadvantaged student also seems predicated on underscoring an accompanying academic disability. Characterizing culturally deprived local environments as “unkempt and unorganized,” as areas that “lack space and cultural institutions” (p. 3), Mackintosh, Gore, Lewis (1966) describe the dysfunctionality of deprived families by emphasizing the frequent absence of fathers and the typicality of deprived homes in which verbal communication “is customarily restricted to gestures and monosyllabic commands” (p. 5), with “ little verbal language with which to clarify thought or to communicate” (p. 5). Consequently, Mackintosh, Gore,

and Lewis (1966) bring out the need for sociocultural programs in which educationally clueless parents are "assigned a professionally trained and experienced visiting teacher or school social worker" (p. 21), so that deprived children can "maintain forward-looking attitudes and aspirations" (p. 5). Thus, it is this *disabling* home environment, coupled with a disabling neighborhood milieu, that ultimately produces a student with *abnormal* intellectual development, one with many manifestations of academic disability:

> Few have a vocabulary from which the teacher may help them structure a language. There are extremely narrow limits to their knowledge of names of common objects and of persons (even including themselves) and to their acquaintance with verbs expressing any action beyond the most elementary commands, such as "get," "sit down," "go to bed," and "eat." In contrast with the child of middle-class culture who reports to the first grade with an adequate speaking vocabulary of approximately 2,000 words or more. The disadvantaged child usually has a limited and meager vocabulary. While the child from the middle-class *culture* (my italics) is able to express his thoughts in phrases and sentences, the disadvantaged child often restricts his expressions to gestures and single words. (p. 4)

Indeed, given this description of almost *animal-like* behavior by the deprived child, it appears almost inconceivable that such a culturally deprived student could fully

participate, or benefit from, sharing a classroom with regular, *normal* middle-class students.

Solidifying the Connection Between Cultural Deprivation and Intellectual Disability

According to Sleeter (1987), the establishment of the field of learning disabilities, in 1963, "was constructed to explain and protect failing white middle class children" (p. 220), doing so "without raising questions about the cultural integrity of middle class homes" (p. 226). Interestingly, however, at about the same time, the social environment of culturally deprived students – particularly with respect to their homes and neighborhoods – was explicitly devalued and directly linked to intellectual disability.

Kurtz and Wolfensberger (1969) acknowledges how the term "cultural deprivation" had become, by the late 1960s, "virtually synonymous with 'low social class'," while increasingly being applied "to certain racial and ethnic minorities living in slum areas" (p. 229). Kurtz and Wolfenberger (1969) affirms that many students who have been labeled with "learning disabilities" are often those whose cultural heritage, value system or "behavioral expectations" differ from the normative or "larger culture" of the middle-class child (pp. 231-232). According to Kurtz and Wolfensberger (1969), the term "learning disabilities" tends to be used because the academic difficulties encountered by the culturally deprived student can then be blamed on the student herself, or on her social environment, rather than on a "teaching disability," which implies a deficient teacher, curriculum or teaching

method (p. 232). So while struggling middle or upper class children, according to Kurtz and Wolfenberger (1969), are often diagnosed with “maternal or emotional deprivation,” cultural deprivation can accurately be “defined as a monopoly of lower classes and the poor” (p. 232).

Miller (1970) also associates cultural deprivation with an atrophied development of “intellectual and social functioning” (p. 452). From Miller’s (1970) perspective, culturally deprived students appear to gradually “decline in intellectual functioning” as they experience an educational system socially constructed to meet the needs of middle-class students (pp. 456-457). Miller (1970) sees “deficits” in the intellectual functioning of culturally deprived students, especially in the areas of “skills and abilities necessary in order to function at a level of abstraction required for competence in a highly technical society” (p. 457).

Barksdale (1970) perceives similarities between mental retardation and cultural deprivation, particularly culturally induced retardation, which has no known “neurological basis,” but which is triggered by “economic and educational deprivation” (p. 48). Barksdale (1970) believes that although most “deprived children are not mentally retarded” (p. 49), “a great percentage of educable mentally retarded children falls within the broader category of culturally deprived” (p. 49). Therefore, Barksdale (1970) argues that many of the “cognitive deficiencies” displayed by culturally disadvantaged children – such as low I. Q. scores – are also characteristic of the “mentally retarded” (p. 50): “there are many similarities between culturally deprived and many mentally retarded children” (p. 50). As a result, Barksdale (1970) advocates for special curricular strategies, similar to those

deployed with the educable mentally retarded, to counter the "serious deficits in the development of cognitive tools" that the culturally deprived experience throughout their academic journey (p. 53).

For his part, Blatt (1970), in reviewing the literature on the relationship between mental retardation and cultural deprivation, opines that the "cultural-familial mentally retarded are found almost exclusively among the culturally disadvantaged portion of our population" (p. 13), though "efforts to prevent and reverse school failures and retardation" among this group of students have "been encouraging" due to compensatory programs initiated under the auspices of the War on Poverty agenda. (p. 13). In broad terms, Blatt (1970) distinguishes between two types of mental retardation: the "organically impaired retarded," with neurological and nervous system impairments, and the "cultural-familial" mentally impaired, whose intellectual deficiencies arise from a culturally deprived social environment (pp. 10-12). Within this context, Blatt (1970) seems ultimately optimistic that "planned intervention," in terms of early childhood enrichment programs, can gradually help culturally deprived students succeed in school by helping them develop the right intellectual tools, as manifested in school-administered, "intelligence" test scores (pp. 12-24).

Examining Education Literature From the 1960s: Laying The Intellectual Foundation For The Social Construction Of The LEP Academically Disabled Student Category Through The Social Construction Of The Culturally Deprived Category

After the emergence of the learning disabilities category in 1963 (Sleeter, 1987), and throughout the 1960s, many Hispanic students from low-income and Spanish-speaking households become identified with an academically disabling student category – namely, the culturally deprived student category. In describing the culturally deprived student as a "disadvantaged" American, *those students are educationally clothed in the language of disability*. That common perception of educational incapacity arises, in part, from the work of professionals and experts in the social and educational sciences.

Who Is Socially Constructed As the Culturally Deprived Student

In depicting the "disadvantaged pupil," Goldberg (1963) traces the emergence of this educational category from among the impoverished African American and Hispanic ethnic groups that had migrated from rural/Southern regions of the United States to the inner city/Northern areas of America, even as "white flight" to the suburbs mushroomed across the country (pp. 70-78). As Goldberg's contemporaries, Bloom, Davis and Hess (1965) define cultural deprivation as a limiting condition in which culturally deprived students live "in homes which do not transmit the cultural patterns necessary for the types of learning characteristic of the schools and the larger society" (p. 4). Within this

context, culturally deprived students are generally identified as "lower-class children" who "lack abstract language – words for categories, class names, and non-concrete ideas" (p. 70).

Somewhat more expansively, Passow and Elliott (1968) add that although the disadvantaged population "tends to reflect" the "minority groups" of the United States, including "mountain white" groups, the "disadvantaged may (also) belong to the majority in society" (p. 3). In any event, these disadvantaged groups manifest, according to Passow and Elliott (p. 3), sharp differences from the dominant, middle class, American cultural groups, given their "differences in life style, child-rearing practices, and skills for urban living" (p. 3). Within the area of education, Passow and Elliott (1968) associate the offspring of the disadvantaged populations with "the most severe scholastic retardation," arising out of "various handicaps," found in the United States (p. 4).

In analyzing the culturally deprived child, Reissman (1962) acknowledges that these children are stereotypically portrayed as "non-verbal, that they think in a slow, inadequate manner, and cannot conceptualize" (p. 63). Associating African American and Hispanic migrants to "culturally disadvantaged" populations, Goldberg (1963) links their lower income status to intellectual deficits as encapsulated in IQ and achievement tests (pp. 82-86). The production of lower intellectual skills, associated with a culturally deprived environment, congruently converges with data that, according to Siller (1957), indicates that high status children do "better than LS (low status) children on all tests of conceptual ability, particularly those involving verbal material" (p. 371).

In the social construction of the culturally deprived student throughout the 1960s, a number of typifying traits, suggestive of educational disability, flow from the educational literature. Among the "salient characteristics" of culturally deprived pupils, according to Wattenberg (1964), is their "weak sense of the future" (p. 16). Wattenberg (1964) attributes this lack of interest in educational *planning* to cultural "mores" that provide "little incentive" for these students to do well in future oriented institutions, such as schools (p.16). Wattenberg (1964) couples this present-minded cultural trait to an array of incapacitating orientations forged in culturally deprived households and social milieus: "verbal unskillfulness," low educational "expectations," a propensity for "fighting," and excessive "sex activity" (pp. 17-18). Wattenberg (1964) implicitly suggests that, taken together, those lifestyle orientations are not only non-middle class in nature, but also educationally disabling for the culturally deprived student. So Wattenberg's (1964) view of culturally deprived children appears consistent with the notion that certain cultural backgrounds weigh down on students, making them more likely to be "doomed" to educational failure and intellectual simplicity.

The Disabling Home Environment of the Culturally Deprived *Student*

Reflecting a commonly held public perception, popular magazines, such as Saturday Review, stress a major "handicap" – the "home and community environment" – that is largely "responsible for cultural disadvantages, " which, in turn, create "the inability of these culturally disadvantaged persons to adapt to new

lives," not only in the *modern* world, but also in "the modern public school" (Saturday Review, 1962, p. 58). The inability of the culturally deprived home to raise world-ready and school-ready children is strongly linked to the perceived verbal impoverishment found at deprived homes: "In the deprived home there is very little to talk about, the parents have little to say to the children except to give short commands, and the discouraged atmosphere in which they live tends to give a tone of defeat or belligerence to the words that are spoken" (Rees, 1968, p. 38).

Deutsch (1967a) characterizes these home environments as educationally inhibiting in a number of ways. Beyond the levels of parental education, plus the "nearly complete absence of books" at home (p. 63), Deutsch (1967a) underscores the lack of opportunities for intellectual development, the "frequently non-availability of successful adult male models" (p. 63), the "poorer and less systematic ordering of stimulation sequences" (p. 64), and the limited "activation of cognitive potential" to arrive at the educational ineffectiveness of culturally deprived home environments (p. 64): the forging of children who "are simply less prepared to meet the demands of the school and the classroom situation" (p. 64).

Bloom, Davis, and Hess (1965) diagnosticate that the "language deficiencies" of these culturally deprived children "are probably due to the ways in which language is used in the home" (p. 70). Treating the culturally disadvantaged in a more narrowly nuanced, and less generalizing way than Bloom, Davis, & Hess (1965), Smiley (1965) nevertheless focuses on how the home backgrounds of the culturally disadvantaged interferes, rather than facilitates, educational accomplishment. While disapproving of the "mythology which says that all

underprivileged children come from broken – and bookless homes" (p. 266), Smiley (1965) delves into a reduced number of background-related impediments that apparently afflict the culturally disadvantaged.

Even though Smiley (1965) does believe that the culturally disadvantaged are capable of eventually performing well academically, elements of their home environment, such as their "substandard dialects," obstacularize institutional efforts to elevate their educational performance. Highlighting that "most underprivileged children speak a substandard dialect," one not "socially acceptable" (p. 267), Smiley (1965) stresses the importance of "socially-acceptable" spoken English for disadvantaged students (pp. 267-269). Noting that "lower class children and adults make limited use of complex sentences and subordination and that these limitations restrict the ability to express complex relationships" (p. 269), Smiley (1965) exhorts teachers to use Standard English to give these disadvantaged students "experiences in listening to increasingly longer and more complex units of oral literature" (p. 269).

Suggesting that disadvantaged students are often "silent" in classroom settings, Smiley (1965) attributes this inexpressive condition to their inability to speak officially approved Standard English, rather than to an inherent inability to learn it. Frowning upon any effort to officially "censure" the "native dialects" of the disadvantaged (p. 270), Smiley (1965) advocates transitioning these students toward standard English by practicing "a kind of bilingualism" for these culturally deprived students (p. 270). Moreover, while disapproving of explicitly communicating "value judgments of native subcultural dialects" to disadvantaged

children (p. 270), Smiley (1965) approves of teaching "the full range of advanced reading skills" to these students and of familiarizing them to "the full rather than stereotyped images of individuals from minority groups" (p. 273).

From Chilman's (1966) perspective, social science research tends to reiterate the existence of a socially destructive "child-rearing patterns" among the culturally disadvantaged: familial cultures in which children are emotionally damaged, shaped into becoming delinquents, and molded into becoming unfit members of a larger society, one where middle-class culture does not dominate either socially or educationally (p. CHI-3A). For their part, Taba and Elkins (1966) identify the home environment of culturally deprived children as an educational burden, as the major source of "the intellectual inferiority" of these lower income children (p. 5). Taba and Elkins (1966) assert that cultural deprivation "usually produce many kinds of deficits" (p. 4). For Taba and Elkins (1966), these "uneducated parents" generally exhibit "a meager understanding of the requirements for success in school" (p. 4). This parental ignorance takes various forms: they are unable to academically inspire their children to vigorously pursue education; they are unable to inculcate their children with "the habits necessary for meeting the school's "expectations" (p. 4); they only provide "minimal training" for their children on "disciplined group behavior," especially since "lower-class families rarely have dinner together as a group" (p. 5); they manifest a failure "to exhibit the virtues cherished in school, such as cleanliness, punctuality, and orderliness" (p. 5); and they create home environments that produce "serious deficiencies" in the "cognitive functioning" of their children (p. 5), leading to the formation of children who are "developmentally

retarded in intelligence (my italic)" (p. 7). As a result, as already pointed out by other education experts, Taba and Elkins (1966) agree that most of these academic differences are ultimately rooted on academically disabling child-rearing patterns of behavior.

Identifying a culturally deprived household as "an intellectually impoverished home" (AU-1C), Ausubel (1966) rejects the "critical periods hypothesis" as an accurate explanation for the "developmental *retardation* (my italics)" displayed by the typical culturally deprived child (AUS-1C). Instead, Ausubel (1966) attributes the cognitive retardation of the culturally deprived child to "prolonged cultural deprivation," which generates a life cycle of cumulative intellectual "deficits" as the child lives through an under-stimulating home environment and engages with an educational system geared toward middle class students whose developed intellectual "capacities" allows her/him to attain higher "future rates" of intellectual growth (pp. AUS 2C-3C).

While socially constructing the culturally deprived student, Strodtbeck (1966) centers his discussion of how best to educate these students, given the inability of these deprived families "to rear their children in a way that will make them self-sufficient as adults" (p. STK-1A). Studying "psychosocial" aspects of a deprived student's environment, Deutsch (1996) cites "empirical literature" which he claims shows how "certain environment conditions may *retard* (my italics) psychological processes, including intellectual development," among disadvantaged students (p. 260). While portraying middle class homes as more intellectually stimulating than lower income homes (pp. 261-262), Deutsch (1966) cites

successful remedial programs, where educators have been able to significantly raise IQ scores of culturally deprived students. Deutsch (1966) emphasizes how deprived students bring many “handicaps” to school settings (pp. 262-263).

Beyond intellectual “retardation” arising from an academically unchallenging home environment, Deutsch (1966) notes how the deprived student’s “seriously understimulated” home environment predisposes him/her to use school time “inefficiently” – namely, in “unproductive rote activities” (p. 263), rather than in learning situations where academic answers must be figured out and expressed logically. In sum, Deutsch (1967b) argues that the cumulative effects of multiple environmentally-induced deficits begin at home and increase at school: “the children’s environmentally determined handicaps too often results in early failure, increasing alienation,” and a widening of a gradually growing “gap between the lower-class and middle-class youngsters as they progress through school” (p. 386).

Deutsch (1966) sees cultural differences between the home environments of the culturally deprived student and the middle-class student as a critical factor in generating a deprived child’s academic “alienation” and “handicapping his school performance” (p. 264). In fact, Deutsch (1967b) suggests that these deprived students “have poorer capacities in handling syntax,” and they are conscious of their “grammatical ineptness,” (p. 386). According to Deutsch (1967b), such an “awareness leads to a reticence and a hesitancy to communicate across social-class lines” (p. 386). So these supposedly handicapped students struggle with “long, orderly, focused verbal sequences,” with detecting “syntactical regularities and normative frequencies of the language,” with generating long “attention span(s) for

verbal material," and with properly extracting meaning from textual context (Deutsch, 1966, p. 264).

Establishing The Academic Deficiencies Of The Culturally Deprived Students and Evaluating These Difficulties In Light Of Middle Class Norms

Hess (1966) entertains two theoretical frameworks – the mental deficit paradigm and the acculturation paradigm – that in Hess's estimation rely on significant educational research support, though he prefers a theoretical orientation that establishes linkages "between social class and mental behaviors" and helps explain the academic deficiencies of deprived students (p. Hess-3A): "the orientation of the child toward the school follows from the nature and the relationship and modes of communication that develop between mother and child" (p. Hess-3A). With regard to the mental deficit paradigm, disadvantaged children are thought to have environmentally accumulated a number of mental shortcomings in the areas of "visual discrimination, auditory discrimination, vocabulary, lack of concepts and information" (p. Hess-2A). The existence of these deficits calls for educational interventions in order to develop those lagging skills within the culturally disadvantaged student. With respect to the accumulation theory, the emphasis is on socializing the disadvantaged student, bringing middle class culture into the disadvantaged student's life by modeling/mentoring those students "into behavior needed for success in school and other middle-class institutions" (p. Hess-2A).

In socially constructing culturally deprived students, Bloom, Davis & Hess (1965) reiterate how in culturally disadvantaged communities, communication is

mostly done "through gestures and other non-verbal means. When language is used it is likely to be terse and not necessarily grammatically correct" (pp. 70-71). In addition, in the work of Bloom, Davis & Hess (1965) the culturally deprived students' environment has shaped a distinctive kind of student, one with a "special difficulty in developing concepts of an abstract nature and in generalizing" (p. 71). However, Giddings (1966) argues that a lack of "empirical evidence" has thus far prevented educators from designing such educational programs, especially programs for the preschool level, before the cumulative effects of norm-related differences has created wide achievement gaps between lower and middle-income groups (p. 440).

Nevertheless, Giddings (1966) sketches a number of theories of "educational *retardation* (my italic) among disadvantaged children" that should continue to be empirically examined (pp. 439-440). First, the idea that disadvantaged students learn less because of low teacher expectations. Second, the sense that "educational disparities" – between school and homes – means that disadvantaged students grow accustomed to learning "at a slower at pace" and "through physical motor involvement than through exclusively conceptual, verbal activities" (p. 439). Third, the notion that school material needs to be better matched to the "interests, abilities and experiences" of disadvantaged students. Fourth, the belief that the subpar academic performances of disadvantaged students is caused by "deficiencies in the various cognitive skills," which are generally learned before kids attend kinder or first grade (p. 440). So while "spoken language is the most important means of

communication in the middle-class family," in culturally deprived households "language usage is more limited" (Bloom, Davis, & Hess, 1965, p. 70).

According to Chilman (1966), educational institutions should be encouraging disadvantaged families, and their offspring, to assimilate a "middle-class culture," with its accompanying "cycle of prosperity" (p. CHI-1A). Therefore, "since schools are basically middle-class institutions," predicated on middle class cultural values and behavior, Chilman (1966) thinks there is a lack of "fit" between the cultural upbringing of disadvantaged students and the cultural expectations of educational institutions (p. CHI-3A). Thus, unless disadvantaged students are culturally transformed within educational institutions, these students will essentially remain figurative misfits inside American schools.

Reaffirming the middle-class ethos of American public schools, Hess (1966) takes up public schools as institutions where incoming students are assumed to "come from middle class home(s)" (p. HESS-1A). Under these circumstances, the student's middle class educational identity is assumed to contain four vital elements: the student displays "considerable prior learning of school-relevant information" (p. HESS-1A); the student comes with a deep respect for school personnel and the school's rules and regulations (p. HESS-1A); third, the student accepts the academic "goals and values of the school" (p. HESS-1A); and fourth, the student arrives with an "active interest in the world around him and motivated to learn" (p. HESS-1A).

By contrast, Hess (1966) suggests that the culturally deprived student is a cultural misfit, what Becker (1963) might call a social "deviant" (pp. 3-18),

significantly lacking those four elements of middle-class student identity. Consequently, Hess (1966) argues that the disadvantaged student's "cultural experiences" adversely affect their "cognitive faculties" (p. HESS-1A), giving way to several "gross effects" that, according to Hess (1966), help identify that type of student: low scores on standardized intelligence tests; unreadiness for the school's academic challenges; lagged oral and written verbal development; poor "auditory and visual discrimination skills;" academically *retardation;* a propensity to leave the school system early; an unwillingness to attend college, "even when they have adequate ability" (p. HESS-1A).

Similarly, Arnold (1968) not only suggests that Mexican Americans who are low income and predominantly Spanish-speaking are culturally disadvantaged because of cultural experiences that deviate from those of a "middle class orientation" (p. 635), but he also agrees with Hess (1966) when he associates those limiting culturally experiences with the emergence of cognitive difficulties: the display of "environmental deficits associated with disadvantageness" (p. 635); the "underdeveloped in visual-perceptual abilities associated with success in learning to read" (p. 635); and the display of "auditory perception-discrimination abilities" that "are grossly underdeveloped," despite the fact that those abilities seem to be necessary for "success in beginning reading" (p. 635).

What's more, while entertaining the possibility that the arrested intellectual and emotional development of deprived children results from an understimulating social/home environment, Stendler-Lavatelli (1968) suggests that, although "more studies" are needed "before we can trace" the "roots" of the "language deficit of the

disadvantaged school-age" children to "specific deprivation in infancy" (p. 354), infant studies that measure how much parents talk to their babies suggests that the "verbal deficits of deprived children" might be linked to intellectual understimulation at home (p. 354). Moreover, Stendler-Lavatelli (1968) insinuates that such a culturally deprived environment may play a role in the "*retarded* (my italic) logical thinking" displayed by many culturally deprived kids (p. 372). In addition, Stanler-Lavatelli (1968 associates "deficits" in the "affective development" of deprived children with a "lack of sensory stimulation in the life of the lower-class infant" (pp. 355-356).

Ultimately, Giddings (1966), plus many other education experts, equate disadvantaged students with urban "low income families" (p. 437), even as he academically judges deprived students in accordance to middle class norms of not only lifestyle, but also of expected academic performance. Indeed, while acknowledging that low income students do learn some fundamental academic skills in school settings, Giddings (1966) stresses that the real problem of disadvantaged students is that "their mean achievement is far below the norms" of middle-class students, so over time there develops a "cumulative decline in increments of school learning" (p. 457).

Interpreting Basil Bernstein Into The Social Construction Of The Culturally Deprived Student

Given Basil Bernstein's conceptual influence with many educators throughout the 1960s and 1970s, it is important to briefly sample how some of his ideas were interpreted and applied with respect to the culturally deprived student category in the education literature.

Despite the merits that Hess (1966) sees in the mental deficit and the acculturation paradigms that are applied when dealing with the academic identity of culturally deprived students, Hess (1966) ultimately believes that studying the mother-child mode of communication, as embodied in Basil Bernstein's contrasting ideas about "restrictive codes" and "elaborated codes," holds the most promising approach towards academically helping culturally disadvantaged students. In other words, Hess (1966) argues that while the middle-class mother nurtures her child with "elaborated codes" of communication, "in which the message is specific to a particular situation, topic and person," and which "permits expression of a wider and more complex range of thought," the disadvantaged mother stifles her child's communication skills by socializing her/him into "restrictive codes" (p. Hess-3A). Hess (1966) sees this situation as restricting the capacity of disadvantaged children to develop school-based forms of thinking and communication (p. Hess-3A). Consequently, Hess (1969) advocates the systematic study of the varying communication styles among a variety of social classes in an attempt to ascertain how the dominant, middle class, school-based style(s) of communication can be

adapted, and incorporated, into the communicative practices of disadvantaged mothers.

In interpreting Basil Bernstein's distinction between "formal language" and "public language," Strodtbeck (1966) characterizes deprived families as exclusively engaging in public languages throughout their lives, though middle class families adroitly practice *both* styles of communication, depending on the social context they inhabit at a given moment (STK-10A). So from Strodtbeck's vantage point (1996), while deprived children are trapped by a communication pattern (public language) that specializes in "emotive impact" rather than on logical (academic) expression (STK-9A), middle class children smoothly move between public language and formal language, thereby enabling them to master (verbal) academic language: language which conveys "accurate grammatical order and syntax," "grammatically complex sentence structure(s)," and "logical relationships and temporal and spatial contiguity" (STK-9A).

Moreover, Taba and Elkins (1966) interpret Basil Bernstein's work on social class communication patterns in a manner that suggests the following: "lower-class conversations tend to be limited to the immediate instant, and they generally do not include time sequences, relationships between concepts, logical sequences, or causal relationships" (p. 7). In short, Taba and Elkins (1966) tend to depict the home environments of culturally deprived children as figurative incubators of scholastic/intellectual disability. Indeed, it could be argued that Goldberg's (1963) linking of home environments with a hindered production of educationally valued skills is not inconsistent with Bernstein's (1959) claim that the "unskilled and semi-

skilled strata" of society tends to employ "grammatically simple, often unfinished sentences" and "a poor syntactical construction" (p. 311).

Ideas On Remedial Action In Light Of The Social Construction Of The Culturally Deprived Student

Given the disabling elements embedded in the culturally deprived student identity, Goldberg (1963) advocates remedial programs, such as pre-school education, for the acquisition of "verbal and symbolic experiences," and the use of "the first two years of the elementary school as preparatory to the formal learning of the three R's" (p. 92). Similarly, Wattenberg (1964) approves of a series of remedial programs, such as pre-school programs, especially for children "who might ordinarily have arrived at school doomed to failure" (p. 19), and also "curricular innovations" (p. 19), particularly those "placing greater reliance on nonverbal communication" and those which reduce "the cognitive complexity of tasks to the capacities of pupils" (19).

In her case, Stendler-Lavatelli (1968) tends to equate remedial education with "compensatory preschool education," which she views as an "intervention" that can "remedy maladaptive behavioral and thought patterns" (p. 359). Moreover, for Stendler-Lavatelli (1968), a compensatory preschool program for the disadvantaged can prevent such students from developing "speech and thinking patterns that are at variance with what he (the student) needs to learn, the three R's" (p. 359). In addition, Stendler-Lavatelli (1968) advocates the creation of "a corps of psychologically trained home visitors for the express purpose of improving the

infant environment in culturally deprived families" (p. 357). Such a domestic "intervention" would aim at helping low income mothers acquire a firmer grasp on what constitutes "good psychological care" for their young (Stendler-Lavatelli, 1968, p. 357).

In justifying the necessity for remedial programs for the disadvantaged, Bereiter (1968) underlines the importance of making sure culturally deprived children can eventually meet "the verbal demands of primary school" (p. 340), especially since they could eventually meet up with middle class children who have likely encountered academic English through "informal interactions with literate adults" (p. 340). Gordon (1968) sees remedial programs as instrumental in at least three ways, all of which touch upon these students' limitations: they foster "reading and language development" (p. 399); they customize instruction to the distinctive needs of the deprived students (p. 399); and they encourage "increase parental involvement" among the affected disadvantaged families (p. 400).

The debilitating role that cultural deprivation plays on the disadvantaged student is also underscored by Chilman (1966). Typifying culturally deprived students as immersed in "subcultures of poverty," Chilman (1966) favors taking remedial educational actions – especially at the preschool level – to help these students break away from the culturally-induced "cycle of poverty" which he thinks immobilizes their families (p. CHI-3A). Elaborating on the education of culturally disadvantaged students, Chilman (1966) favors the remedial establishment of preschool programs, ones providing disadvantaged students with "cultural enrichment" while simultaneously correcting the "cultural deficits" that

disadvantaged pupils have accumulated as a result of living in households that nurture "subcultures of poverty" (pp. CHI-1A-6A).

For Strodtbeck (1966), remedially educating deprived students "require(s) an analysis of what is learned in the middle-class home" (STK-3A). While reminding us that low intelligence scores do not accurately gauge the "innate potentiality" of deprived students (STK-7A), Strodtbeck (1966) believes in working on changing the speech patterns of lower income families, behaviorally modifying them, turning deprived family members into speakers whose speech patterns resemble middle class patterns. In fact, by doing so, Strodtbeck (1966) insinuates that these disadvantaged parents can then better prepare their children to participate in forms of communication that are most conducive to school-based academic discourse. Thus, the challenge for educators, according to Giddings (1966), is to come up with better educational programs, ones allowing the disadvantaged student "to learn more efficiently" (p. 437).

Gordon (1968) traces some of the social impetus behind the growth of remedial programs for the culturally disadvantaged to an "interest in the trainability of intellect and the graduated sequential development of perceptual and conceptual functions" (p. 392). These interests, in turn, originate with the rise of standardized intelligence testing at the beginning of the 20th century, when testing pioneers, such as Alfred Binet, searched for ways to "train" human intelligence (Gordon, 1968, p. 392). Consequently, within that historical-intellectual context, Gordon (1968) sees, in part, the development of compensatory education – with regard to the culturally disadvantaged student – as an attempt by some educators to put together "learning

experiences designed to compensate for, or circumvent, certain identifiable or alleged differences" in the intellectual functioning of disadvantaged students (p. 392).

The Use of Non-Standard English as Educationally Disabling

Defining "standard American English" as "the kind of English *habitually* used by most of the *educated* English-speaking persons in the United States" (p. 355), Allen (1967) explains why students and teachers should realistically accept and adjust to this academic reality. Assuming that schools are middle class institutions, aimed at cultivating a middle-class lifestyle, Allen (1967) views schools as inculcators of Standard English. According to Allen (1967), since "Standard English is what the majority of educated speakers habitually use" (p. 356), such "habitual usage among educated speakers is what counts – whether or not that usage obeys some grammarian's rule" (p. 356). Therefore, according to Allen (1967), although the "presence or absence of standard forms in a person's speech is not a moral or theoretical issue" (p. 356), nor does a student's "grammatical usage" truly affect the "clarity and vigor of his message," deprived students should be taught through the use of middle class, standard English (pp. 356-357). This language instruction, however, should be taught to deprived students as if it were "a second dialect," one unlike their home language, even while the teacher explicitly acknowledges to his/her deprived students that standard English is merely the most "appropriate"

school dialect, rather than the "right" (versus 'wrong') academic language to use (p. 257).

Working from the "obvious fact that the standard dialect is the medium for imparting information and ideas in print and on the air" (p. 358), Allen (1967) sustains that teaching the deprived student through standard English eventually enables such students "to associate with speakers of the standard dialect" on close to an "equal footing" (p. 358). Within this social context of multiple linguistic dialects, Allen (1967) suggests that teachers attempt to add, rather than "supplant the student's home language" (p. 359), without connecting "non-standard forms with abhorrence and disdain" (p. 359-360). Approving of teaching methods employed by *foreign* language teachers, Allen (1967) ultimately advocates treating deprived students as if they were foreign language learners in an effort to help deprived students learn standard English within a non-stigmatizing educational context.

For his part, Smiley (1965) exhorts teachers to use Standard English to give these disadvantaged students "experiences in listening to increasingly longer and more complex units of oral literature" (p. 269). Suggesting that disadvantaged students are often "silent" in classroom settings, Smiley (1965) attributes this inexpressive condition to their inability to speak officially approved Standard English, rather than to an inherent inability to learn it. Frowning upon any effort to officially "censure" the "native dialects" of the disadvantaged (p. 270), Smiley (1965) advocates transitioning these students toward standard English by practicing "a kind of bilingualism in two English dialects in young children" (p. 270).

Within this context of generally devaluing languages/dialects beyond the realm of Standard English – in which Lesser, Fifer & Clark (1964) had noted that a majority of the research done thus far had "concluded that bilingualism has a detrimental effect on intelligence-test performance" (Anastasi & Cordova, 1953; Jones and Stewart, 1951; Levinson, 1959; Smith, 1949, 1957; and Weinreich, 1953) – the transitioning into Standard English is seen as instrumental in allowing the deprived child to enter the world of intellectual and academic complexity. As other professional educators of the time, Wynn (1967) reiterates the need to move beyond the limiting "sub-standard speech spoken" by the deprived child (p. 41). Ultimately, according to Wynn (1967), it is this limiting nature of the deprived child's "sub-standard speech" that not only deprives the child of "developmental language experiences," but also prevents her/him from entering the enrichingly complex world outside the home, where intelligent "conversation, literature, and a variety of firsthand lifes" can be found (p. 41).

Attempting To Resist the Entry of Some Educationally Disabling Features Into The Social Construction of The Culturally Deprived Student Category

While acknowledging that a significant proportion of "socioculturally deprived children" appear to have "mild learning problems" (p. 5), Dunn (1968) strongly criticizes the tendency to characterize "these deprived children as mentally retarded" (p. 6), since such labeling leads them to be placed in separate special education classes, where, according to Dunn (1968), they do not belong. Indeed, according to Dunn (1968), "60 to 80 percent of the pupils taught by these (special

education) teachers are children from low status backgrounds" (p. 6), rather than truly mentally retarded. Thus, although Dunn (1968) sees deprived children as predominantly "*slow learning* children (my italic)," Dunn (1968) believes that, with proper support, these students are smart enough to academically succeed in a regular class, including those classes with "children from white middle homes" (p. 6).

Therefore, when succinctly stated, Dunn (1968) thinks that attaching the "disability" label of "mentally retarded" to the deprived child, who tends to be merely a "slow learner," is destructive for two basic reasons: first, it lowers a teacher's academic expectations toward the deprived student; second, it produces "a serious debilitating effect upon" the child's "self-image," thereby producing inner "feelings of inferiority and problems of acceptance" (p. 9). Consequently, Dunn (1968) argues that we should be "trying to keep slow learning children more in the mainstream of education" (p. 11), where they are most likely to educationally benefit.

While accepting the "educational retardation" of those students traditionally labeled as culturally deprived, Clark (1965) rejects the ability of cultural deprivation theories to accurately explain the "educational retardation" of what many social scientists call culturally deprived children (pp. 29-42). Clark (1965) affirms that the culturally deprived student category is supported by "a methodology of cultural isolation that does not seem to be supportable by reality" (p. 33), nor does this alleged "degree of isolation" adequately explain the "inability to learn" of deprived students (p. 33). On the contrary, citing a series of remedial programs that

successfully elevated the academic achievement scores of culturally deprived students, Clark (1965) suggests that what deprived students really need are less studies that analyze their environment – in order to explain their academic underachievement – and more studies that investigate how to teach those kids more "effectively" (p. 35). In effect, Clark (1965) argues that the establishment of the culturally deprived student category constitutes, in reality, a "rejection of these children in the classroom" (p. 35). So in Clark's worldview (1965), cultural deprivation theories, which result in the creation of the culturally deprived student category, essentially blame students and parents for these educational shortcomings, rather than focus on an educational system that is not responsive to students' distinctive sociocultural and educational needs.

Critiquing the American educational system as "no longer an instrument facilitating social mobility" (CLK-2B), Clark (1966) typifies it as "one of the most effective techniques for maintaining class difference and cleavages" (p. CLK-2B), especially through social constructions such as the culturally deprived student category. Critical of many of the "well-intentioned" and misguided "assumptions" underlying the notion of cultural deprivation, Clark (1966) wishes to do away with the idea of "a culturally deprived child," replacing it with "more accurate descriptive terms, namely, children who are being denied their rights as human beings" (p. CLK-5B). For Clark (1966), the educationally disabling elements embedded in the culturally deprived student category triggers a series of administrative responses, within educational institutions, that guarantees a second-class education for those

students who are so labeled: "Children who are treated as if they are ineducable almost invariably become ineducable" (p. CLK-4B).

As a result, feeling compelled to reassure his readers that "the majority of culturally-deprived children are not mentally retarded" (p. CLK-6B), Clark (1966) denounces the cultural deprivation theories that have shaped an educational establishment in which low income students "are being systematically humiliated, categorized, classified; relegated to groups in terms of *slow learners* (my italic)" (p. CLK-7B). In short, Clark (1966) observes: "it all adds up to the fact that they (the deprived students) are not being taught" (CLK-7B). Instead, Clark (1966) places the development of the culturally deprived student category within a larger frame: it

> is essentially a class war, a socio-economic and racial warfare being waged on the battleground of our schools, with middle class and middle-class-aspiring teachers being provided with a powerful arsenal of half truths, prejudices and rationalizations, arrayed against hopelessly outclassed working-class youngsters. (p. CLK-7B)

Finally, it should be highlighted that another prominent attempt at rebutting many of the assumptions upholding the social construction of the culturally deprived student category comes from Labov (1969). Comparing lifestyles and conversations among white middle children and African American lower income students, Labov (1969) finds linguistic evidence that appears to contradict many of the assertions that construct the image of culturally deprived students as reservoirs

of academic disability. Labov (1966) sums up his major conclusion in the following way:

> The concept of verbal deprivation has no basis in social reality: in fact, Negro children in the urban ghettos receive a great deal of verbal stimulation, hear more well-formed sentences than middle-class children, and participate fully in a highly verbal culture; they have the same basic vocabulary, possess the same capacity for conceptual learning, and use the same logic as anyone else who learns to speak and understand English. (p. 2)

Labov (1969) criticizes remedial programs that, working under a framework of cultural deprivation, treat deprived students "as if they have no language of their own" (p. 2), severely underestimating the academic potential of those students. In addition, Labov (1969) views IQ tests and other school-based reading tests as inaccurate measuring instruments, erroneously understating the "verbal capacity" of deprived students raised with nonstandard English, rather than with standard English (p. 11). What's more, linguistically comparing the conversations of white middle class kids with lower income African American children, Labov (1969) draws the following lesson: it is a "myth that middle-class language is in itself better suited for dealing with abstract, logically complex and hypothetical questions" (p. 18). Broadly speaking, Labov (1969) characterizes the "essential fallacy of the verbal deprivation theory" as one in which the academic struggles of the deprived students are mistakenly attributed to culturally induced intellectual "deficiencies" (p. 28). According to Labov (1968), this educational situation takes place while

many overlook the social and cultural barriers that students must supersede in order to “learn” – all within a social context where the school makes little effort to accommodate to the lower income student’s sociocultural background (p. 28).

How Selected Educational Literature From the 1960s and 1970s Specifically Focuses on the Academic Disability of LEP Students Arising Out of a Socially Constructed World

In adapting elements of Gee’s (2011a; 2011b) discourse analysis methodology to a series of academic journal articles from the 1960s and 1970s, I discursively analyze how this educational literature, collectively speaking, socially constructs the identity of Limited English Proficiency (LEP) students in ways that convey, whether explicitly or implicitly, academic disability within the LEP/ELL student category. In other worlds, from Gee’s (2011a; 2011b) work, and using figured worlds as tools of inquiry, I will focus on how the “language-in-use” within those selected educational articles creates a disabling student identity. Relying on Gee’s (20011a) perspective, a “figured world” will be defined as a “picture of a simplified world that captures what is taken to be typical or normal” (p. 71). Therefore, this section examines textual language that conveys the academic disability of the LEP student category through the explicit or implicit use of “stories, theories, or models” that are suggestive of the normality or typicality of the academic disability embedded in the LEP student category. According to Gee (2011a), these typical “stories” include “ ‘folk theories,’ ‘frames,’ ‘scenarios,’ ‘scripts,’ ‘mental models,’ ‘cultural models’ “ (pp. 70-71).

The Social Construction of an Anti-School Oriented Home Environment

While middle class families tend to prepare their children for academic life in English language medium American schools, some of the literature on LEP students expresses, whether explicitly or implicitly, the deficient ways LEP student families prepare their children for school life. For example, Beberfall (1958) portrays the home environment of LEP students as one in which the Spanish language is either the exclusive home language or the predominant one (p. 87), even though these parents know that the typical American school is built for English-speaking pupils. This language situation, within this figured world, implies that the home language life of these LEP students is debilitating, rather than strengthening, the academic preparation of these students in verbal domains, such as in the areas of English language orality and literacy, doing so either because these parents cannot speak English – and they need to so if their children are to acquire English language fluency – or because they have little interest in developing their child's English language literacy, leaving the task only to the school. Nowhere does Beberfall (1958) suggests that these parents are actively engaged in the teaching of English to their children, nor do they seem worried with "the stigma attached to the sub-standard" English "pronunciation" of their children (pp. 87-88). So within this figured world, while white middle class parents routinely promote the English language development of their children, through activities such as intelligent conversation and book reading encouragement, the LEP student's home life tends to

delegate that parental responsibility, transforming it to an exclusively school responsibility.

If it is true, as Natalicio and Natalicio (1969) claim, that “the Spanish-speaking child must first be provided the prerequisite oral foundation in the English language” sometime “before any attempts are made to teach him reading and writing skills” (p. 268), then to the extent that the LEP home environment cannot, or will not, furnish that student with those “prerequisites,” it may reasonable to see it as an incubator of future academic disability. Arnold (1968) observes how “the disadvantaged Mexican-American children begin school with a highly different experiential background from the more typical Anglo children” (p. 635). This “experiential” differential, according to Arnold (1968), means that not only are these LEP students subjected to academically disabling “environmental deficits associated with disadvantagedness,” such as a high rate of “broken homes,” but also to a home life responsible for producing “undeveloped” perceptual/visual “abilities” and “highly inadequate” English language skills. (p. 635).

In addressing some of the “educational problems” of the children of Spanish-speaking families, Roucek (1962) sees parents of LEP students as wanting “to preserve the old language and hand it to their children” (p. 225), leading to the adverse “effect(s) of bilingualism on the immigrant languages” (p. 225). This situation, according to Roucek (1962), creates low income Hispanic children who end up speaking “hybrid – and therefore, by implication, inferior” English and Spanish languages (p. 225). These “hybrid” languages are academically distant languages, far removed from the normalized/standardized English and Spanish

languages found in school settings, and therefore, hardly constituting a solid academic foundation for the acquisition of academic English. In fact, in Roucek's (1962) worldview the hybridity of this English spoken by low income Hispanic students produces "a stigma of inferiority," one America's "dominant social groups" will place on the low-income Hispanic child (p. 226). Besides the psychological damage caused by such a "stigma," Roucek (1962) suggests that the presence of Spanish in the Hispanic child's linguistic repertoire will be socially harmful, alienating the child from classmates, and perhaps even teachers, who resent the presence of " 'alien' languages and therefore" engage in disrespectful "judgments and stereotypes" (p. 226), many of them capable of hurting a child's classroom performance.

In addition, Roucek (1962) sees the presence of a non-English language in a student's home environment as presenting a "barrier to acculturation and social mobility," while intensifying "home conflicts" between English-speaking and foreign-speaking family members (p. 226). In this figured world, the LEP student's home environment harbors the essential ingredients for educational failure: educationally uninvolved parents, familial dysfunctionality, low income patterns of childhood upbringing, and general linguistic/environmental deprivation.

Wasserman and Wasserman (1972) reiterate the idea of how the home environments of LEP students fail to socialize them into "the language of instruction" in American schools (p. 833), thereby making it harder for these students to become school-ready and develop their academic potential (pp. 832-833). Wasserman and Wasserman (1972) indicate that many Mexican American

students are unable to verbally express themselves in English because in their local environment, whether at home or in their neighborhood, they "are deprived of interaction with other children from whom they could learn English experientially" (p. 832).

In a similar way, Yawley, Aronin, Streett and Hinojosa (1974) implicitly recognize the failure of the LEP students' home environment to get them ready for academic schoolwork. Those scholars reason that because school "materials, subject matter, and skills" depend "upon assumptions of English vocabularies and outside environmental experiences of their classmates of the cultural majority," both the English and non-English language skills of many Mexican American students are "limited" as they enter school (p. 199). What's more, these limitations in the use of the English language, according to Wasserman and Wasserman (1972), appear aggravated by a culturally deprived environment in which special school programs are necessary to help these disadvantaged students develop a better understanding of "abstract concepts and ideas" (p. 200).

While Pena (1970) rhetorically resists characterizing culturally deprived Spanish-speaking students as "nonverbal" or as having "verbal inadequacies," he does concede how "most" of these students "are essentially nonverbal in English in their early school years" (p. 158). Pena (1970) goes on to insinuate the cultural deprivation of low-income, Spanish-speaking students when he underscores how "their oral language in Spanish lacks" what Pena calls "vocabulary refinement," which suggests that it is not a school-based type of standard language. Indeed, Pena (1970) categorizes both the Spanish and the English language that these students

bring to school as "limited" (p. 159), and therefore, as non-middle class in nature, regardless of whether it is Spanish or English; after all, in Pena's (1970) figured world, many disadvantaged Spanish-speaking students come from "ghetto-like environment(s)," which suffer from "general deprivation" and often produce students who speak a Spanish "dialect," an idiom displaying many "formal language deficiencies" (p. 160).

Sort of following Pena's (1970) interests in the bilingualism of disadvantaged Hispanic students, Knief (1975) argues that such culturally deprived students only or primarily use "restricted codes" of verbal expression, focusing on expressing "concrete, global and descriptive relationships organized within a low level of conceptualization" (p. 151). In Knief's (1975) figured educational theory, the cultural deprivation of these students, arising out of working-class patterns of verbal socialization, ultimately inhibits them from effectively tackling the kinds of academic problem-solving issues that often demand a high "degree of abstraction and discrimination" (p. 151).

Non-English/Spanish Language Interference with Student Educational Achievement

Highlighting how languages such as "Spanish and English manifest more differences than similarities" (p. 87), Beberfall (1958) sets up a figured worldview in which the presence of Spanish in the lives of LEP students *interferes* with their verbal academic growth in English, the dominant language of public education. Beberfall (1958) believes "the Spanish-speaker of English" inevitably struggles to

learn grammatically correct English because of how he/she has been socialized into becoming a Spanish speaker (p. 89), which guarantees linguistic struggles for this kind of English language learner. These linguistic difficulties include the oral production of a number of common linguistic mistakes, including “syntactical hypercorrection” and “future tense” misuses (p. 88).

Yawkey, Aronin, Streett and Hinojosa (1974) also see the educationally inhibiting effect of the Spanish language on the ability of LEP students to attain academic English language proficiency: “Mexican-American children perceive sounds of English in terms of structures and sounds of Spanish and may not effectively discriminate sound differences” (p. 199). So these linguistic differences in “structures and sounds” may interfere with how LEP students learn English. Yawkey et al. (1974) also express concern with the difficulties LEP students may have in learning how to correctly pronounce English, given its linguistic differences with Spanish (p. 200). According to Yawkey et al (1974), linguistic differences between Spanish and English have generated opposition toward using Spanish as a tool” for teaching LEP students, since some educators think that the employment of a non-English curricular language, under those circumstances, tends to “*retard* (my italic) the learning of English” (p. 200).

Similarly, Axelrod (1974) also sees the potential of a non-English language to inhibit the learning of spoken English. Axelrod (1974) puts it this way: “Spanish-speaking children have a linguistic problem if in trying to pronounce a written English word they apply Spanish-language phonics laws which do not apply to English” (p. 203). Therefore, if that is the case, it is reasonable to infer how the

nurturing of Spanish in a student's life could potentially educationally harm a student whose English language development is normed in accordance to a scheduled middle class, monolingual English language upbringing.

General Cultural Alienness As Educationally Disabling

Comparing the "Spanish-speaking people" of Texas to learners of English who learn it as if it were a *foreign* language (p. 87), Beberfall (1958) depicts these "people," whom he never explicitly calls Americans, as if they were cultural aliens in the United States. Beberfall (1958) claims "the first grade Spanish-speaking child of Texas comes to his first-grade class with little or no knowledge of English" (p. 87), turning him/her doubly disadvantaged: first as a linguistic alien "surrounded by English-speaking neighbors," and then as a cultural alien (p. 87). This association between being a non-English language speaker and existing as an alien is also reinforced by Wolk (1966), who characterizes New York City's public school system's English as a second language program as one whose "ultimate goal" is to "adjust" the LEP student to "the American way of life" (p. 295).

From that figured perspective, it is reasonable to infer that the LEP student, unlike other students, must not only learn English, but also "adjust" to the American school's way of educating students. This lack of understanding of the ways in which American schools expect American students to behave and perform ultimately hurts them educationally, especially when classrooms and schools academically stratify students in ways that are culturally and social class inflected; after all, as pointed

out by Roucek (1962), LEP students, who are students who generally speak English "poorly" (p. 225), are students caught "in a culture pattern which often leads to misunderstanding between American and immigrant families" (p. 225).

Roucek (1962) views "language problems and those of acculturation" as creating "difficulties which require considerable ingenuity of the school to solve them" (p. 225). The cultural alienation of LEP students is compounded by that student's limited interactions with American institutions: "their contact with 'American culture' is usually limited to interested agencies, social workers and some missionaries" (Roucek, 1962, p. 231). This idea of cultural alienness may help explain why, according to Gonzales and Ortiz (1977), "a number of cultural minorities have never fully penetrated" not only "the American social and economic mainstream" (p. 333), but perhaps also America's educational mainstream.

The Failure To Meet Middle Class Academic Norms Of Educational Normality

Wolk (1966), in describing elements of the English as a second language in New York City, stresses the importance of certain programmatic features that underline the idea that LEP students should aim at meeting at least three vital middle-class norms of English language socialization, given their culturally deprived upbringing. First, the academic program recognizes the need to place LEP students in classes "where the majority of the children are English-speaking" (p. 293). Second, it is assumed that those classmates "should be English-speaking children of average and above average academic ability" – perhaps English monolingual middle-

class students – since those types of classmates are assigned to provide the deprived LEP student with "a verbally stimulating environment" (p. 293). Third, the LEP students' teachers will be "a native speaker" of English, most likely one highly familiar with middle class academic norms of standardized English (p. 293).

Natalicio and Natalicio (1969) realize that instructional programs directed at LEP students often focus on answering the "question of how to instruct children who differ culturally or linguistically from the 'average English-speaking child' " (p. 269), given the monolingual and middle class orientation of English instruction in most American schools. In fact, Natalicio and Natalicio (1969) explicitly link the LEP student's academic failure to their inability to live up to the middle class, English *monolingual* academic norms: the LEP student "has not had the advantage of the dominant culture's socialization practices to which the curriculum and all other activities that take place in school are geared" (p. 266). As a result, claim Natalicio and Natalicio (1969), not only have American schools displayed an "almost complete disregard" for non-English speakers (p. 264), but they have also penalized "language and behavior" that has been judged as "*subnormal* (my italic) in comparison with middle class schoolmates" (p. 266).

Cornett, Ainsworth, and Askins (1974) remind readers that LEP students "come with a language base different from that *normally* (my italic) used for instruction in the public schools" (p. 342). Consequently, Pena (1970) warns against school policies that treat LEP students as if they were "native speakers of English" (p. 58), almost as if what constituted a "native speaker of English" were self-evident:

a student meeting the middle-class academic norms of standard English monolingualism.

Difficulties in Distinguishing the LEP Student Category From the Special Education Student Category and The Learning Disabilities Student Category

Citing Mercer's (1973) work, which found a disproportionate number of California Hispanic American students – vis-à-vis white students – categorized as "mentally retarded" (p. 334), Gonzales and Ortiz (1977) lament the academic "tendency to equate bilingualism and cultural differences with *mental retardation (my italic*)" (p. 13). From this overall situation of misdiagnosis, it may be inferred that such misidentifications might potentially develop as a result of applying similar academic assessment tools to two student categories that are partially constituted as having elements of academic disability embedded in their educational identities. At a curricular level, Wasserman and Wasserman (1972) emphasize the rise of simple "drill exercises" and "basic dialogue" as important tools for teaching LEP students a form of rudimentary English (p. 834). Perhaps this watered-down curriculum, when compared to the more in-depth verbal discussions that are expected to take place in regular middle-class English classrooms, is *sufficiently similar* to those found in classrooms of mentally disabled students to trigger an educational affinity, among school personnel in charge of labeling students, between both student categories.

The Apparent Need for Remedial/Compensatory Programs

Taken as a whole, this education literature clearly suggests that these LEP students merit, or perhaps warrant, placement in a variety of remedial/ /compensatory programs, especially those mostly geared toward mitigating the effects of their student's culturally deprived backgrounds. Wolk (1966) details the "special nature" of the English as a second language curriculum, emphasizing the specialized training of teachers and "auxiliary" teachers, all working together to raise the level of English language mastery of LEP students. Similarly, Natalicio and Natalicio (1969) strongly advocate for the "introduction of special programs," outside the realm of normal ones, aimed at overcoming the LEP student's "cultural handicap relative to the language of the dominant culture" (p. 270). Natalicio and Natalicio (1969) justify such remedial/compensatory treatment as a sort of equal educational treatment, since "school(s) today" do "provide programs for children with various handicaps such as blindness, deafness, ect." (p. 270). Similarly, Arnold (1968) explicitly advocates the implementation of an "experimental" reading program aimed at lessening the effects of an LEP student population plagued with "environmental deficits associated with disadvantageness" (pp. 635-638).

Cornett, Ainsworth and Askins (1974) center their study on evaluating an "intervention program" directed at low income LEP students. For her part, Alexrod (1974) openly sees special programs directed at enhancing the English language orality of LEP students as a justified form of "remediation." Yawkey et al. (1974) approve specialized remedial/compensatory programs for LEP students, even as

they recommend a series of "suggestions" for teaching these disadvantaged Hispanic students (pp. 201-202). Finally, it should be noted that Pena (1970), in an attempt to improve "formal language deficiencies" found in "Spanish-speaking" students, suggests a number of what are labeled as "effective teaching methods" for this abnormally needy student population (p. 160).

Disabling Elements Embedded in the LEP Category Contained in the Bilingual Act of 1968

Recognizing "that one of the most acute educational problems in the United States is that which involves millions of children of limited English-speaking ability," raised in "environments where the dominant language is other than English," the Bilingual Act of 1968 attempts to promote the search for "adequate and constructive solutions to this unique and perplexing educational situation" (BEA, 1968, Sec. 701). Given this situation, there is a need for supporting, according to the Bilingual Act of 968, "forward-looking approaches" that "meet the serious learning difficulties" of 'limited English-speaking ability" students (BEA, 1968, Sec. 701). In its portrayal of LEP students as disabled students, the Bilingual Act of 1968 immediately deletes from its field of vision at least three potentially enabling dimension of living as an LEP student: the Act silences the possibility of viewing the non-English-speaking "home environments" as educationally enabling sites; the Act ignores the possibility of decoupling notions of "serious learning difficulties" from minority language use at home or at school (BEA, 1968, Sec.701); and the Act refuses to entertain the possibility that the "limited English-speaking ability" student may not be in a "unique" educational predicament, existing far away from the

educational experiences of other language minority students who, around the world, may be receiving an additive bilingual education.

Defining these LEP students in accordance with their inabilities as "limited English-speaking" students suggests how these *special* students with *special* needs may be inherently disabled in ways that proficient "English-speaking ability" students, particularly those from middle class monolingual families, are not limited, having the latter inherited, whether culturally or economically, plentiful possibilities for learning not only English, but also other academic subjects as well. Thus, the construction of the LEP student as a disabled and disabling educational category precludes the legislation from seriously focusing educational resources on non-English academic subjects because these intellectually disabled students may best fulfill their *limited* academic potential through the development of *orality*, rather than through the expansion of possible non-English literacies.

Therefore, in globally characterizing the Latino LEP students as "limited English-speaking ability" students, this Bilingual Education Act of 1968 suggests that these students should be educationally intervened in a distinctively special way: educational efforts should particularly focus on improving these students' orality, rather than their literacy. Thus, this LEP learner is primarily, though not exclusively, conceptualized as an oral, rather than a literate, learner. As a result, while other students might be learning to read and write, these students are mostly learning to speak. Indeed, this orally oriented education is necessary not only because these students are treated as non-English speakers, but also because they are defective speakers, regardless of the language they speak; after all, predicated on the notion that it is necessary for these

students to exhibit “oral competence prior to or concomittant with reading instruction” (May, 1966b, p. 723), the conceptualization of these students as a subspecies of the culturally deprived student category (the LEP category as a subspecies of the culturally deprived category) insinuates a sort of *arrested* oral development.

Situating the Bilingual Act of 1968 Within Education Literature Linking Cultural Deprivation and Educationally Disabling Oral Development

The Bilingual Act’s preoccupation with the LEP student’s stifled oral language development, which the Act connects to “serious learning difficulties,” is reflected in the scholarly literature of the 1960s and 1970s. Noting “that cultural deprivation is more likely to occur among families of low socio-economic status,” May (1966a) affirms research on how such culturally disadvantaged pupils display “a lower level of oral language proficiency than children from high status families” (p. 592). More specifically, May (1966a) cites research in support of stifled oral development in culturally deprived students, zeroing in on the areas of vocabulary, sentence formation, and “articulation abilities” (pp. 592-593). Similarly, while Goolsby (1968) highlights studies that link cultural deprivation to a lack of “readiness for reading” (p. 561) – due to how such an environment limits the oral language development of culturally deprived children – Kallan (1970) associates cultural deprivation to linguistic deprivation. Within this context, oral expression is viewed, according to Kallan (1970), as inhibited by the “limited” nature of “verbal communications with others” in a child’s culturally deprived life (p. 27).

During this time period, significant scholarly literature associates cultural deprivation with dulled oral development. Ausubel (1966) notes how a culturally deprived child's limited opportunities for oral interaction with parents contributes to his/hers "language retardation," given how "little corrective feedback regarding his enunciation, pronunciation, and grammar" he/she takes from the surrounding social milieu (p. 7C). Taba and Elkins (1966) reiterate the "various linguistic disabilities" of culturally deprived student, including their "poor articulation, limited vocabularies, and faulty grammar" (p. 5). From their interpretive understanding of Basil Berstein's work, Taba and Elkin (1966) also suggest that the "lower-class conversations" of culturally deprived students often display "speech sequences" that "are limited and poorly structured" (p. 7). For his part, Deutsch (1966) reminds us how the culturally deprived child tends to be "unaccustomed" to "long, orderly, focused verbal sequences" (p. 264).

This educational concern with the "limited speaking ability" of LEP students is understandable in light of continued scholarly attempts to problematize the allegedly "underdeveloped verbal skills and substandard speech patterns" that are repeatedly linked to "culturally deprived" students (Hurst and Jones, 1966, p. 409), including that subset called LEP students. Indeed, in reviewing some of the literature on the linguistic problems afflicting the less affluent nonwhite student population, Hurst and Jones (1966) estimate that about 80 percent of the "oral language deficiencies" among that demographic student group stems from "nonorganic" origins, such as "negative parental influence, poor economic and cultural environment, and a variety of psychological components" (p. 411).

Delving into studies as far back as the 1930s and 1940s, Hurst and Jones (1966) eventually conclude "that significantly more children with oral language usage deficiencies belonged to low income parents with limited educational backgrounds than parents of higher economic and educational strata" (p. 417). Many of these oral communication problems among the culturally disadvantaged are attributed to sociocultural environments that reportedly stifle the figurative unfolding of "abstract thinking" among these intellectually disabled students (Blank and Solomon, 1968, p.380). Ultimately, Houston (1970), who rejects the assertion that culturally deprived students generally manifest a defective form of orality, succinctly summarizes how the scholarly literature on "linguistic and cognitive deprivation or disability" tends to characterize the orality of the disadvantaged students: the culturally deprived student tends to mostly exhibit "primitive" and "simple" orality, to misconstrue the conceptual meanings of words, and to be unable to engage in "abstract thinking" (pp. 952-959).

In addition, the work of Torrey (1970) and Labov (1969), in delineating how scholarly literature often reaffirms the supposedly defective orality of disadvantaged students, disavowals that view, doing so while confirming its widespread existence. In the case of Torrey (1970), there is a realization that the orality of disadvantaged youth does not inhibit their intellectual development, nor does it diminish the complexity of their thinking processes (p. 256). On the contrary, according to Torrey (1970), the educational devaluing of nonstandard English expression generally results from its socially *stigmatized* position in White middle-class society and its association to "a rejected culture" – namely, the cultural heritage of the culturally deprived student (p. 257).

With respect to Labov (1969), he rejects the notions of cultural deprivation and verbal deprivation as mythical concepts, predicated on an erroneously conceived "deficit theory" that is plagued with social class bias against working class students of color, while simultaneously, and arbitrarily, favoring White middle-class styles of oral expression (pp. 1-43). Labov (1969) criticizes Basil Bernstein's work on the impact of social class on a child's oral language style, claiming that Bernstein generally views impoverish students as engaging in less abstract and nuanced language patterns than middle class students (p. 4). According to Labov (1969), in its less extreme form, the "deficit theory" suggests that the educational struggles of disadvantaged students arises from being raised in culturally deprived environments, places where "cognitive skills through verbal interaction with adults" is not practiced (p. 4), thereby stifling the students' cognitive abilities development. In its most extreme form, according to Labov (1969), the "deficit theory" entails viewing disadvantaged children as having "no(real) language at all" (p. 4), given their "genetic inferiority" (p. 29). Labov (1969) calls that extreme verbal deprivation orientation the "myth" of the "nonverbal" disadvantaged student (p. 18). Thus, to a greater or lesser extent, plenty of scholarly literature throughout the 1960s suggests that culturally deprived students, vis-à-vis White middle class students, grow up in *defective* cultures, in places which *disable* a student's *normal* oral development, and therefore, warrant the existence of various types of remedial education, such as bilingual education programs.

Situating the Bilingual Act of 1968 Within Education Literature Linking the LEP Student's Cultural Deprivation To A Disabling *Illiterate/Semi-Literate* Cultural Heritage

While the Bilingual Act of 1968 envisions the need for supporting "forward-looking approaches" that "meet the serious learning difficulties" of the "limited English-speaking ability" students (BEA, 1968, Sec. 701), such an educational orientation is compatible with significant scholarly literature of the time. Within this context, these uniquely problematic students are defined negatively, as "limited" English language speakers. Unlike proficient English-speaking students, these are "perplexing" and speechless students, mostly in need of academically enabling linguistic therapies (BEA, 1968, Sec.701). The need for "forward-looking approaches" associates "serious learning difficulties" with not only "environments where the dominant language is other than English," but also with the imperative of breaking with a disabling past, while approaching an empowering future: getting rid of an archaically stifling non-English language "home environment," while moving into a modern, "forward-looking," English-speaking educational milieu (BEA, 1968, Sec. 701).

Situated within an educational context that acknowledges *differences* between literate and illiterate social backgrounds, the Bilingual Act of 1968 implicitly draws on those circulating distinctions of literate versus illiterate to implicitly suggest elements in the educational identity of the culturally deprived LEP student. If LEP students are viewed as largely from working class, Spanish-speaking backgrounds, where English orality needs to be cultivated as a precursor to the development of English language literacy, it might not be unreasonable for many supporters of this legislation to assume that a high degree of illiteracy characterizes both the LEP student and their families.

Linking a LEP student's familial background to illiteracy is one way of potentially explaining that student's "serious learning difficulties" (BEA, 1968, Sec. 701); after all, if an LEP student's familial socialization differs significantly from a school's academic socialization processes, then perhaps problems of academic adjustment could arise. What's more, if familial illiteracy is seen as a form of "cultural backwardness," then perhaps such "backwardness" might be problematic for an LEP student from such a social background. Indeed, educationally-speaking, Bernstein (1964) has highlighted the importance of a working-class cultural background for working class students when compared to middle class children: "the relative backwardness of some working-class children may well be a form of *culturally induced backwardness* (my italic) transmitted to the child through the implications of the linguistic process" (p. 67). Therefore, within this context, it might well be reasonable to interpret that idea as suggestive of how the presence of familial illiteracy in an LEP student's life may atrophy that student's educational growth.

Furthermore, to the degree that the families of LEP students are characterized as illiterate in English, their academic helpfulness to their children may be devalued. Chase (1962) suggests that illiteracy lowers "self-esteem" and prevents people acquiring or sustaining "the processes of reflective thought" (p. 16). More broadly, illiteracy is seen as a generalized "handicap," a condition that undermines a person's sense of worth, making people feel "inferior" ("The Illiterate American," 1962, p. 32). Cortright (1964) sees the process of acquiring literacy as a mechanism for cultivating a sense of patriotism, for Americanizing Spanish-speaking immigrants, and for bringing modernity to the newcomers (pp. 543-544). Conversely, the presence of illiteracy, or lack of English

literacy, can suggest *foreignness*, unAmericanness, a "perplexing" abnormality, an estrangement from modernity, both materially and culturally.

As a result, an LEP student that is seen as handicapped with familial illiteracy may well be seen as raised with the risk of being contaminated with the "backwardness" of an illiterate heritage, a heritage that may collide with the heritage of familial literacy that characterizes many White, middle class families, who often send their children to schools that, more often than not, strongly affirm the propriety of cultural or academic literacy, even as they implicitly stigmatize the presence of illiteracy and illiterates. Seeing literacy as a catalyst for cultural change, Goody (1968) correlates the emergence of literacy to the rise of political democracy, to the spread of academic skepticism, and to new forms of logical thinking (pp. 54-68). Conversely, within such an intellectual mindset, the absence of a literate culture may well be seen as getting in the way of the emergence of political democracy, as perpetuating a dogmatic attitude toward traditional knowledge, and as impeding the rise of valuable forms of logical thinking. Thus, an illiterate cultural domain may be seen as a thoroughly un-American, and therefore *foreign*, social environment.

While many middle-class families incorporate and maintain literacy practices for their children during the upbringing of their pre-schooled and schooled children, the LEP student's English language background is largely seen as either illiterate or semi-literate: their familial legacy is built on non-English working-class *orality*, rather than on middle class literacy. So the sociocultural familial inheritance of many LEP students is perceived as ill-equipped to provide developing students with the necessary intellectual tools for academic success in the intellectually challenging environment of American schools. In

other words, many LEP students are seen as inheriting an academically defective familial environment, one geared toward an oral rather than a literacy-thinking culture.

This Bilingual act of 1968 is enacted within an intellectual environment that clearly differentiates literate and illiterate sociocultural backgrounds, with literate backgrounds seen as more conducive to the development of academic skills. Bruner and Greenfield (1966) in work in which they compared unschooled Senegalese children with schooled Senegalese children that were literate in French found that the literate children performed better in activities related to reasoning and labeling than the unschooled kids (pp. 89-107). For his part, Ong (1967) typifies "oral-aural culture" as "primitive," as likely to produce speakers who are less "interiorly driven, reflective, and analytic" than speakers from literate cultures, such as academic school cultures (pp. 3-4). From that vantage point, the LEP student could be reasonably constructed as coming from a non-English, primitive, orally-centered social background, one essentially incapable of properly preparing the LEP student for the literate culture of schools.

Furthermore, Luria's (1971) work, comparing literate and illiterate Central Asian rural residents, eventually discovers "differences in cognitive processes" between those two groups, with illiterate residents unable to incorporate – into their thinking processes – a "system of logical assumptions" and a "process of abstract-logical generalization" to successfully perform a series of assigned activities (pp. 266-272). This scholarship, when viewed with a wide lens, suggests that many culturally deprived LEP students may urgently need remedial programs that *ameliorate* – even if they cannot significantly *eliminate* – the damaging effects of being raised in a predominantly oral, rather than a

literate, home environment, “where the dominant language is other than English” (BEA, 1968, Sec. 701).

Situating the Bilingual Act of 1968 Within Education Literature Linking “Serious Learning Difficulties” With Both Bilingualism and Home Environments

Assuming that the bilingual child is one who generally learns a “foreign language” *before* learning English, Timothy (1964) characterizes bilingualism as a growing “problem” in the United States (p. 235). Timothy (1964) calls the need for a child to acquire English (after having first acquired a non-English language) a “foreign language handicap” (p. 235). In addition, Timothy (1964) acknowledges that “many experts” believe that the development of bilingualism itself makes two eventualities more likely: “serious emotional instability and social maladjustment” (p. 236). These two psychological hindrances are compounded by the possible eruption of low self-esteem within the bilingual student, given how the presence of bilingualism in a child’s life eventually stigmatizes that student (Roeming, 1965, p. 143).

Similarly, Ching (1965) generally characterizes the bilingual student as one with a “language handicap,” struggling to acquire the linguistic equipment and the conceptual skills necessary to become an academically acceptable English language reader (p. 22). For example, Hakes (1965) sees the process of becoming bilingual – by adding English to his/her linguistic repertoire – as generally academically disabling in at least two ways: the presence of a non-English language “interferes” with the learning of academic English, and the need to learn English as a second language burdens the bilingual student with having to continuously learn for two different “audiences” (pp. 225-226).

According to Timothy (1964), the process of becoming bilingual entails "difficulties": since it is presumed that the bilingual child must learn oral English and written English mostly in school, his/her home environment generally "retards" his English "language development" (p. 236). In typifying "Spanish-American" students as a group "with a cultural heritage at variance with that of general American society," Skilka and Gill (1965) remind readers of these students' *perplexing* foreignness, an otherness that displays "deviations from the dominant culture," making remedial schooling potentially less effective in ameliorating English language deficiencies (p. 220). Furthermore, Hakes (1965) thinks a student's bilingual lifestyle, which apparently involves navigating between an English language school and a Spanish language home, subject the bilingual student to damaging psychological "punishment" for inevitably using the wrong language in certain venues – for example, using English in a Spanish-speaking home (p. 226).

Situating the Bilingual Education Act of 1968 Within Education Literature on the Disabling Effect of Foreignness on the LEP Student Identity

The Bilingual Act of 1968 implicitly marks the "limited English-speaking ability" students as unacknowledged *aliens*. Nowhere does the Bilingual Act of 1968 explicitly recognize "environments where the dominant language is other than English" as truly American "home environments," nor are "limited English-speaking" children ever characterized as American students, for they are, educationally-speaking, like invisible ghosts, roaming and yet unseen: the category of *real* non-English-speaking Americans does not exist, nor can the legislation conceive it. In finding the "educational situation" of

these LEP students as "unique and perplexing" (BEA, 1968, Sec.701), the Bilingual Act of 1968 affirms their cultural strangeness, their linguistic alienness, if not their unAmericanness. Aligned with the traditional image of the *foreign* families who migrate to America in pursuit of the American Dream, the Bilingual Act of 1968 restricts grant-giving provisions to programs directed at "children of limited English-speaking ability" in low income families, since the unstated intent of the legislation is the linguistic integration of student aliens into the American heartland, rather than the expansion of bilingual education for the fostering of bilingualism and biliteracy among "limited English-speaking" students; after all, it is standard English monolingualism, rather than any form of bilingualism, that has often been used to demarcate the American from the alien.

The Bilingual Act's equivocal attitude toward the firm establishment of bilingual education – despite the legislation's designation as a *bilingual* education legislation – reflects a conceptual hesitancy to further spread, within the confines of educational sites, *foreign* languages among culturally *alien* students. This ideological fear of diffusing linguistic alienness among supposedly *non-native* English speakers is revealed in at least the following ways: a willingness to financially support – and therefore closely monitor – "pilot projects designed to test the effectiveness" of "special instructional material for use in bilingual education programs" (BEA, 1968, Sec. 704); a desire to sustain "the establishment, maintenance, and operation of programs" that are "designed to meet the educational special needs of children of limited English-speaking ability in schools" (BEA, 1968, Sec. 701), even when these programs may not really entail dual language instruction, such as with those "activities" tailored "to improve the potential for profitable

learning activities by children," or any "other activities which meet the purposes" of this legislation, which ambiguously centers on meeting "the special educational needs of the large numbers of children of limited English-speaking ability in the United States" (BEA,1968, Sec. 704); and the establishment of an Advisory Committee on the Education of Bilingual Children," composed of "educators experienced in dealing with the educational problems of children whose native tongue is a language other than English" (BEA, 1968, Sec. 707), rather than the institutionalization of a policy-making office for the establishment of bilingual education, staffed by members that are experienced in dealing with educational programs associated with bilingual education.

The *foreign* elements that form part of the LEP student identity not only help to socially construct the LEP identity as a disabled and disabling educational identity, but they also potentially limit societal support for the educational development, and perhaps the educational future, of the LEP student in at least two significant ways: first, these elements socially stigmatize the LEP student as a sort of social deviant, as a violator of social norms that associate *normality* with English monolingualism, and that link *abnormality* with non-English lingualism, or eccentric bilingualism; second, to the degree that the LEP student identity contains elements of alienness, the educational future of these LEP students becomes deprioritized, relegated to a second class educational status, and thus, these students become *unworthy* of receiving either educational equality or any sort of educational equity vis-à-vis middle class, American English monolingual students, despite exhibiting a greater need for educational assistance.

In analyzing the perception of the Mexican American student in the educational system, Hernandez (1968) believes the American educational system tends to view the

Mexican American student as mostly *Mexican*, as long as that student displays "in some degree the Mexican culture, traditions, customs, philosophy, attitudes, and language idiosyncrasies" (p. 88). By contrast, other students are seen as real Americans, particularly Anglos. Hernandez (1968) claims that "Anglo culture imposes itself on the Mexican American identity by refusing to accept it as an American culture or a sub-culture" (p. 87). Similarly, Gaarder (1965) notes that in the United States it is assumed that the mother tongue of real Americans is invariably English (p. 166). So non-English speakers are viewed as un-American, as foreigners whose daily language needs to become standard English monolingualism (Gaarder, 1965, p. 167). This linguistic preference for English may arise not only from its use as the dominant language in American daily discourse, but also from its association with modernity and American international power. Therefore, given such an identity-bestowing American culture, perhaps it should not be overly surprising if the Bilingual Act of 1968 sees the LEP student as part of a "unique and perplexing educational situation," one whose distinctive and puzzling nature stems, in part, from the unfamiliarity or foreignness of the LEP student, a pupil who neither shares a common culture nor a common language with a majority of *real* Americans – namely, modern, middle class, monolingual, English-speaking students.

Moreover, while Hernandez (1968) describes some of the cultural complexity found within the Mexican American student body (pp. 88-92), his claim that Mexican American students are mostly viewed as Mexicans – provided that their degree of cultural assimilation to the dominant Anglo culture is not total – suggests that the Bilingual Act of 1968 is partially aimed at Americanizing LEP students, transforming them into American

rather than foreign students, rather than just trying to meet their educational needs. Thus, this legislation attempts to find "adequate and constructive solutions" to a "perplexing educational situation": how to replace the disabling foreign linguistic elements of an LEP student's identity with a less disabling (though *not* necessarily middle class enabling) form of English-speaking American cultural identity.

Vageley (1966) readily admits that Spanish-speaking legal immigrants to the United States can be accurately characterized as "disadvantaged Spanish-speaking aliens" (pp. 813-816), since their foreign cultural background better defines their identity than their legal status. When speaking about the educational "deficiencies" of these un-American students, Vageley (1966) includes not only their "literacy skills," but also their cultural skills, their lack of *cultural modernity*: their lack of understanding and appreciation for "such subjects as health and grooming, the value of thrift, cash vs credit buying, ect" (p.813). This lack of cultural modernity, which may require what this bilingual education legislation calls "forward-looking approaches," may partially explain why Vageley (1996) thought that her students "were much slower to acquire an acceptable pronunciation that the college students (presumably English-speakers) to whom I had taught Spanish" (p. 817); after all, while many students in Spanish languages classes come from monolingual English-speaking households, those in English remedial programs are educationally stifled by pre-modern, non-English cultural backgrounds.

Signaling the Academic Disability of LEP Students in the Bilingual Act of 1968: The Emergence of Remedial Programs

While the Bilingual Act of 1968 is willing to finance "programs conducted by accredited trade, vocational, or technical schools" (BEA, 1968, sec. 704), no money is offered for programs conducted specifically for helping LEP students become college-ready pupils. In fact, the legislation provides special grants for certain kinds of intellectually simplified "programs designed for dropout or potential dropouts having the need of bilingual programs" (BEA, 1968, Sec. 704). This lack of concern with helping LEP students access college in the future, by making money available only for non-college bound low income "limited English-speaking ability" students, may stem not only from socially constructing the LEP student as culturally and academically disabled, but also from orienting the legislation toward weakly ameliorating some of the devastating effects of poverty, rather than strengthening the academic skills of all LEP students. Indeed, the Act generally treats LEP students as *non-college material*.

Interestingly, while the Act is aimed at LEP students, it neither requires school programs to provide bilingual teaching nor does it compel such programs (designed under the guidance of this Act) to employ a student's non-English tongue in a classroom setting. Therefore, since the Act, in conjunction with the surrounding education literature, conceptualizes the LEP category as an academically disabled student category, the LEP student is embedded within an educational system that provides remedial programs. These remedial programs are tailored-made (specially designed) for creating either academically disabled English monolingualism or academically disabled bilingualism. For example, some of the literature on educating bilingual or monolingual LEP students

suggests the advocacy of *sub-normal/abnormal* English instruction for LEP (Limited English Proficiency) students. These special English instruction classes may arise from the disabling elements embedded in the social construction of the LEP student category. Such a form of academic disability (inscribed in the LEP student category), in turn, calls for remedial programs that reinforce and legitimize the implicit disabilities that appear inscribed in the LEP student category.

There is education literature that advocates the kind of English monolingual education of bilingual LEP students that the Bilingual Act of 1968 envisions. Ching (1965) approvingly cites a "remedial English program" for "bilingual children," one which shows "significantly superior" oral and written English scores for LEP students than a comparable bilingual control group (p. 25). In other words, while middle class, English monolingual students spend time with academically more rigorous English literacy classes, the "bilingual" LEP student should spend more classroom time trying to attain a level of English language proficiency that the *normal* (White middle class) English language monolingual student has already surpassed. Similarly, Timothy (1964) advocates that the "bilingual child" enter "special" remedial classes that focus on English orality, involving "phonetics, phonemics, English structure, ear training, articulation, vocabulary enlargement, and much oral drill" (pp. 236-237), leaving strongly literacy-centered classes to White middle class, monolingual students. Vogeley (1966) also associates English remedial classes with less rigorous academic goals, claiming that her remedial class "placed greatest emphasis on attaining oral-aural skills, requiring reading and writing only for reinforcement" (p. 814). For his part, Rojas (1965) agrees that "the needs of beginning bilingual children in English should be those that contain the basic

features of English sound and structure," since the "aural-oral practice" should "precede and accompany each segment of the reading program" (p. 239). In short, a bilingual student is presumed to be not only an LEP student, but also a student that is *academically limited* vis-à-vis an English language, middle class, monolingual student.

Education Literature From the 1980s: Tracing the Academic Disability Embedded in the LEP Student Category

Non-English Language Interference with Student Academic Achievement (Non-English Communicative Skills as Academically Disabling)

In academic articles dealing with the identity of Hispanic LEP/ESL students, the notion of how those students' home language interferes with their academic achievement is pronounced. According to Wilen and Sweeting (1986), the presence of a non-English home language may hinder the normal linguistic trajectory found in students from English-only households. The interruption of that usual English language development means that the existence of a non-English linguistic repertoire in an LEP student's life may become, in a multiplicity of ways, an academically disabling force within an English language academic context.

First of all, Wilen and Sweeting (1986) suggests that teaching English as a second language – when a student's first language has "not reached an appropriate level of abstraction and conceptual development" (p. 62) – may engender what they call "alingualism," which is "a failure to develop fluency in either language" (p. 62), thereby stifling a student's academic development. Interestingly, Wilen and Sweeting (1986) think that if a Latino/a student "is functioning poorly" in both the

home language and the school language that poor performance "may be more reflective of an actual language or communication disorder for which speech and language therapy services are needed" (p. 65). Secondly, borrowing from the language learning theory of Cummins (1980), Wilen and Sweeting (1986) believe that children acquire language proficiency within a predictable "continuum," with "interpersonal communicative skills" developing earlier than "cognitive/academic proficiency or literacy-based skills" (p. 61). Therefore, within this linguistic theory framework – in which there is a relatively wide separation between communicative skills and academic skills – some LEP students, for an extended period of time, will remain somewhat academically incapacitated, for they must wait to acquire the communicative skills that will be needed to be able to acquire the "appropriate level of abstraction and conceptual development" that is necessary to enter the figurative territory of "cognitive/academic language proficiency" (p. 62).

Wilen and Sweeting (1986) raise the possibility that when LEP/ESL students do not reach certain "thresholds" of English language proficiency, they may develop "cognitive deficits" (p. 62). In addition, according to Wilen and Sweeting (1986), if LEP students are unable to develop their home language skills, their English-as-a-second language skills may become stifled (p. 62). In fact, Wilen and Sweeting (1986) remind us of academic work that shows how "the verbal skills of Hispanic youngsters faced with learning two languages may be depressed whether they are tested in English or Spanish" (p. 67). What's more, within the analysis of Wilen and Sweeting (1986), LEP/ESL students are also uniquely burdened in another way: while English only speakers do not necessarily have to enjoy the company of a

diverse array of English speaking ethnic groups, Wilen and Sweeting (1986) believe that LEP/ESL students will be more willing to acquire English language proficiency if "they have a positive attitude toward the cultural group that speaks L1 (English) and wish to identify with that group" (p. 62).

Commins and Miramontes (1989) stress how the notion of "linguistic deficit" powerfully shapes the academic perceptions that teachers sometimes have of LEP/ESL students (pp. 443-449). Commins and Miramontes (1989) acknowledge how "the low academic achievement and high dropout rate among language minority students" is viewed as evidence of "linguistic deficit" among LEP/ESL students (p. 443). They also think teachers frequently view the poor academic performance of LEP/ESL students as confirmation of how "these students lack not only the linguistic but also the cognitive ability to perform well in school" (Commins and Miramontes, 1989, p. 444). While recognizing that "deficit theories regarding minority achievement have a long tradition in schools" (p. 445), Commins and Miramontes (1989) highlight two deficit themes that are particularly important for understanding the academic perceptions of LEP/ESL students – namely, the conceptions of semilingualism and of interpersonal/academic proficiency (pp. 445-447). Commins and Miramontes (1989) grasp semilingualism as the idea that, in LEP/ESL students, "low levels of proficiency in two languages may interfere with normal cognitive development" (p. 446), thereby producing "diminished cognitive skills" (p. 445).

With respect to the interpersonal/academic language proficiency distinction, Commins and Miramontes (1989) believe that how this academic skills distinction

has been "interpreted" by educators and school administrators leads to the "misperception of the abilities of bilingual students," since basic interpersonal communication skills (BICS) have been associated with lower forms of cognitive ability while cognitive academic language proficiency (CALP) has been linked to "higher cognitive functions" (p. 447). In other words, because many LEP/ESL students are thought to struggle within the BICS domain, it is presumed that they have weak CALP skills, making them academically weaker students, mostly due to the interfering presence in a student's intellectual development of a non-English language background. Commins and Miramontes (1989) note that in their qualitative study of four LEP/ESL students, "teachers mistake a lack of vocabulary and a lack of verbal clarity for the absence of underlying thinking abilities" (p. 465). Guided by a "deficit perspective" on the intellectual aptitude of LEP/ESL students, Commins and Miramontes (1989) contend that the teachers they observed ultimately viewed their LEP/ESL students "as limited and adapted the instructional program to fit that perception" (p. 467).

Work by Ford (1984) indicates that students who speak "Spanish-influenced English" tend to receive lower academic evaluations than "non-Spanish influenced" students, even when both groups of students exhibit "comparable written work" (p. 25). Ford (1984) briefly underlines academic literature in which the "presence of socially stigmatized speech" encouraged teachers to view these students as less intelligent and less academically prepared (p. 27). So in exploring how teachers' "linguistic prejudice" adversely affects a student's academic performance, Ford (1984) finds, in the study she conducts, that when "Spanish-influenced" students

and “non-Spanish-influenced” students were “matched” for similar writing skill, teachers, whether Spanish-speaking or not, devalued Spanish-inflected English speakers, considering them less able than English-speaking monolinguals: “the Spanish-influenced speakers were rated lower than the non-Spanish-influenced speakers in intelligence, effectiveness of communication, confidence, ambition, pleasantness, and relative quality as students” (p. 33).

Dodd, Nelson, and Peralez (1988) and So and Chan (1984) confirm how the presence of a non-English language background interferes with a student’s educational achievement. For Dodd, Nelson, and Peralez (1988), being able to speak Spanish gets in the way of being able to properly pronounce the English language in an ordinary conversation. Thus, for example, Dodd, Nelson, and Peralez (1988) emphasize how “the bilingual student may pronounce more syllables than the English-speaking person would” (p. 9). In the case of So and Chan (1984), they uncover that “Spanish-dominant Hispanic students scored about 8.96 points lower than English monolingual Hispanic students” (p. 33). So and Chan (1984) interpret this achievement gap between language minority students and non-language minority students to mean that the reading problems of “language minority students can be best solved by programs that are specifically designed to eliminate their language differences” (p. 39).

In exploring the connections and disconnections between a bilingual student’s home language and his/her school language, Commins (1989) discovers an institutionally designated bilingual school that primarily functions as a traditional English monolingual school, despite its designation. According to

Commins (1989), the staff at the school is predominantly English only speaking, its public way of operating is essentially done only through English, and its bilingual classrooms do not deploy "an extensive use of Spanish for instructional purpose" (p. 38). In short, Commins (1989) describes an educational situation in which bilingual and ESL students find it "difficult for students to accept Spanish as a language for academic advancement" (p. 42). Indeed, it is as if the presence of Spanish at such a school is treated as if it hinders, rather than facilitates, a student's academic achievement.

While Fradd and Correa (1989) underscore the unreasonableness of treating LEP/ESL students and English monolingual students in the same manner – a manner that contradicts the Supreme Court's decision in *Lau v. Nichols* (1974), where the judiciary, according to Fradd and Correa (1989), wanted "all students to effectively participate in the education process" (p. 108) – their work remains *silent* on whether effective participation can be equated with effective performance. By contrast, Moll (1988) touches upon the qualitative nature of that participation. Moll (1988) finds a tendency to simplify the academic curriculum of LEP/ESL students, making it a form of "low-level academic work, regardless of their literate competence in Spanish or by not allowing the students to participate in what are perceived as cognitively demanding activities, such as expository writing" (p. 466).

Difficulties Distinguishing the LEP Student Category From The Special Education/Learning Disability Category (as an indication of academic disability)

Selected/sampled scholarly articles that touch upon the academic identity of LEP/ESL Spanish speaking students explicitly underscore the difficulties experienced by many educational specialists in *differentiating* the LEP student category from the learning disable student category. Langdon (1989) finds that the "literature on the definition of a language disorder in bilingual or limited-English-speaking students is difficult to interpret" (p. 160), though drawing such a distinction is vital for designating an LEP student as also a learning disable student. According to Langdon (1989), several characteristics pertaining to LEP students, some of which directly impinge upon how LEP students are educationally defined, "simulate a language disorder" (p. 160). For instance, Langdon (1989), who interprets Cummins' theoretical work (1984), suggests that students from Hispanic immigrant families need five to seven years of uninterrupted American school attendance in order to acquire the type of school-based academic language that can equip them with the "decontextualized, decentered sort of language used in schools" (p. 161). For their part, Olivarez Jr., Wilson and Fordyce (1989) raise the possibility that Latino LEP students may be "overrepresented" in classes for learning disabled students because of "biased" assessment tests, which often entails the assumption of having English proficient test-takers (pp. 271-273).

While acknowledging how the field of bilingual special education struggles with an "inability to separate language and culture from learning problems" (p. 121), Rueda (1989) notes how some critics of the special education referral system

believe that "cognitive abilities cannot be meaningfully measured independent of context and culturally organized experiences" (p. 125). Consequently, according to Rueda (1989), the eligibility system for determining access to learning disabilities services is prone to mis-appropriately labeling LEP students as learning disabled, since "even slight modifications in established practices can significantly impact problems of misclassification and overidentification" (p. 124).

This preoccupation with erroneously labeling LEP students as learning disable students is also taken up by Dodd, Nelson, and Peralez (1988), who believe a deeper grasp of Hispanic culture can "help prevent their (Hispanic student) overclassification for special education" (p. 11), given how a Hispanic student's "strong cultural identity" may make it hard for him or her "to adjust" to an American school system (p. 11). Whitworth (1988), in a small-scale study that compares Mexican American and "Anglo" students, discovers that Mexican American high school students are disproportionately diagnosed as learning disabled. Whitworth (1988) sees it as "reasonable to assume that the effects of limited English proficiency and/or sociocultural differences are responsible for problems experienced by Mexican American students resulting in their more frequent classification as learning disabled than Anglos" (p. 134).

Furthermore, Whitworth (1988) points out that "a substantial proportion of Mexican American students are being classified as LD when in truth they are simply linguistically deficient in English or lower in socioeconomic status" (p. 134). In addition, Whitworth (1988) underscores how in a different study, centered on giving neuropsychological tests to learning disabled students, he found "a

substantially higher proportion of Anglo students did, in fact, show neuropsychological impairment compared to the Hispanics" (p. 134). Whitworth (1988) ultimately links how Mexican Americans have "the highest dropout rate in the nation" with an educational system that frequently "misclassifies Mexican American students in special education LD classes," placing "the social stigma attached to such classification and placement" on them (p. 135).

It is perhaps because of this alleged ease with which the distinction between the LEP student category and the LD student category is *blurred* that Commins (1989), in a study about the "mismatch" between the cultures of home and school, underlines how a teacher in her study mistakenly assumed a Hispanic student's lack of "interest in school" indicated the presence of an underlying learning disability in that student (p. 34). Consequently, if the LD student category routinely *leaks* into the LEP student category, then despite Fradd's and Correa's (1989) assurances that a lack of English proficiency "does not automatically put (LEP students) at risk unless, as the result of this lack of English language skills, they are unable to effectively participate in the social and educational processes that enable them to grow and benefit from the opportunities available to mainstream children" (p. 107), it is hard to see how an LEP categorization does not prevent LEP students from accessing "the opportunities available to mainstream children"(p. 107).

Cultural Alienness As Academically Disabling

Equating Hispanic LEP student with an immigrant pupil, Wilen and Sweeting (1986) see these students' cultural unfamiliarity with American society as an educationally disabling feature in their lives. According to Wilen and Sweeting (1986), the pressures of "adapting to the American way of life," cause many LEP students to display within school settings, "acting out behavior," social "anxiety," a sense of "alienation," and an array of "learning problems" (p. 60). The convergence of these social problems appears to call for psychological assessments of LEP students before deciding to undertake any major academic assessments of these students (Wilen and Sweeting, 1986, pp. 60-61). Moreover, due to their distinctively unAmerican "sociocultural backgrounds," Wilen and Sweeting (1986) claim "limited English proficient Hispanic students may demonstrate more passive behaviors in the classroom than their American counterparts" (p. 61). Within an American sociocultural context, the cultural alienness of many LEP students may make them uniquely unprepared for the learning environment of the American classroom.

Wilen and Sweeting (1986) enumerate a number of Hispanic cultural traits that culturally clash with a typical American classroom: "Hispanic cultures typically stress acceptance of the teacher as an authority figure, a teaching style which relies heavily on one-way presentations and memorization as opposed to two-way discussions, and classroom behavior refraining from interacting unless specifically called on to respond" (p. 61). When assessing LEP students by using "adaptive behavior instruments" (p. 73), Wilen and Sweeting (1986) ultimately affirm that

"cultural factors such as lack of independence due to over-protection, lack of familiarity with new surroundings and lack of knowledge of American currency should all be taken into consideration" (p. 73).

In her qualitative study of several bilingual students attending public school, Commins (1989) characterizes these students as experiencing emotional difficulties in "becoming acquainted with and pressured to adopt the values and customs of another culture" (p. 29), given that their own home cultures constituted a sort of non-standard, "alien" culture within their school setting. Finding themselves in an English dominant school environment, these LEP/ESL students "were acutely aware of being different," for they were speakers of what was considered a foreign language (Commins, 1989, p. 35). Wanting to culturally fit in, some of these students tried to only speak English at school, although they generally did not socialize with native English speakers (p. 36). In fact, it was not unusual for these LEP/ESL students to be mocked or ridiculed for speaking English with an outsider's accent (Commins, 1989, p. 36). In addition, Commins (1989) suggests that "Spanish-dominant students" were usually socially segregated from English-dominant speakers, even when "much of their interaction was in English," and despite the fact that "black and Anglo students freely mixed together," perhaps because of a perceived cultural alienness attributed to those Spanish-dominant students (p. 37).

While Fradd and Correa re-affirm how "differences in culture" may serve as educational "barriers" for LEP/ESL students (p. 107), Dodd, Nelson and Peralez (1988) perceive the LEP/ESL student's cultural difference, which constitute a type of cultural alienness within an English monolingual milieu, as "contributing" to the

educational struggles of these students (p. 11). These scholars assess the LEP/ESL students' unfamiliarity with the values and cultural norms of English speakers –plus the educationally irrelevant cultural values and traditions of LEP/ESL students – as dampening the academic "motivation" of these students in at least three ways (p. 10). First, while teachers emphasized the importance of individual student effort and competitive spirit as necessary ingredients for fostering academic excellence, Dodd, Nelson, and Peralez (1988) believed Latina/o students more highly cherished the importance of cooperation and comradeship in classroom milieus (p. 10). Second, while English speaking students tend to have a scientific/modern orientation toward life, Spanish language dominant students are allegedly stuck with a pre-modern, "mystical" sensibility, one that relies more on a spiritually preordained reality, rather than on human rationality to explain one's human predicament (p. 10). Third, the reality of "machismo," connected with being "proud, self-reliant, and virile," prevents many male students from seeking academic assistance for their school work (p. 10).

Education Literature From the 1990s: Tracing the Academic Disability Embedded in the LEP Student Category

The Presence of a Non-English Language Interferes with the LEP Student's Academic Achievement (Non-English Communicative Skills as Academically Disabling)

Flood, Lapp, Tinajero and Hurley (1997) acknowledge the widespread existence of four educational "myths" that tie second language instruction to the hindering of English language literacy in LEP students (pp. 356-357): English-only

instruction is the ideal way of fomenting English language literacy among second language learners (p. 356); non- English literacy programs lessen the possibility that ESL students will "acquire English rapidly and typically achieve at grade level norms" (p. 357); a student's quick exit from non-English literacy programs hastens their mastery of English language literacy (p. 357); and "teaching children to read in their native language hinders learning to read in English" (p. 357). In this case, the rhetoric and the indicators of academic disability enter the LEP student's life in at least two ways: the inability of LEP students to learn specific subject matter domains is predicated on either their lack of mastery over the English language, or, alternately, on the necessity to introduce the English language into the subject matter classrooms, given that their non-English background disables them from learning specific subject matters in English language educational milieus.

By contrast, Bernhardt, Hirsch, Teemant and Rodriguez-Munoz (1996) warn against incorrectly assuming – as the authors suggests happens – that the LEP learner is unable to grasp scientific "concepts" just because she/he regularly expresses those ideas using incorrect or grammatically unconventional English language (p. 26). And yet, with regard to the subject matter of science, for example, Olivares (1996) stresses some of the language based academic difficulties LEP students encounter whenever they attempt to express themselves mathematically in English. Olivares (1996) believes that "no authentic mathematics learning" can take place in an English language math class until the LEP student has mastered four English language academic skills: "grammatical competence," "discourse competence," "sociolinguistic competence," and "strategic competence" (pp. 2-12).

According to Olivares (1996), these necessary academic skills, learned *in* English, include developed capacities in English language math vocabulary, English language syntax, the ability to differentiate between "description" and "directions" in math problems, and culturally contextualized math knowledge (pp. 2-10).

What's more, within the realm of subject matter test-taking, which supposedly varifies academic learning (with higher scores associated with higher learning and lower scores linked to lower learning), Garcia's (1991) work suggests that "Spanish-speaking Hispanic students should not be tested in English without first assessing the children's familiarity with the English vocabulary employed on tests" (p. 374). In fact, Garcia (1991) finds that the presence of a Spanish language vocabulary on tested Latino students is linked to lower English "vocabulary scores" than those found among "Anglo students" (p. 379). Similarly, Garcia (1991) finds evidence of tested "Spanish-speaking Hispanic students" who incorrectly answer reading passages because they did "not comprehend the questions, due to problems" in understanding English language vocabulary (p. 388). Presumably all or most English monolingual students, whether Anglos or not, would have comprehended those English language vocabulary words. Put differently, speaking a non-English language can be reasonably associated with hindering the academic performance of English language reading. Within that vantage point, the mere *presence* of a non-English language repertoire becomes an academically disabling mechanism, keeping the LEP student from receiving a proper English language math education. Therefore, according to that logic, perhaps the sooner that LEP student

gets rid of that non-English burden the better off she/he will presumable be, at least academically-speaking.

Associating English language literacy with genuine academic literacy, Fitzgerald (1993) notes "the lagging literacy achievement of children whose language is Spanish is a growing concern" (p. 639), stressing how it "widens" the "literacy achievement" gap between LEP students and "their nonminority, English-speaking peers" (p. 639). Such a perspective could suggest that LEP students should be acquiring English language literacy mostly through English language texts, given how academic literacy is exclusively equated with English language literacy. So to the extent that English language literacy is not being acquired, then academic literacy is not being developed. Therefore, if that situation is true, the presence of non-English languages in an LEP student's life either actively interferes with the acquisition of English language literacy, or it passively gets in the way – or at least delays/retards – the acquisition of real academic literacy. Indeed, within such a mindset, non-English language literacy appears to play no facilitating role in acquiring a real form of academic literacy – namely, English language literacy.

For her part, Minicucci (1993) makes clear that "often LEP students receive inadequate opportunities to practice writing either in English or their primary language" (p. 179), though she does not consider the possibility that a lack of "English writing abilities" is not *necessarily* "a significant barrier to LEP student's access to academic content instruction" nor does the "need to place more emphasis on teaching English writing to LEP students" *necessarily* improve their English language writing when an LEP student displays illiteracy in their non-English home

language (p. 179). Thus, an unwillingness by Minicucci (1993) to more explicitly disavow the popular idea that non-English literacy tends to necessarily stifle English language literacy ends up reinforcing a socially circulating notion of how the presence of non-English languages in an LEP student's life academically disables her.

Familial Life and Cultural Heritage as Academically Disabling For The LEP Student

Scholarly literature also confirms the existence of academically disabling elements in the LEP student's familial life. In comparing "Hispanic children in the same classrooms as Anglo children and of the same socio-economic level" – these were "Spanish-speaking Hispanic students enrolled in all-English classrooms" (p. 373) – Garcia (1991) found that those Spanish-speaking students were not only less knowledgeable than comparable "Anglo" students, but they were also less logically sophisticated, unable or "unaccustomed to making the types of inferences needed to answer scriptally implicit questions" (p. 389). As a result, readers of this study could reasonably infer that the Hispanic students' cultural background played a large role in academically stifling them.

In a somewhat different manner, Cota (1997) conducts a study on LEP students that explore "the role of students' previous educational learning experiences on their current academic performance and second language proficiency" (p. 148). Since Cota (1997) discovers that the fathers of these LEP students either "only sometimes" or "never" speak English to these students, while

their mothers "usually never" speak English to them (p. 156), she affirms the idea that "in most cases the LEP student's home environment does not provide them with opportunities to develop their English language skills" (p. 156). In other words, while disregarding whether or not these Spanish-speaking parents inculcate a love for learning, for critical thinking, for intellectual curiosity, for respect for knowledge, for psychological grit, or for creative thought, Cota (1997) does find that the parents' unwillingness, or inability, to frequently speak to their children in English is a particularly germane educational learning experience, one that could potentially impact their children's ongoing English academic performance. Consequently, while other students, perhaps *normal* English monolingual ones, experience their sociocultural background as potentially academically enabling, a significant number of LEP students experience their cultural and familial affiliations as academically disabling.

Moreover, the incapacitating nature of LEP students' familial life is further reinforced when Cota (1997) reveals that "in most cases their parents did not graduate from high school and did not attend college" (pp. 157-158). That fact, according to Cota (1997), "gives some insight as to why the LEP students' parents are not able to help them with homework assignments and with school quiz and exam preparation" (p. 158). In other words, while Cota (1997) underscores how the limitations of an LEP student's familial background stifles his/hers academic performance – while ignoring potential opportunities offered by such a familial background – the study largely ignores the broader forces that shape the social construction of the LEP academic identity; that is, broadly based social, institutional,

and economic forces that may strongly shape the academic identity of the LEP student category, and, in doing so, influence the academic trajectory of those labeled students. Indeed, *perhaps the characterization of the LEP category itself* constitutes an important academically disabling force in the lives of many LEP students.

The Presence of Academically Disabling Elements in the Social Construction of the LEP Student Category Makes it Difficult to Distinguish the LEP Student Category From the Learning Disabled Student Category

When broadly conceptualizing, whether explicitly or implicitly, Hispanic LEP students as academically disabled, it becomes more likely that they are seen as *sharing disabilities* with those students that are officially classified as learning disabled. Roseberry-McKibbin & Eicholtz (1994) point out the ease with which LEP students can be mischaracterized as learning disabled:

> Teachers across the country often refer LEP children for speech-language testing if speech language and/or learning problems are suspected. The challenge for the speech-language pathologist is to evaluate the child in a nonbiased manner and then determine if the child demonstrates a communication difference or disorder. This often proves very difficult to do, and the LEP students continue to be placed into inappropriate service settings. (p. 156)

This situation insinuates at least two “challenge(s)” that accompany the emergence

of the LEP category as a signifier of academic disability. On the one hand, teachers and educational specialists may "often" conflate the learning disabilities category with the LEP category because LEP students are often typified as displaying academic disability traits that appear similar to those displayed by learning disabled students. On the other hand, some educators may have difficulties differentiating a "communication difference" from a communication "disorder" because, at some observational level, the ways in which LEP students differ from middle class, English language monolinguals provides evidence of the LEP student's linguistic abnormality, an *abnormality* whose presence is viewed as a sort of academic disability. Indeed, Flood, Lapp, Tinajero, and Hurley (1997) confirm that "language minority children are placed in special classes for the educationally handicapped in disproportionate numbers" (p. 356).

Roseberry-McKibbin & Eicholtz (1994), in their survey of public school clinicians, discover that among the major difficulties school clinicians encounter when attempting to determine the presence of learning disabilities in LEP students are a "lack of appropriate assessment instruments" and a "lack of knowledge of development norms in children's first languages" (p. 159). This academic assessment problem connected to LEP students crops up in other scholarly work on Hispanic students. For instance, even as Gonzalez (1994) recognizes that "it is difficult to ascertain whether low scores in bilingual" students stem from a "lack of valid and reliable instruments" (p. 398), her own study found that, in working with Hispanic students, "standardized tests underestimated bilingual children's language proficiency and nonverbal intelligence, as children (the author's subjects)

performed always at or above age-appropriate levels in verbal and nonverbal classification tasks" (p. 418).

Thus, it seems as if the "inappropriateness" of the assessment tools – and perhaps their very absence in some cases – coupled with an insufficient understanding of how LEP students develop linguistically, generates a situation in which LEP students are often wrongly identified as learning disable students. In the absence of proper assessment tools, teachers and clinicians may often rely on how LEP students are socially constructed and such constructions may convey strong similarities to the ways in which some learning disable students are socially constructed. In other words, perhaps mistaken referrals by teachers, and mistaken disabilities assessments by clinicians, may arise, in part, from how LEP students have been traditionally constructed within the educational system – namely, as students largely defined by a *rich array* of limitations, handicaps that are, more often than not, seen as academically disabling.

The inadequacy of the assessment tools directed at LEP students often arises in areas of language development. According to Garcia and Ortiz (1995), "approximately 80% of all handicapped Hispanics are served in two language-related categories: LD and speech and language disorders" (p. 471). While confirming "the overrepresentation of Hispanic students in LD programs," Garcia and Ortiz (1995) observe that "research literature suggests that there is an overlap" in problematic behavior between "second language learners" and students with "speech and language disorders or behavior problems" (p. 473). In addition, Garcia and Ortiz (1995) underscore that many "educators are unable to distinguish

linguistic and/or cultural differences from handicapping conditions" (p. 473). Revealingly, Ortiz and Garcia (1995) criticize language assessment tests that stress the presence or absence of grammatical correctness rather than texts that stress the presence or absence of "cognitive academic language proficiency (CALP), the literacy-related aspect of language" in student test-takers (p. 477). These two scholars fear that with the use of grammatically oriented tests, "achievement difficulties may be inaccurately attributed to a learning disability when they are, in reality, related to a language proficiency" (p. 477). Ortiz and Garcia (1995), however, appear less interested in entertaining the *possibility* that the detection of a lack of "language proficiency" may be implicitly viewed as if it were a form of learning disability.

Identifying LEP Students as Educationally Disabled Invites the Presence of Less Academically Challenging Coursework

From a socially constructed disabilities framework, LEP programs may arise not only from a desire to improve the academic skills of LEP students, enabling them to imperfectly "catch up" with White middle-class academic norms, but also to provide some LEP students – particularly those *stuck* with an LEP identity throughout their academic trajectory – with specialized educational programs, many which may be tailored-made to their irreversibly limited English language learning potential. Inside this perspective, the continuing existence of these compensatory programs may implicitly suggest the educational existence of a category of students (LEP students) that will permanently remain educationally

disabled; after all, it is certainly possible to view, and therefore to treat, some types of disabilities, such as academic ones, as permanently existing forms of disabilities.

In a broader sense, to the extent that LEP students view LEP English programs as remedial programs, directed at compensating for their limited academic skills, such students might see themselves as a sort of "at risk" student, and consequently, properly characterized within the school as an LEP pupil. Under those circumstances, the work of Rhonda and Valencia (1994) suggests that such an "at risk" student characterization, whether made explicitly or implicitly, tends to invite educators to mostly look at those students from an academic "deficiencies" perspective rather than from an academic strengths mindset, thereby making it more likely that those "at risk" students see themselves as "dumb and stupid" (p. 379), given their socially recognized status as "at risk" learners.

In any event, conceptualizing LEP students as if they were academically disabled opens up the need for less academically demanding educational programs. In studying factors that assist or obstaculize the "academic success" of LEP students, Sharkey and Layzer (2000) observe that, in general, "the ESL curriculum" does "not help the students acquire the academic proficiency required for meaningful, comprehensive completion of tasks in their mainstream courses" (p. 353). As a matter of fact, Sharkey and Layzer (2000) found that a majority of teachers had LEP students placed in the "lower track" course of the subject matter they taught (p. 357). And yet, Canney, Kennedy, Schroeder, and Miles (1999) ultimately warn against assuming LEP students cannot academically succeed in a wide variety of "regular class(es)" (p. 541).

Nevertheless, consistent with the idea of lower expectations for LEP students, Minicucci (1993) underscores how classes for LEP students, when contained within "sheltered instruction" (classes only for LEP students), tend not to be college track courses, nor do they tend to "count for college entrance requirements" (p. 177), thus limiting the educational horizons of these Limited English Proficiency students. A lower sense of what an LEP student can intellectually handle, vis-à-vis a non-LEP student, might partially explain why, according to Minicucci (1993), relatively "few schools offered a full program of math, science, and social studies to secondary LEP students" (p. 181). The underlying rationale for such limited academic offering might not be difficult to infer: why waste resources offering LEP students college preparatory courses if few have the academic potential to meaningfully engage in college coursework.

CHAPTER 4

HISTORICALLY TRACING THE EDUCATIONALLY DISABLING IDENTITY OF THE LEP STUDENT DURING THE NCLB (NO CHILD LEFT BEHIND ACT) ERA

Introduction to the Era of the No child Left Behind Act (NCLB) of 2001

In historically inheriting the social construction of the LEP student category as a signifier of academic disability, the NCLB legislation treats the acquisition of the *wrong* language by LEP students ("a language other than English") as what the World Health Organization would define as a disability – namely, a "restriction" or an "impairment" to perform "an activity in the manner or within the range considered *normal* (my italic)" (Ingstadt and Reynolds-Whyte, 1995, p. 5). Indeed, according to NCLB, the multitude of academic "difficulties" of these LEP students are so severe "in speaking, reading, writing, or understanding the English language" that they may deny those handicapped students "the ability to meet the State's proficiency level of achievement on State assessments," while simultaneously interfering with their "ability to successfully achieve in classrooms where the language of instruction is English" (NCLB, 2002, Sec. 9101). This portrayal of the LEP student's educational identity reasonably suggests a social construction of LEP students that is compatible with, or consistent with, a student who is treated *as if* she/he were suffering from some sort of educational disability.

Reflecting American society's historical preoccupation with culturally assimilating immigrants and their American born children into an *authentic*, normalized, American identity, the NCLB legislation stresses the need to provide LEP students with an English language-based cultural treatment, one geared at making them *educable enough* for their cultural Americanization, regardless as to

whether or not educational resources should be employed to make them as highly educated as *normal* white, middle class, standard English monolingual students. In fact, the relative scarcity of bilingual education programs for LEP students, plus their invariably transitory nature, suggests that the NCLB legislation aims at educating an educationally stifled student, a sort of hybrid (in-between) student, one who becomes more proficient in standard English, yet not so educationally proficient that she/he can realistically travel a similar academic trajectory to the one traveled by most white, middle class, standard English monolinguals.

In an effort to stress the educationally disabling effects of the presence of a non-English language in an LEP student's social milieu, the NCLB legislation inaccurately characterizes the language use that takes place in an LEP student's social environment, while also reflecting the idea within existing education literature that suggests the presence of non-English languages as probably academically disabling for LEP students. And yet, the education literature itself is replete with academic studies that robustly suggest that either the presence of non-English languages in an LEP student's linguistic repertoire does not necessarily, or unequivocally, stifle or inhibit his/her academic learning, or does not do so in a way that is more educationally inhibiting than the presence of English in a student's speech.

The education literature of the NCLB era continues to signal the presence of academically disabling elements in the social construction of the LEP student's educational identity. As inherited from its past, the educational identity of the LEP category during the NCLB era allows for the enduring practice of disproportionately

placing LEP students in certain special education programs to continue. Education literature continues to find an overrepresentation of LEP students in classes for officially learning disable students, especially in states with a high number of LEP students; thereby suggesting, perhaps*, similarities* between the academic characteristics that typify official learning disable categories and the perceived educational limitations of LEP students. Therefore, this tendency to disproportionately place LEP students in special education classes appears to be a historically enduring educational practice, rooted in the evolution of how the socially constructed educational identity of LEP students' figurative species has unfolded over time.

What's more, the education literature of the NCLB era continues to signal the academic disability of LEP students by pointing out how these students are often offered less academically demanding coursework than regular, normal, non-LEP students. Indeed, such an educational development is compatible with the idea that this course selection is offered because these courses are viewed as appropriate for the perceived limited academic abilities of LEP students. Consequently, whether unintentionally or not, the current coursework of many LEP students sets them up for non-college aspiring academic work, which may well direct them into a non-college academic trajectory, a situation that may seem theoretically *reasonable* for students with *limited* educational *capacities*.

In any event, the education literature of the NCLB era compatibly converges with how some of the education literature of the pre-NCLB era viewed the idea of educational sub-normality, especially when applied to students who appear to

display educational characteristics that appear to be similar to some of the ones that help to identify the educational identity of today's LEP students. In other words, let us be clear: whether the LEP student is monolingual, bilingual, American born, foreign born, or American raised, their existence and identities are largely contextualized within an *American educational/cultural milieu* in which their academic/intellectual performances are strongly identified as *subnormal*, whether explicitly or implicitly, vis-à-vis the educational performance of American, English monolingual, white, middle class, students in American schools.

Ultimate, significant education literature throughout the NCLB era often portrayals LEP students as educational outliers, as students whose abnormally poor academic performances, often *falling outside the average zone of standardized academic normality*, implicitly/unofficially marks them as part of an *educationally sub-normal* student group. With plenty of education literature making academic comparisons between LEP students and non-LEP students that portrayal of educational abnormality is reinforced within education literature, if not within the larger American society. Such a portrayal of the LEP students' academic performances eventually solidifies the social construction of such students as a *still* English learning group, either because they are sub-normally lagging behind others linguistically (similarly to the pre-NCLB student category of the *slow learning* student) or because they are more language *limited* than *most* ordinary/average American students.

Detecting the Educationally Disabling Identity of the LEP Student Embedded in the No Child Left Behind (NCLB) Act of 2001 Through a Socially Constructed Disabilities Lens

Focusing on the social construction of the LEP student in NCLB – a construction from which a system for evaluating LEP students (and others) has been created – this section will argue that the category of the LEP student has been constructed as a signifier of academic disability.

Following the historical trajectory of the LEP student category, it is reasonable to affirm that, as conceptualized in the NCLB legislation, the socially constructed category of LEP student historically *inherits*, at least partially, a designation of academic disability. Implicitly embedded within this legislation, we see that the acquisition of the *wrong* language by students ("a language other than English"), whether acquired at home or in school, is seen as an educational disability, since such a language may be seen, whether implicitly or explicitly, as functioning similarly to what the World Health Organization calls a "restriction or lack (resulting from impairment) of ability to perform an activity in the manner or within the range considered *normal* (my italic)" (Ingstadt & Reynolds-Whyte, 1995, p. 5). Thus, as noted earlier in this study, Fletcher and Navarrete (2003) see "glaring misdiagnoses in the assessment process of Hispanic children with a 300% overrepresentation in learning disabilities for students" (p. 42).

According to NCLB, the academic "difficulties" of these LEP students are so severe "in speaking, reading, writing, or understanding the English language" that they may not only deny the individual pupil "the ability to meet that State's proficient level of achievement on State assessments," but also the "ability to

successfully achieve in classrooms where the language of instruction is English," thereby increasing the likelihood that these LEP students will be denied "the opportunity to participate fully in society" (NCLB, 2002, Sec. 9101). Such a characterization of the LEP student suggests the social construction of a student who behaves *as if* he/she were plagued with a strong form of educational disability. This academic deficit portrayal of the LEP student might ultimately constitute what Apple (1993) has called the "politics of official knowledge" – namely, a situation in which social groups, including student groups, are juxtaposed in ways that "empower some groups while disempowering others" (p. 222).

While excluding, from this categorization, students from all sorts of backgrounds, many of whom come from what the legislation typifies as "English" language backgrounds, but who nevertheless struggle to become "proficient" academic English students, this congressional directive seems to reserve the label of LEP for an exclusive sliver of students: children from immigrant families, plus some territorial subjects, such as Native Americans that reside on Indian reservations.

Expressed differently, the construction of the LEP students largely ignores children from communities that, although *English* speaking, may not predominantly use a form of the English language that is considered standardized/normalized academic English: native white working-class stragglers, native middle-class strugglers, and African American Vernacular English speakers, none of whom are included in this exclusive category of students as LEP. Limiting the LEP category to an overly narrow group of students suggests that perhaps those targeted are not only worthy of special treatment, but also the most in need of an English

"proficiency" language treatment, *given what may appear to be their linguistically threatening background and their cultural alienness*, regardless of whether or not these students can be provided with some sort of educational parity vis-à-vis native born, middle class, English monolingual students.

NCLB Historically Inherits Cultural Foreignness as Educationally Disabling

With respect to American schools' preoccupations with the cultural alienness of some students, and therefore, with the need to eradicate an element of a student's identity, one seen as interfering with their educability, literature on the education of immigrants tends to suggest that their cultural alienness stifles their academic achievement. For example, in reviewing the data on immigrant students during the period from 1880 to 1915, Rothstein finds that "far from succeeding by immersing themselves in English, immigrant groups did much worse than native-born, and some group did much worse than others" (p. 2). Similarly, Cohen (1970) underscores how an American Immigration Commission study in 1911 found significant differences in "retardation" (being held back in school) between children from English-speaking countries and those from non-English-speaking localities: "children of immigrant parents from English-speaking countries were no more often retarded (27%) than children of native white parents, but more than 43% of immigrant children from non-English-speaking countries were retarded" (p. 17).

More recently, within the time frame of the enactment of the NCLB legislation, the United States General Accounting Office (1999) has acknowledged

that "students speaking English with difficulty dropped out of school at four times their English-fluent peers, and also had higher rates of grade repetition" (p. 1). In other words, non-English speaking immigrant students have been historically associated with academic failure, with subpar or subnormal academic performance vis-à-vis normal native English-speaking students. As a result of such a historically shaped portrayal of immigrant student identity, perhaps it is not overly surprising that NCLB partially defines the 'limited English proficient' student as one "who was not born in the United States or whose native language is a language other than English" (NCLB, 2002, Sec. 9101).

From a socially constructed disabilities framework, this public policy necessity of providing an English-based cultural treatment for those students who speak non-English languages may be rooted in a perceived need to make such students *educable*, rather than in the need to make a strong social effort to help these students become as highly educated as *normal* white, middle class, English-speaking monolinguals. In providing an English-based cultural treatment for those students who speak non-English languages, Spener (1988) has noted that the teaching of English "has become *the* public issue in the socialization of immigrant adults and children living in the United States," where "mastery of the 'standard' or 'core' dialect of American English is represented as emblematic of an 'American' identity" (p. 143).

In fact, according to Malakoff and Hakuta (1990), educational policy has historically, from at least the latter half of the 19th century, turned to mandatory education in public schools as a means of insuring that the children of immigrants

were assimilated into American (Anglo-Saxon/northern European Protestant) society (p. 2). So ideologically guided by a "melting pot" theory of cultural assimilation, whereby schools sought the cultural homogenization of culturally diverse immigrants, Steinberg (1989) finds that "the common schools were consciously designed to function as the chief instrument for assimilating the children of immigrants, and producing a common culture out of the mélange of immigrant groups" (p. 54). Indeed, according to Zentella (1997a), in American society, and its legal system, "non-English speakers do not deserve equal protection of the law, and concerned Americans are entitled to intervene legally" in order to preserve American society as a predominantly English monolingual nation (p. 73).

More broadly speaking, Crawford (1996) historically follows the evolution of this assimilationist impulse throughout many American venues, including United States' educational system: Ben Franklin's fear that German immigrants "will never adopt our Language or Custom" (p. 7); Congress' insistence on a Louisiana constitution which insured that "all laws and official records be published in the language in which the Constitution of the United States is written" (p. 8); California's abandonment of state-sponsored Spanish instruction in 1855 (p. 8); the promotion of "English-only" schooling for Americans under the jurisdiction of the Indian Peace Commission of 1868 (p. 9); the 1880s enactment of "English only instruction laws for both public and parochial schools" in both Wisconsin and Illinois (p. 14); the monopolization of English language education in the Hawaii of 1896 (p. 13); and the widespread passage, after World War I, of English-only education laws in more than fourteen states, which culminated in Congress' approval of "the strictest

immigration quotas in U.S. history, which limited the entry of non-English speaking Europeans – Italians, Poles, Jews, Greeks – and totally excluded Asians (and Africans)" (p. 15).

NCLB and the Social Construction of the Educable, Though Academically Limited, LEP Student

The idea of viewing the NCLB legislation as partially a culturally assimilationist project, rather than as primarily an instrument for providing a *normal* quality education for LEP students, is conceptually congruent with the conceptual treatment of the LEP category as a signifier of educational disability. Claiming that the primary objective of most educational policies directed at immigrant students is their cultural assimilation, Spener (1988) underscores how both English only and bilingual approaches toward educating immigrant students ultimately seek the same goal: to "mainstream" these LEP students "into regular English-only classrooms" (p. 147), but doing so by providing them with an "inferior education" (p. 150), thereby guaranteeing their "caste-minority status" in American society (p. 146). Thus, Spener (1988) sees the purposefully *transitional nature* of bilingual programs for LEP students as directed toward creating a type of limited student, one that displays "limited bilingualism," which he describes as "less than native-like proficiency in either the mother tongue or the second language," and which "has been associated with impeded cognitive development and lowered academic achievement in a number of studies" (p. 148).

This tendency toward prioritizing the cultural Americanization of LEP students over meeting their specific educational needs in specific academic subjects might also result in forging a special kind of limited education for LEP students: an education that stresses the “conversational aspects” of English language proficiency (Cummins, 1984, p. 132), rather than those aspects of academic proficiency, theoretically deliverable in any language, that are associated with a college-aspiring education. Put differently, the broad educational context in which LEP students find themselves suggests their social construction as educationally disabled in at least two ways: first, as noted by Cummins (1984, p. 131), many LEP students are subjected to English language IQ-like tests, or their equivalents, and their low scores are explained as “a function of deficient cognitive abilities (i.e. learning disability, retardation, ect.);” second, a school staff’s inability to differentiate “between the development of conversational or surface fluency in English and cognitive/academic aspects of English proficiency can result in low performance being attributed to deficient cognitive or personality traits “ within the LEP student population (Cummins, 1984, p. 136).

So within an educational context of low academic achievement by LEP students, interpreting the NCLB legislation through a socially constructed academic disabilities lens might suggest that this legislation might be instrumental in the creation of what school personnel might implicitly see as a sort of educationally stifled student, as a sort of *hybrid* (in-between) student, one who becomes more English language proficient through the legislation’s programs, though not so English language proficient that she/he manages to claim a *similar academic track* to

the one traveled by white, middle class, native born, English language monolingual students. Therefore, in affirming the LEP category as academically disabled, NCLB embraces a deep contradiction: *unofficially* treating LEP students as if they were academically disabled (and therefore in need of being educationally treated as disabled) while at the same time *officially* expecting those students to eventually become proficient English monolingual students, not unlike able, middle class, English monolingual students from monolingual English language households.

Hence, the tension inherent in implementing that policy contradiction may well have resulted, whether intentionally or not, in the creation of some sort of hybrid (in-between) student, left behind by higher tracked, English monolingual, middle class students. So in fitting the NCLB legislation within a broader educational context, perhaps this educational fate for LEP students becomes somewhat more palatable for some education stakeholders because the creation of such an LEP student – with a probable academic trajectory of limited educational opportunities – does *not* overly *disrupt*, and therefore interfere with, the educational *priority* of meeting the educational needs of white, middle class, English language monolinguals: students whose home-based, English language socialization approximates the standard academic English language taught in most middle class American schools.

Signaling the Academic Disability of LEP Students Through an Inaccurate Characterization of Language Use in an LEP Students' Social/Familial Environment

Assuming that the presence of a non-English language in an LEP student's social/familial life is academically disabling, the NCLB legislation functions as a recruiting mechanism for students "aged 3 through 21" (NCLB, 2002, Sec. 901). Here there is not only an interest in school-aged kids, but also preschoolers who come from a home "whose native language is a language other than English" (NCLB. 2002, Sec. 901). NCLB assumes school personnel can accurately ascertain and predict how "an environment where a language other than English has had a significant impact on the individual's level of English language proficiency" (NCLB, 2002, Sec. 901). Yet even if the statute were to conceive of potential LEP students as native born, as simplistically living immersed in a monolingual non-English language environment, it does not acknowledge the possible reality of living environments in which two or more languages are actively employed as "native" languages (NCLB, 2002, Sec. 901). Indeed, it might be useful to entertain the possibility that many, if not most, potential LEP students, under the age of kindergarten or first grade, live in *multilingual environments*, where the existence of such a multilingual environment might overly complicate matters, pulling us away from essentially viewing the LEP student as a *foreign language* monolingual, a student who should be transformed into an English "proficient," monolingual American student.

Within this context of language exposure by LEP students, Zentella (1997b) has written on how many children of immigrants participate in broad "environments" where multiple languages, such as English and Spanish within the

same household, are commonly heard and spoken (pp. 56-79). Similarly, Brisk (1998) suggests that many future LEP students are really bilinguals, or at least incipient bilinguals, who develop "the ability to codeswitch and use it to enrich communication" (p. xvi). This language diversity in the living environment of immigrant families is also reflected in Cota (1997), who found that most LEP students employ "both Spanish and English when communication with siblings and with friends," though "only 1% reported using only Spanish" (p. 151). Furthermore, in reviewing some studies on language usage within American immigrant families, Schmid (2000) finds that although "14 percent of the nation's population spoke a language other than English in the home," it appears that "less than 3 percent did not *speak* (my italic) English well or not at all" (p. 72). Interestingly, Schmid (2000) determined that "approximately 70 percent of the youngest immigrants and 40 percent of those aged ten to fourteen at the time of arrival will make English their *primary* (my italic) language" (p.72).

Nevertheless, despite this linguistic diversity within families and within communities, NCLB reductively defines the "native language" of LEP students as the singular language normally used either by that student or by the parents of the student (NCLB, 2002, Sec. 9101). Therefore, the legislation targets a group of students that might be more linguistically complex, and more broadly knowledgeable, than just being English language limited, even though the legislation itself does not explicitly acknowledge such linguistic complexity. Perhaps this language use simplification of the LEP student's environment is an indicator of the social construction of a student who is educationally expected to experience

academic difficulties that are *already foreshadowed* through an emphasis on what is implicitly perceived to be an inherently limiting non-English language upbringing. Indeed, the NCLB legislation assumes that school administrators, with the assistance of teachers, expert staff, and diagnostic tools, can accurately determine that a child's home "environment" (largely conceived as "where a language other than English" exists) – rather than *the label of LEP itself* – has had, and will continue to have, well into the foreseeable future, a "significant impact on" the child's "individual level of English language proficiency" (NCLB, 2002, Sec. 901).

NCLB and Insinuating the Presence of Non-English Languages as Academically Disabling

NCLB exhibits an embedded exclusionary sensibility that largely ignores the possible existence of multiple *native* languages in a child's environment, for foreign language monolingualism is seen as primarily responsible for not only "the difficulties in speaking, reading writing, or understanding the English language," but also for that child's "ability to meet the State's proficiency level of achievement on State assessments" (Sec. 901). By including among the LEP population those who are as young as three years old, in addition to those who are "preparing to enroll in an elementary school," NCLB is signaling an important assumption in the social construction of the LEP student: for most children "who (are) not born in the United States or whose native language is a language than English" their "difficulties" with academic English largely stem from having been raised in an essentially monolingual *foreign* language environment, a setting that the legislation

dogmatically assumes will interfere with English language learning. Therefore, while all sorts of *native* English language students have "difficulties" with academic English, immigrant families are portrayed as generating "difficult" students because of the presence of a "language other than English" in their children's living environment. In short, as NCLB inherits the social construction of the LEP student as academically disabled, the mere presence "of a language other than English" becomes the generator of English language "difficulties" for the LEP student, though perhaps not for other academic English language strugglers.

Contextualizing the Existence of NCLB within Education Literature that Suggests the Presence of Non-English Languages as Not Necessarily Academically Disabling

Nevertheless, these overly restrictive assumptions underlying the social construction of the LEP student as academically disabled – given the presence of a non-English language in their familial milieu – produces conceptual blinders that exclude the possibility of viewing home languages "other than English" as facilitators, rather than obstacles, in the LEP student's struggle to learn academic English. For example, Tochon (2003), while pioneering the "Deep Approach" for multiple language learning in educational sites, has found that many teachers in South America have repeatedly told him "that they cannot succeed in teaching Spanish, if the children don't start out with a good knowledge of the local form of Quechua, that is, a knowledge of the language spoken at home" (p. 18). Such an assessment on the importance of multiple language learning is also built into Cummins' theoretical paradigm: students can readily transfer "deep conceptual"

proficiencies from one language to another; this idea is encapsulated in Cummins' (1996) theory, "The Common Underlying Proficiency" (CUP) model of bilingual proficiency, which Cummins expresses clearly:

> What this principle means is that in, for example, a Spanish-English bilingual program, Spanish instruction that develops Spanish reading and writing skills for either Spanish L1 or L2 speakers) is not just developing Spanish skills, it is also developing a deeper conceptual and linguistic proficiency that is strongly related to the development of literacy… In other words, although the surface aspects (e.g. pronunciation, fluency, ect.) of different languages are clearly separate, there is an underlying cognitive/academic proficiency that is common across languages. This common underlying proficiency makes possible the transfer of cognitive/academic or literary-related skills from one language to another. (Cummins, 1996, p. 111)

Consequently, when students are "in the process of attaining a relatively high level of both fluency and literacy in their two languages" (Cummins, 1996, p. 105), as might happen with an additive bilingual curriculum, Cummins predicts interlinguistic synergy: "ideas, concepts, knowledge and skills transfer into either language" (Baker & Prys, 1998, p. 81).

Other educational research suggests that the presence of two languages in a bilingual curriculum, such as a Spanish-English one, might give LEP students the opportunity to strengthen their overall academic literary skills, while imparting them with an understanding of how "most of the high-status academic words in

English have cognates in Spanish, where they tend to be everyday rather than literary words" (Fitzgerald & Cummins, 1999, p. 382). This dual language curriculum, when employed across a variety of academic disciplines, would strengthen the Latinate vocabularies of LEP students, granting them access to the kind of academic language that confers "markers of prestige and formality" (Corson, 1995, p. 143). Ultimately, aside from solidifying the kind of Latinate vocabulary that typifies much of the academic language found in both English and Spanish, an ample Latinate vocabulary might eventually increase the capacity of LEP students to articulate academic discourses, and therefore manifest officially recognized academic competence.

What's more, there exist robust academic literature, carried out prior to the enactment of NCLB, that links the educational presence of non-English languages with academic achievement. For instance, four statistically controlled studies – Mortensen (1984), de la Garza and Medina (1985). Saldate, Mishra and Medina (1985), and Gonzales (1989) – illustrate how bilingual programs may surpass English-only programs in terms of LEP student academic achievement. With regard to Mortensen's (1984) study, which compared native Spanish-speaking students from low income households, with one group receiving an English monolingual education and the other group receiving a bilingual education, Mortensen arrives at a major finding: although there "was no significant difference between the two groups in terms of number of word-attack skills mastered," the group participating in the bilingual program "mastered significantly more comprehension skills than the monolingual group" (p. 31). With respect to the study of Saldate, Mishra, and Medina

(1985) – which compares a group of low SES Mexican American students in an English-only program with a group of low SES Mexican American students for seven years after exiting from a bilingual program that ran from first through fifth grade – the authors found that the bilingual education performers were "on par with the subjects receiving traditional instruction in terms of their scores on reading and mathematics subtests of MAT and CAT" (p. 137).

All of those studies dovetail nicely with the work of Roger and Carlo (1991), where a group of sixth grade, Spanish-speaking students, all of whom participated in a transitional bilingual education program, are tested at various points from grade 5 to grade 6. Linguistic transfer of reading comprehension skills was eventually observed: "the students' English reading performance at the end of sixth grade was mostly highly correlated with their reading in Spanish a year earlier. That is, good fifth-grade readers in Spanish became good sixth-grade readers in English" (p. 454).

Reiterating the greater educational effectiveness of bilingual instruction over English-only instruction, Ramirez's (1992) massive study is particularly illuminating. As a four-year longitudinal study, involving over 2000 Hispanic American elementary school children from low SES groups, the study fundamentally sought "to compare English-Only programs, early-exit transitional education, and late-exit transitional bilingual education programs" (p. 2). Controlling for the students' backgrounds – such as SES, parental education, residential tenancy in the United States, teacher training, and the proportion of second language learners in schools and in the community – the study reached the following conclusions: extended use of home language instruction does not hinder the acquisition of

academic English and math; English-only instruction does not accelerate the acquisition of academic English or math; even though proportionately more late-exit families came from less affluent SES groups than either early-exit or English-only families (with late-exit schools also having the fewest school resources), when all three groups of students (English-only, early-exit, and late-exit) are compared to a "norming population," late-exit students – having been provided with significant home language instruction – continue to increase their achievement in English and in math at a faster rate than the "norming population;" students who were quickly put in English-only instructional programs "tend to grow slower than the norming population" (p. 43); late-exit parents are better at insuring the completion of homework by their children than are English-only parents or early-exit parents; and late-exit parents personal provide more academic assistance to their children than English-only or early-exit parents.

Similarly, as it pertains to an important six year, longitudinal study (1985 to 2001), one focusing on the long term academic achievement of LEP language learners, Thomas and Collier (2002) draw three interesting conclusions from comparing a variety of English-only and bilingual programs: first, the "strongest predictor" of second language achievement is the amount of instruction second language learners receive in their first language (p. 5); second, when LEP language students participate in dual language programs *for more than four years*, they tend to academically perform better than comparable English-only students, regardless of the academic domain; third, when regular English-speaking students partake of

dual language immersions they tend to equal or surpass their comparable peers in all content areas tested.

So while the social construction of the LEP students has linked the presence of their non-English language background to their "limited" English proficiency, the academic presence of non-English language has not been *unequivocally found to inhibit academic learning*, including English language learning, in any definitive way. On the contrary, with regard to Hispanic LEP students, Durgunolu, Nagy, and Hancin-Bhatt (1993) note that "training students in phonological awareness in Spanish enhance their ability to read in English" (p. 12). For their part, Fitzgerald and Cummins (1999) underscore that at least one California State Department study has "showed English and Spanish reading correlation, which ranged from .60 to .74 to be consistently higher than the correlations between English reading and English *oral* (my italic) language skills, which ranged from .36 to .59" (p. 383). As a matter of fact, Saville-Troike's research (1991) reiterates that "most of the students who achieved best in content areas, as measured by tests in English, were those who had the most opportunity to discuss the concepts they were learning in their native language with peers or with adults" (p. 6). Finally, it should be noted that, just prior to the enactment of the NCLB legislation, Deirdre (1999) work describes that "being bilingual and learning through two languages can bring cognitive advantages to the learners; for example, higher metalinguistic skills, higher level thinking skills and better social skills than monolingual peers" (p. 68).

By downplaying the possibility that a "language other than English" might have a significantly positive effect on a student's acquisition of academic English,

and by largely foreclosing any discussion of other factors that could impact on English language learning, NCLB primarily faults the non-English language spoken in a narrowly defined home "environment" for this academic inability to acquire academic English. Therefore, *before* the LEP student has produced any evidence of English language disability in at least three areas of life – the "ability to meet that State's proficiency level of achievement on State assessments," the "ability to successfully achieve in classrooms where the language of instruction is English," and the likelihood that the home language hinders the student's "opportunity to participate fully in society" – the student has *already* been designated as academically disabled, given the disabling assumptions that have historically accompanied the social construction of the LEP student category. However, United States is packed with students who, despite speaking only English, score low in English standardized tests, even as they are unable to *normatively* perform in English language classrooms.

Signaling the Academic Disability of LEP Students Within the NCLB Era: Encountering Difficulties Distinguishing the LEP Category from the Learning Disabled (LD)/Special Education Categories

The historically *enduring* practice of disproportionately placing LEP students in certain special education programs, particularly those associated with language disabilities (MacSwan and Rolstad, 2006, p. 2304), opens ups the possibility that, at some understudied level, the LEP category itself is signifying, to people in the education system, student disability. For example, in Texas, Fletcher and Navarrette

(2003) see “glaring misdiagnoses in the assessment process of Hispanic children with a 300% overrepresentation in learning disabilities for students” (p. 42). Similarly, Guiberson (2009), in a computerized literature review, found that “Hispanic students continue to be overrepresented in special education programs as learning disabled or speech-language impaired” (p. 173). For their part, Samson and Lesaux (2009) found that LEP students have historically tended to be disproportionately represented in special education programs (pp. 148-162), even as Minow (2001) has concluded that “LEP students are significantly over-represented in special education, particularly in specific learning disabilities and speech impairment classes” (p. 3). Finally, it should be noted that Zethler et al. (2003) found that numerous school districts have experienced difficulties in “determin(ing) whether a student’s difficulties in the classroom stem from second language learning or from a disability” (p. 37).

Artiles, Rueda, Salazar and Higareda (2005) note that while on a nationwide basis LEP students do not appear to be disproportionately placed in special education classes, at the state and school district levels they are disproportionately placed in special education, such as in California, which contains the largest number of LEP students in the United States (p. 286). What’s more, McCardle et al. (2005) stress how LEP students “tend to be overrepresented in certain special education categories,” including “Speech-Language Impairment, Mental Retardation and Emotional Disturbance” (p.2). In analyzing the placement of LEP students in special education classes within several California urban districts, Artiles et at. (2005) discover that while LEP students were not overrepresented at the elementary grade

level, they “detected overrepresentation at the end of elementary school that continued through the high school years” (pp. 295-296). Interestingly, Artiles et al. (2005) found that LEP students who displayed “limited” language skills in both English and their home language “showed the highest rates of identification in the special education categories examined” (p. 294), suggesting, perhaps, *similarities* between the academic characteristics that typify official learning disable categories and the perceived limitations attributed to LEP students. Indeed, Miller and Katsiyannis (2014) believe that ascertaining “whether students with LEP have a disability is difficult because the characteristics of students with LEP and those students with learning disabilities (LD) often *look very similar* (my italic)” (p. 1).

Artiles et al. (2005) also uncovered “considerable proportions” of LEP students placed “in LD (learning disabled) secondary programs” (p. 296). In addition, according to Artiles et al. (2005), “Latino MR (mental retardation) overrepresentation was high in districts with a high Latino representation” (p. 296). From a social constructionist view of academic disability, the disproportionate incidence of mental retardation of LEP students in predominantly Hispanic schools may give rise to a potentially reasonable speculation: if the *academic profiles* of LEP and LD students are sufficiently similar, not only could both categories become blurred, with the LEP category *leaking* into the LD category, but also perhaps *interchangeable* in the sense that if LEP student services become sufficiently stretched (by a large LEP student population, for example), some diversion of some LEP students into special education classes might appear attractive to some school administrators; after all, if these categories of students share some similar academic

traits, then maybe they might merit similar academic treatment in special education classes. In any event, Artiles et al. (2005) also found that “a large proportion of low-SES ELLs populate LD programs at all grade levels” (p. 297). Finally, it should be noted that LEP students placed in English only programs, which “offer the least native language support,” were also “more likely to be placed in special education programs” than LEP students “placed in other language support programs” (p. 297).

In the broader context of misidentification of LEP students, DeMatthews, Edward, and Nelson (2014) highlight three factors that might make, in their estimation, such a problem more likely: first, a lack of a “clear mandate for limiting disproportionate representation in special education” for LEP students (p. 29); second, the inability of teachers of LEP students to accurately detect learning disabilities (p. 29); and third, the tendency of specialized educational staff to “struggle determining whether or not a disability exist” for a particular LEP student (p. 29).

Other studies have also examined the increased likelihood of LEP students becoming special education students. Shepherd, Linn, and Brown (2005) affirm the “problem” of having “over representation” of LEP students in special education classes (p.104). The scholars in that study plea for the development of more accurate ways “for determining whether a child is having academic difficulties due to a disability or whether the academic difficulties are due to language proficiency difficulties” (p. 104). In contacting 36 American school districts near the Texas-Mexico border, they detected 33 school districts as having “over representation” of LEP students in special education (p. 108). For their part, De Valenzuela, Copeland,

and Huaqing Qi (2006) acknowledge that "minority students are disproportionately represented in special education programs" and estimate that LEP students are "disproportionately represented in most special education exceptionality categories" (p. 435). Using data from a big school district in a Southwestern state, De Valenzuela et al. (2006) determined that while African Americans were "overrepresented" among the emotionally disturbed (ED) student category, LEP students were disproportionately identified with the learning disabled (LD) student category (p. 436). Consequently, let us reiterate one of the implications of these studies directly: those difficulties distinguishing student categories may partially reflect the difficulties school personnel experience whenever they attempt to distinguish between the *official* definitions of educational disability and the *unofficial* academically disabling elements embedded in the *social construction* of what implicitly constitutes an LEP student category.

The overidentification of LEP students with learning disabilities is also addressed by Shifrer, Muller, and Callahan (2011). In this study, the authors cite research in which LEP students "are disproportionately placed in classes for students with learning disabilities" (p. 2), while also emphasizing how "a lack of English proficiency is sometimes interpreted as limited intelligence or a disability" (p. 4). Although they are "unclear why ESL placement should be associated with identification with a learning disability," Shifrer's et al. (2011) own study confirms how "the odds of identification" for an educational disability "for a student who reported having ever participated in ESL are 1.55 times higher than for a student who reported otherwise" (p. 10). Interestingly, Kimble (2013), when studying the

role of speech-language pathologists in the educational lives of LEP students, highlights literature in which speech-language pathologists express a lack of "competence to accurately assess ELL/LEP students" (p. 22). Her own questionnaire to a sampled number of speech-language pathologists eventually reiterates their discomfort with the idea of being able to accurately assess LEP students (Kimble, 2013, pp. 24-25).

Similarly, Mikutis (2013) reviews studies indicating that in both California and Texas, where large numbers of LEP students reside, LEP students are overrepresented as recipients of special education programs (pp. 9-13). Those facts, according to Mikutis (2013), are partly rooted on the difficulty of differentiating the educational condition of ordinary LEP students from students with learning disabilities (p. 14). This misidentification problem, according to Mikutis (2013), might arise from faulty assessment tools which suggests "an overlap exists in the types of errors exhibited by LEP students and the types of errors exhibited by students with learning disabilities" (pp.14-15).

From a social constructionist perspective on academic disability, those same assessment tools, whether faulty or accurate, may be seen as helping to form, while also confirming, the LEP category, plus its labeled students, as signifiers of academic disability. In fact, from a social constructionist perspective of academic disability, Makutis' (2013) discovery that "*nationwide* representation of LEP students does not indicate overrepresentation" in special education programs is not incompatible with the social construction of LEP students as academically disabled (p.8). Put differently, not only does that sort of underrepresentation fail to erase the

characterization of LEP students as limited, subpar, and stifled in academically disabling ways, but it also might emerge (the underrepresentation) *because* of the existence of the LEP category, an education category that implicitly recognizes the manifestation of an unofficial/informal form of academic disability, one implicitly recognized by many educators and education personnel. Therefore, some academically struggling students might not be steered toward an *official* category of learning disability because sometimes it may be considered easier, or simpler to fund, or less stigmatizing to steer a struggling student toward an LEP designation which, although not officially linked to academic disability, does *unofficially t*reat such a student as academically disabled, and thereby allows for a less academically challenging curriculum.

Signaling the Academic Disability of LEP Students Within the NCLB Era: Exposing LEP Students to Less Academically Challenging Coursework

Education literature reveals that LEP students are often offered less academically demanding coursework than regular, non-LEP students. Such eventuality is compatible with the idea that these courses are offered because these courses are viewed as congruent with the perceived academic abilities of LEP students. In other words, not unlike, for example, 9th grade textbooks which convey academic information that is viewed as necessary, and within the intellectual capacities of an implicitly hypothetical 9th grade student, the coursework of LEP students may, in part, reflect the implicitly limited academic capacities embedded in the LEP student category, which guides the treatment of LEP students within our educational system.

Testing LEP students using "accommodations" that are not available to non-LEP students, such as providing them with longer time periods for test completion, reading aloud questions, or letting them use bilingual dictionaries, may suggest that LEP students need extra assistance, beyond what is provided to *normal* students, to successfully carry out academic tasks that regular, middle class, English monolinguals can easily handle. Such extra assistance for the completion of academic work may be seen as symptomatic of some sort of academic disability. For instance, when analyzing the impact of special accommodations during student assessments by the NAEP (the National Assessment of Educational Progress), Abedi and Hejri (2004) note how the LEP designation itself "conveys that the student has a deficit or a 'limiting' condition" (p. 387). This "deficit" may be implicitly seen as a form of academic disability, as a way of implicitly, though perhaps unintentionally, associating LEP students with students who *officially* share acknowledged academic disabilities. Indeed, after highlighting, in their study, how NAEP accommodations do "not reduce the performance gap between LEP and non-LEP students" (p. 387), Abedi and Hejri (2004) explicitly compare learning disabled students with LEP students:

> Unlike students with disabilities, who can be divided into categories by their specific disabilities, who can be divided into many categories by their specific disability, LEP students have just one common characteristic: they are all challenged by the possible lack of proficiency in academic and nonacademic English. (p. 388)

Such a comparison between LEP and LD (learning disabled) students ultimately leaves the impression that both types of students are similarly afflicted by forms of academic disability, though one form arises from a lack of academic English proficiency.

In any event, while Pacheco (2010b) has stressed the importance, for LEP students, of "acquiring the sophisticated, deep, and critical reading practices that are associated with higher academic learning and achievement" (p. 314), the sense that less challenging academic work is the most suitable type of educational trajectory for LEP students is frequently confirmed in education literature. Callahan (2005) finds that not only are LEP students exposed to "less linguistically and academically rigorous instruction than mainstream instruction," but also that "systematic tracking of English learners results in a lack of access to high-quality content-area instruction" (pp. 306-307). Reviewing some of the literature of LEP instruction, Callahan (2005) describes studies in which LEP students are tracked into educational settings that are "substandard, limited to low-level, remedial coursework meant to compensate for students' limited skills" in English (p. 309). In addition, Callahan (2005) reviews literature in which relationships between teacher and ESL teachers are plagued by conflict and low academic expectations for those students (p. 309). Callahan (2005) believes that the common academic approach of "simplifying academic content and language limits English learners' experience," blocking these students' ability to acquire a deep understanding of academic subjects (p. 310).

Callahan (2005) argues that many educators, "perhaps inadvertently, interpret limited English proficiency as a form of limited intelligence and place students in low-track classes to compensate for this perceived deficiency" (p. 310). In closing her literature review on LEP curriculum, Callahan (2005) expresses disapproval for the disproportionate placement of LEP students into "low-track classes," for it strengthens the "perception of English learners as 'limited': limited in language, knowledge, skills, and cultural competencies" (p. 312). Indeed, in her own study, Callahan (2005) discovers an "overall absence of placement in college-preparatory curricula across this sample," with many LEP students congregated into "low-track curricula with limited exposure to either the content or discourse necessary to enter into higher education" (p. 321). Consequently, Callahan's (2005) study shows how the coursework of LEP is not generally oriented toward preparing these students for the college experience: "Ninety-eight percent of the students in the sample had not enrolled in the coursework necessary for a 4-year college to be an option" (p. 324).

While Callahan, Wilkinson, Muller, and Frisco (2009) have examined how the "academic options available to ESL identified students become increasingly limited" (p. 359), given that "placement in ESL services constrains immigrant students' exposure to academic content" (p. 358), perhaps it is reasonable to entertain the likelihood that such curricular "constrains" are guided, at least partially, by the implicit conception of LEP students as academically disabled. Low academic expectations for LEP students are congruent with Callahan's et al. (2009) notion that, in general, "schools focus not on preparing immigrant students for education

after high school but on ensuring that they complete high school" (p. 376). In other words, the less academically challenging nature of the coursework of LEP students may well stem, in part, from their institutional depiction as *educable, though not college educable, students* -- at least not to the extent of non-LEP, middle class, English monolingual students. Indeed, if LEP students are generally viewed as non-college "material," perhaps it is not unreasonable to assume that their less academically challenging coursework might appear unimpressive to a variety of college admissions officers, particularly at four-year colleges.

In examining the curricular demands placed on LEP students, Estrada (2014) believes that LEP students' access to mainstream subject matter classes are frequently "limited or delayed" by having these students engage in "modified or remedial instruction or low mainstream tracks at the secondary level" (p. 539). What's more, Estrada (2014) cites research undermining the academic effectiveness of LEP placement: being labeled an LEP student adversely impacts that student's "math, science, and social science college prep enrollment, math achievement, and cumulative GPA" (pp. 539-540). Moreover, Estrada (2014) alludes to academic work to confirm the following claim: "track placement (is) a better predictor of academic performance than proficiency in English" (p. 539); however, an LEP student's academic "track" is somewhat determined by whether or not that student is viewed as capable of handling academic work connected to that "track," yet if you are *already* seen as a somewhat academically limited student, given your LEP designation, a "lower" track placement might indeed be seen as the most academically appropriate track. When overviewing her own study, Estrada (2014)

finds that staying too long in an ESL curriculum "may delay entry into the mainstream, access to core content, and integration with non-EL peers" (p. 568). In fact, Gandara and Orfield (2010) note that LEP students are "typically consigned to courses that are not only not college preparatory, but also often do not even yield credit for graduation" (p. 10).

More importantly, *prolonged placement* in a minimally challenging academic curriculum is consistent with viewing the LEP student as academically disabled, and thus, meriting such placement. Menken and Kleyn (2010), in analyzing the educational predicament of long term LEP students (which they call Long Term English Language Learners, or LTELLs), find that by the time these LEP students become secondary school students they are assigned a worrisome profile: students with "limited" academic skills in *both* English and in their "native" language (p. 403). So while these students display oral English proficiency in their daily living, according to Menken and Kleyn (2010), their reading skills, in both English and their "native" tongue, remain below grade levels (p. 412). In fact, in their study, their students' collective high school grade average settles at about a D+ (p. 412). Menken and Kleyn (2010) underscore that these "limited academic skills" appear to be "demanded in all the courses they take" (p. 412). As a result, Olsen (2010) estimates that in states such as California these long term LEP students account for close to a third of all LEP students in secondary schools (p. 1).

Within the domain of coursework curriculum, in a qualitative study of LEP students, Kanno and Kangas (2014) found that these students "were confined largely to ELL courses and low-track courses" (p. 860). They also found that even

leaving the program for LEP students, while remaining stigmatized as former LEP students, did not open up "access to high-track courses" (p. 860). Kanno and Kangas (2014) uncovered how LEP courses directly "fed into non-ELL, remedial-level courses of the same subject matter" (p. 862).

Needless to say, these remedial courses are hardly the college preparatory classes that typify a college-aspiring, non-LEP student. Yet by taking those remedial courses, according to the Kanno and Kangas (2014) study, those LEP students tend to foreclose the possibility of actually taking coursework that functions as academic background, or prerequisites, for entering high-track courses (p. 864). Similarly, according to Kanno and Kangas (2014), LEP coursework often did not adequately prepare these LEP students for scoring high on standardized tests (p. 864). Their relatively low scores on standardized tests, in turn, were viewed as providing ocular evidence that these students were not academically qualified for "high-track courses" (p. 864). In short, Kanno and Kangas (2014) found that the "institution label" of ELL/LEP stigmatized these students "as not possessing the requisite linguistic capital for taking high-track courses and justified placing them in low-track courses" (p. 864), thereby foreclosing a genuinely college preparatory curriculum for them. Therefore, when viewed broadly, Kanno and Kangas (2014) discovered "a general tendency on the part of teachers and administrators to steer" LEP students "away from challenging courses" (p. 870).

With the rise of prolongedly labeled students as LEP, and the generation, within education literature, of the LTEL label (Long Term English Learners), Thompson (2015) provides penetrating insight for our understanding of the less

challenging coursework awaiting many LEP students. Studying a moderately-sized California school district, Thompson (2015) finds that between 63 and 70 percent of LEP students, from 6th to 12th grade, were long term LEP labeled (p. 13). Strikingly, Thompson (2015) determined that about 35 percent of these LTEL students "qualified for special education services compared to just 9% of other current and former" LEP students (pp. 14-15). What's more, according to Thompson (2015), these "LTELs most frequently qualify for special education services because of learning disabilities" (p. 15). Indeed, her study ascertained that even though LTELs made up "only 5% of the total district population, they comprise almost one-fourth of all students in the district with learning disabilities" (p. 16). In her study follow up, Thompson (2017) subsequently noted that in the Los Angeles school district that formed part of her longitudinal study at least "one-fourth of the students had not yet been reclassified as proficient in English" after *nine* years of an LEP placement (p. 358).

This situation ultimately opens up the possibility that the LEP student category *leaks* into the Learning Disabled (LD) student category, since the longer an LEP student stays in less academically challenging curriculums, the greater the likelihood of displaying academic characteristics that, in resembling those of LD students, appears to merit one's inclusion in an *official* category of academic disability. Conversely, given the less academically challenging curriculums of LEP students, the exiting of LEP students from non-mainstream English programs, as analyzed by Flores et al. (2009), improves their academic prospects:

"reclassification into mainstream English classrooms is associated with improved academic outcomes in high school" (p.1).

Carlson's and Knowles' (2016) work analyzes some of the possible effects, on LEP students, of leaving behind coursework embedded in the LEP designation. In a study on the effects of what happens when Wisconsin LEP students are reclassified as English proficient in 10th grade, Carlson and Knowles (2016) determined that such a reclassification "has an effect" on those students' ACT scores and on "the probability of enrolling in a postsecondary institution" after graduating from high school (p. 560). Citing studies suggesting that such reclassifications may lead those students "to coursework that better prepares them" for college entrance tests (p. 563), Carlson and Knowles (2016) used data from their own study to "theorize" that this positive link between reclassification and improved college oriented outcomes stems from putting those students "on a different educational track – one that places more emphasis on college preparation and counseling – than their peers who remain classified as ELLs" (p. 578). Therefore, within such a context, it is reasonable to conceive of an LEP student's exit from LEP-centered curriculums as an opportunity to not only take college preparatory courses, but also to redirect one's educational trajectory, aiming it at a college education, rather than only at a high school diploma.

In general, the LEP student's less challenging coursework, which reflects their perceived limited ability to handle either a regular or a college-oriented curriculum, is also underlined in additional academic literature. For example, Bailey and Huang (2011) reiterate the idea that LEP students tend to "miss the opportunity

to be exposed to the challenging language of content area instruction to the same degree as their non-ELL peers" (p. 349), even as Bajaj (2009) reminds us that the intellectual capacity of LEP students is obscured when they are needlessly neglected to the "least demanding classes," leading to their exclusion from "courses they need for college preparation" (p. 8). For her part, Bautista (2014) thinks that some teachers "mistakenly believe that the students' limited language abilities reflect limited cognitive abilities," and therefore routinely "avoid asking" LEP students classroom questions, "anticipating that the students won't be able to respond" (p. 32).

Consequently, given these *limited* academic expectations arising from the perceived academic abilities of LEP students, perhaps it should not be overly surprising if we find many LEP students educationally struggling to display or attain academic *averageness* – never mind academic excellence – within their educational settings. Indeed, from a social constructionist perspective, such a lack of academic averageness among LEP students may well be viewed as another signal that confirms that the LEP label itself might set in motion a series of educational institutional arrangements that give rise to the social construction of alleged academic incapacities or disabilities among LEP students.

Signaling Academic Disability When Historically Tracing the Notion of Academic Sub-Normality: A Way in Which the Pre-NCLB Era and the NCLB Era Intersect

The idea of academic sub-normality has been established in education literature. In a broad sense, Smith (1999) links the idea of sub-normality with

mental retardation. In the 1940s, Smith (1999) finds that “subnormality” is viewed as a component of *mental retardation* (p. 380). Subsequently, Smith (1999) points out that the notion of “subaverage” or “significant subaverage” intellectual performances has been connected to definitions of mental retardation (p. 381). Smith (2006) stresses that on the basis of school sponsored tests, such as IQ tests, students have not only been historically assigned to special schools/classrooms, but they have also been labeled as suffering from “mild mental retardation”, and, in the process of their education, have been denied “appropriate educational opportunities” (pp. 191-204).

While conceptualizing “mental deficiency” as “a form of human deviation” (p. 395), one that Doll’s cited theorists have expressed as a “simple quantitative deviation from the general norm of human behavior” (p. 411), Doll (1940) connects “mental deficiency” to “social inadequacy” (p. 404), with “educational proficiency” viewed as “one measure of social competence” or relative social incompetence (p. 410). Tizard (1953) furthers the links between educational performance and academic sub-normality.

Tizard (1953) explicitly sets aside the term “mental deficiency” in favor of the notion of “mental subnormality,” a phenomenon he characterizes as “a condition of incomplete general development of the mental function” (p. 232), which leaves open *the possibility of permanently stifled* intellectual development. Tizard (1953) perceives educational performance as an important element when attempting to ascertain whether or not a person is “mentally subnormal” (p. 424). For instance, Tizard (1953) cites a study in which “intelligence and educational tests” are

employed to determine students' mental sub-normality (p. 431). Tizard (1953) goes on to differentiate two forms of mental sub-normality. According to this scholar, the first type of sub-normality is so severe that this arrested development tends to "stand out" with apparent obviousness (p. 436). By contrast, Tizard (1953) typifies the second form of "mental subnormality" as "made up of individuals whose limitations are definitely related to the standards of the particular culture which surrounds them" (p. 436); those are the people he labels as "mildly subnormal" (p. 436). Consequently, Tizard (1953) views the mildly sub-normal as generally displaying disabilities that are "educational and social rather than physiological" (p. 436). Tizard (1953) estimates that "children considered educationally subnormal in different countries varies from 1% to 4%," though "a further 6% to 9% are so dull as to require special assistance within the normal school system" (p. 437).

Doll (1961) also draws a distinction between a mild and a severe form of mental sub-normality. Calling both mild and severe forms of mental sub-normality types of "mental retardation" (p. 487), Doll (1961) sees the severe type of mental retardation, which he calls "mentally deficient," as a "clinical category of over-all deficiencies and/or defects" (p. 489). On the other hand, Doll (1961) characterizes the mild form sub-normality as "intellectual subnormality," which he links to "subnormal academic achievement, but with over-all social competence sufficient for successful adult independence" (p. 487). According to Doll (1961), although those latter students should be "considered as normal people," the "intellectually subnormal children are academic slow learners" (p.487), meriting a "special grouping with a modified curriculum" and "placed in special class programs" (pp.

487-488). According to Doll (1961), these special *school* programs for the intellectually subnormal children treat them as "essentially average, or normal, in all major particulars except verbal intelligence and scholastic achievement" (p. 489). Doll (1961) emphasizes that the "essential characteristic" of the "intellectually subnormal" student is "one of verbal scholastic retardation, or academic inaptitude" (p.488), warranting the ample "availability of various kinds of vocational or manual education materials" in their programed curriculum (p. 489).

While conceiving mental sub-normality as "incomplete or insufficient general development of the mental capacities" (p. 361), Knobloch and Pasamanick (1962) demarcate two sources of such sub-normality. Their analysis separates "mental retardation," which they define as "educational and social performance markedly lower than would be expected from a knowledge of intellectual abilities," from "mental deficiency," which they define as reduced "mental capacities" arising from "pathological" (biological) causes (p. 361). Knobloch and Pasamanick (1962) go on to suggest that, whatever its specific manifestation, mental sub-normality is ultimately "closely equated with school performance" (p. 268).

The idea of sub-normality as a sort of arrested mental capacity, linked to either mental retardation or diminished intellectual abilities, becomes closely connected to substandard, and therefore subnormal, academic performance in subsequent education literature. For instance, in criticizing the placement of "socioculturally deprived children" (children from diverse cultural and linguistic backgrounds) into segregated special education classrooms (pp. 5-21), Dunn (1968) fears that the designation of mildly retarded ("educable mentally retarded") for

those students will become a “self fulfilling prophecy”: their educational treatment will turn them into regular “mentally retarded” students (p. 9).

Consequently, in arguing for the integration of these “slow learning children” into regular classrooms, rather than educating them with “disability labels” in segregated special education classrooms, Dunn (1968) is arguing against labeling those students as severely subnormal – that is, as mentally “retarded” – rather than as relatively mildly subnormal, that is, as “slow learners” (pp. 6-9). Dunn (1968) contends that the “disability label” academically hurts “slow learners” by engendering “feelings of inferiority and problems of acceptance” (p. 9), even as he underscores studies in which “children who had been arbitrarily labeled rapid learners” exhibit greater “intellectual gains” than other students (p. 9). Nevertheless, the assertion remains: types of sub-normality characterize *both* the culturally/linguistically minority student and the *officially* disabled student. Yet, from a social constructionist perspective, sharing this common trait, as subnormal educational categories, not only might make it difficult to differentiate between LEP and LD students, but it might also make it more likely that those two groups of students will experience similar treatment within the educational system, perhaps eventually resulting in *similar academic trajectories*.

Moreover, according to Neisworth and Greer (1975), there exists “considerable overlap” between the learning difficulties of the “educable retarded” and the learning disabled to warrant “similar instructional strategies” (p. 20). Perhaps it might not be unreasonable to suggest, given how culturally/linguistically minority students have been educationally linked to subpar academic performances,

that the existence of such a conceptual mindset, with respect to students who are viewed as sub-normal performers, may well *leak* into the educational system's approach to LEP students, who have often been characterized as subnormal relative to the academic performance of monolingual, white, middleclass students. In other words, if sufficient overlap exists with how LEP students are *unofficially* depicted – as educationally disabled – then perhaps such circulating portrayals may have given rise to educational strategies or approaches that have rendered educational outcomes not too dissimilar to those experienced by students who have been officially labeled as disabled.

In any event, other studies have associated the idea of sub-normality with educational disability. For example, Hallahan and Kauffman (1977) observe that the "learning disabled" student moves toward "underachievement," given how "mildly retarded and emotionally disturbed children also underachieve relative to mental age expectations" (p. 145). Similarly, while reiterating how "learning disabilities remains largely a category of underachievement" (p. 73), Ysseldyke, Algozzine, Shinn, and McGue (1982) also find, in their specific study, considerable overlap in how both non-LD students and LD students perform similarly in many psychoeducational tests (pp. 82-84). This situation, once again, suggests that the idea of sub-normality is not exclusively linked to students who have been officially recognized as learning disabled, but rather, has also been explicitly tied to a number of student groups who have been portrayed as underperformers vis-à-vis students who have been used to establish educational normality.

For their part, Frankenberger and Fronzaglio (1991) confirm the widespread use of student group comparisons in efforts to determine subnormal academic performances in situations that cross reference student scores with “deviations from grade level expectations” and “standard score comparisons” (p. 495). Indeed, according to Vellutino, Scanton, and Lyon (2000), IQ tests, which compare students within age groups, have a long history of being used to not only establish normal educational performances, but also to establish a hierarchy of academic performers, with IQ scores deployed to determine, for example, a student’s “ability to learn to read” (p. 224). Consequently, any standardized educational test, whether an IQ test or a standardized English curriculum test, one aimed at standardizing/normalizing academic performance within a diversely talented and diversely culturalized student population will almost inevitable end up producing an officially unintended effect: what Apple (1993) calls a distinctive “social function” – namely, the educational stratification of students “according to how their cultural communities rank along the criteria taken as the ‘standard’ “ (p. 232).

In more recent years, while acknowledging that the label *intellectual disability* has been replacing the term *mental retardation*, Schalock et al. (2007) observe how the new term might be viewed as “less offensive” to people with disability (pp. 116-118). Moreover, while education literature on LEP students has not generally explicitly/officially characterized the LEP category as signifying any sort of educational/intellectual disability, this current work has historically analyzed education literature that portrays many LEP students *as if* they fitted some sort of definition of disability. In other words, while LEP students have generally not

been *officially labeled* as educationally/intellectually disabled, they have been publicly portrayed, and therefore, *defined* as if the term *disabled* applied to them.

Indeed, the construct of disability, as conceptualized by Schalock et al. (2007), is compatible with a reasonable interpretation of how many LEP students have been portrayed in education literature as academically disabled. For example, when Schalock et al. (2007) associate "the construct of disability" with "the expression of limitations in individual functioning within a social context," one which "represents a substantial disadvantage to the individual" (p. 117), *such a construct* is compatible with the idea of seeing LEP students as limited functioning people within what these scholars have called "the context of community environments typical of the individual's age peers and culture" (p. 118). Put differently, whether the LEP student is monolingual, bilingual, American born, foreign born, or American raised, their existence and identities are largely contextualized within an *American educational/cultural milieu* in which their academic/intellectual performances are strongly identified as *subnormal*, whether explicitly or implicitly, vis-à-vis the performance of American, monolingual, white, middle class, students in American schools.

According to Waldschmidt (2005), "average normality involves comparing people with each other in light of a standard" (p. 193), with most people (including students) falling within a bell curve distribution area of academic abilities that, according to Fendler and Muzaffar (2008), has been identified with "the Average Student" – namely, the normal student (pp. 63-64). By contrast, academic sub-normality can be seen as a form of what Rapley (2004) calls "intellectual disability,"

which he identifies as a type of "diagnosable" intellectual "disorder," maybe arising from what Tizard (1953) has called "a condition of incomplete general development of the mental function" (p. 423). Within such an educational context, Fendler and Muzaffar (2008) speculate on the possibility that if "people believe that the bell curve represents the ways things are in nature" (p. 64), then perhaps some educators may begin to think that it is reasonable to accept certain degrees of student educational failure, what Fendler and Muzaffar (2008) have called the "inevitability of failure" among groups of students who fall *outside the average zone* of the educational bell curve – namely, the failure of those students who are routinely perceived, or historically viewed, as dwelling inside the "natural" bell curve zone of educational sub-normality.

Signaling the Academic Disability of the LEP Student Within the NCLB Era: Affirming Academic Disability Through the Portrayal of the LEP Student Sub-Normality

Portraying LEP Students As An Abnormally Low Academically Performing Group

Plenty of educational literature depicts the LEP student group as an essentially low performing group. For example, the United States Government Accounting Office (2006) characterizes LEP students as experiencing unusually noticeable "difficulties" in "reading, writing, or understanding English that interfere with their ability to successfully participate in school" (p. 1). The depth of these "difficulties" experienced by LEP students helps define them: these are academic difficulties that abnormally deviate from less profound, or less intractable,

difficulties experience by other student groups. For instance, according to Park, Lawson, and Williams (2012), LEP Hispanic students are such extreme underachievers that their math scores on NAEP tests (National Assessment of Educational Progress) are strikingly below the scores of other non-LEP Hispanic groups, even though these non-LEP Hispanic students are characterized as a "lower-performing subgroup" (p. 256). Moreover, Kim (2017) describes LEP students as such negatively associated *outliers*, in terms of academic performance, that they "significantly underperform on almost every measure of academic outcome" (p. 2). Therefore, it should hardly be surprising that Kim (2017) cites a study in which "schools' low expectations for ELLs (LEPs)" is viewed as a "significant factor that impedes the students' academic attainment" (p. 6).

Many studies reveal the academic sub-normality of LEP students by emphasizing their out-of-the-ordinary high school dropout rates. For instance, Sheng, Sheng, and Anderson (2011) stress how LEP students are "more likely to drop out of school than their English-speaking peers" (p. 98). Similarly, Khong and Saito (2014) unintentionally reaffirm the educational sub-normality of LEP students by pointing out that LEP teachers continuously face the "challenge" of having to cope with students that are well known for "low academic achievement and high dropout rates" (p. 217). In fact, Williams, Ernst, and Haui (2015) remind us how "nearly half the states graduated less than 60 percent of students with LEP in 2010-2011" (p. 41). In short, significant education literature associates the LEP student group with a relatively uncommon – when taking into consideration the totality of students attending schools – academic feat: elevated school dropout rates. In other words,

when it comes to academic normalcy, LEP students are depicted as true statistical outliers.

Revealing LEP Student Sub-Normality through Academic Comparisons with Non-LEP Students

The educational sub-normality of LEP students becomes unequivocally clear, and more easily detected, when the education literature directly compares the academic performance of LEP students with the performance of non-LEP students. Comparing general academic achievement between LEP students and non-LEP students is often done in education literature. Referring specifically to “academic achievement,” McCardle et al. (2005) stress how “culturally, linguistically, and ethnically diverse” student populations have “not kept pace” with “their White, middle-class, peers” (p. 2). GAO (2006) concurs with that assessment, unambiguously stating how the LEP student population scores lower on both “state’s language arts and mathematics tests,” including in almost “two-thirds of the 48 states for which we obtained data” (p. 13). Indeed, according to GAO (2006), in all the 49 states where data was available, LEP students “achieved lower rates of proficiency than white students” (p. 18). What’s more, GAO (2006) determined that in 37 states “economically disadvantaged students outperformed students with limited English proficiency, while students with disabilities outperformed those students in 14 states” (p. 18). Furthermore, Umansky and Reardon (2014) allude to at least four studies indicating how “Latino ELs face large and enduring achievement and attainment gaps compared with other students” (p. 881).

Other studies also underline the comparative academic sub-normality of LEP students with regard to academic achievement, including, more specifically speaking, reading achievement. Abedi (2004) finds that "analyzes suggest that the performance differences between LEP and non-LEP students" is at its "largest in reading (the highest level of language demand)" (p. 8). Moreover, in another interesting study, which compared language minority students (both with limited English proficiency and without English proficiency limits) and "native English speakers," the reading trajectories of those three groups were followed from kindergarten to fifth grade (Kieffer, 2008, p. 865). In that study, Kieffer found that language minority students "who entered kindergarten with limited English proficiency had large, persistent deficiencies in English reading achievement" by the time they reached fifth grade (p. 865).

Inferring the Educational Sub-Normality of LEP Students by Examining the LEP/ELL Label

Linse (2013) criticizes the term ELL (English Language Learner), which tends to replace the LEP term in much of the education literature, since she believes it tends to hide students' non-English linguistic strengths (pp. 113-114). Indeed, the denial of an LEP student's non-English language, plus the sense that this student is *still* learning English, might give the impression that this student is either sub-normally lagging behind others linguistically (a *slow* learner), or she/he is more languageless that *most* American students. In addition, Linse (2013) finds the ELL

term “confusing,” since English is not only “a home language,” but also “an academic subject at school” (p. 114).

Linse’s preoccupation is important not only because many students labeled LEP/ELL actually speak English at home, but also because the English they speak in schools may be implicitly considered sub-normal: it may not sufficiently approximate the vernacular English spoken by a majority of white middle class students, which often does approximate academic English. Linse (2013) insightfully suggests how “individuals who speak English as a home language and receive English medium instruction could technically be classified as English Language Learners” (p.115). Such a situation suggests that the LEP student’s linguistic sub-normality may partially stem from the supposedly subpar academic qualities embedded in the type of English spoken by many LEP students, particularly those high school students who study as long term LEP students. Within this context, perhaps it might not be overly speculative to add that one’s preference for the term English Language Learner might sometimes arise from one’s reluctance to regularly employ the more openly/*explicitly* disabling term – namely, the LEP term.

The LEP student label can also connote educational sub-normality in other ways. Khong and Saito (2014) note how LEP students might be “considered problematic” because of, among other things, “a popular belief that newcomers do not wish to learn English and they waste the investment the country makes in their education” (p. 212). Seen from that perspective, the LEP designation confirms the existence of a sub-normal population, one *not sharing* the majority’s faith in the propriety of English language education in American life. In addition, Khong and

Saito (2014) think "the biggest institutional obstacle" for teaching LEP students emerges from "inadequate in-service and pre-service training, despite the importance of preparing teachers" to educate this student population (p. 214). This situation, if true, might highlight a willingness by a majority of the most powerful education stakeholders to neglect the educational needs of a relatively atypical student group, one perhaps viewed as unworthy of normal treatment, at least resource allocation-wise.

Educational research indicating an *extended* English language learning timeline for LEP students might suggest this situation is an indicator of *reduced* academic subject matter learning, if not *slow* learning, among the LEP student group vis-à-vis the white, middle class, English "proficient" student group. Therefore, while constituting a *demographically outlier* group – about 10/11 percent of the national student population – the LEP student group might also be viewed as an *educational outlier*. For example, Umansky and Reardon (2014) state that for LEP students, oral English proficiency tends to develop "after 2 to 5 years while academic proficiency may take 4 to 10 years or longer" (p. 882). This might mean, among other things, that while normal (non-LEP) student take normal/regular English language classes, many LEP students are presumed to be placed in less linguistically taxing or less linguistically complex English classes, and perhaps even less complex introductory science and high school math courses. Expressed differently, the LEP student's sub-normal English language skills may be associated, both in education literature and in the general public's imagination, with an *unusually* less challenging coursework trajectory for an intellectually limited LEP student group.

Moreover, that inferred academic portrayal of the LEP student group as academic underachievers may also arise out of the nature of the LEP label itself, even in the absence of concrete evidence that confirms the LEP student's less academically challenging course. In fact, regardless of whether or not traditional measures of academic achievement are credible or not, or whether LEP students are afforded an educational context in which they can become college-bounded educated, the portrayal of the LEP student group as an educational sub-normal group, a group almost depicted *as if* they were slow learners, *remains* historically present in education literature. In a more statistical context, Umansky and Reardon (2014) examined studies suggesting "that the road" toward the reclassification of LEP students as English proficient students is a "long one," at least for potentially slow learners, taking these students "4 to 10 years" (p. 882), while "roughly a quarter are never reclassified" as English proficient (p. 902). In a more sociological context, Umansky (2016) recognizes how "both the classification itself and the services that accompany the classification are often stigmatized" (p. 715). Ultimately, Umansky (2016) goes on to summarize research in which both students and teachers appear to "associate" LEP students with "negative stereotypes including being *less academically able* (my italic), passive, unmotivated, and less socially integrated" (p. 716).

CHAPTER 5

Conclusion

The Uniqueness of this Study

This historically inflected study is unique in a multiplicity of ways. Unlike other studies on the identity of LEP students in the United States, this study uniquely applies a theoretical framework of socially constructed disability to education literature that touches upon the educational identity of LEP students from 1960 to 2017. Indeed, this study focuses on how LEP students have been, and continue to be, conceptually conceived as educationally disable, as unable, given their intractable incapacities ("handicaps"), to learn as normal/ordinary American students, though remedial programs could be seen as potentially lessening the educational impacts of these incapacities. While other interpretations of the LEP student identity tend to analyze these students' identity through the prism of cultural/educational deficiencies (deficits), this study analyzes the LEP student identity through a prism of socially determined educational disabilities.

Therefore, this study uniquely moves away from only interpreting the LEP student identity as culturally deficient (suffering from deficits). Instead, rather than highlighting how the LEP student is an able student with fixable educational deficits, this study highlights how the LEP student is, in reality, *unofficially recognized as a category of disability*, rather than just a category of academic deficiency. If the LEP student category is only a category of deficiency or deficit, then perhaps the undeveloped academic skills of LEP students may well constitute a temporary

obstacle toward educational normality. However, if the LEP category is unofficially conceived as if it were a category of disability, then perhaps those students are viewed and treated as if their educational abnormality or sub-normality is a permanent educational condition, one that can be managed remedially as an educationally chronic condition, as an ongoing affliction of educational sub-normality. By contrast, from a traditional student deficit orientation, it is more likely to see these educational deficiencies/deficits as fixable within student deficit/asset orientations. On the other hand, a socially constructed view of educational disability makes it more likely to accept the possibility that, in fact, these LEP students are being conceptualized and treated as permanently damaged or perennially sub-normal, unable to ever fully display the educational skills of average/normal American students. In other words, if the LEP student may be unofficially defined/ viewed as a category of educational disability, then perhaps it is easier for a variety of educational stakeholders to recognize how such an educational category (the LEP category) is compatible or equivalent to seeing LEP students as *permanently limited functioning students*, even when *marginal* educational improvements are always remedially possible. Consequently, perhaps it is time to more fully call into question the usefulness of our current conceptualizations of LEP students and the LEP student category, perhaps replacing it with newer, more useful, if not less destructive, ways of viewing these multilingual students.

In any event, while applying a social constructionist lens of academic disability, this study uniquely historically traces the presence of educationally disabling elements embedded in the academic identity of LEP students, as depicted

in broadly disseminated education literature – plus the Bilingual Education Act of 1968 and the No Child Left Behind Act of 2001 – from 1965 to 2017. In tracing the historical evolution of the LEP student category, this study links its conceptual roots to the Elementary and Secondary Act of 1965, which, among other things, initially establishes the disadvantaged/culturally deprived student category, a broad student category designed to better educate what were characterized as culturally deprived student groups, such as African Americans, immigrant students, Hispanic Americans, and Appalachian Whites. Subsequently, with amendments to that education law in 1968, the LEP student category is created, emerging as a distinctive subcategory of the general culturally deprived student category. Indeed, it is with the inception of the culturally deprived student category that the roots of academic disability are initially, in a genealogically figurative way, embedded into the LEP student category, giving rise to historically evolving traits of disability that are gradually incorporated, over time, into the LEP student category. In other words, this study traces the conceptual evolution of embedded traits of academic disability in the LEP student category.

With the establishment of the Elementary and Secondary Education Act of 1965, which formed part of President Lyndon Johnson's War on Poverty, the American culturally deprived/disadvantaged student category becomes legally affirmed. These "educationally deprived" and "disadvantaged" students are educationally described as culturally deprived in a multiplicity of ways, both in government publications and in non-governmental education literature. Keeping in mind that general pool of deprived students, the Education Act of 1965 is amended,

through the Bilingual Act of 1968, creating a figurative subspecies of disadvantaged American students, which are then assigned, both formally and informally, to a special student category – namely, the LEP (Limited English Proficiency) student category. In short, these are culturally "disadvantaged" students, who *also* are designated as limited English language proficient, which, of course, is also viewed as an educational disadvantage, given the high educational value placed on middle class, standard English monolingualism.

By analyzing educational literature over time, this work establishes a salient claim that anchors this study: a close analysis of the language used in this education literature affirms, in a variety of ways, the *enduring* historical presence of a portrayal of LEP students *as if* they were academically disabled students. Consequently, while the LEP student category is not *officially* recognized as a category of learning disability, and therefore, it is not officially *labeled* as such, important education literature, reflected in circulating scholarly work, explicitly and implicitly, *unofficially* constructs/defines, at least partially, the LEP student identity *as if* this group of students, to varying degrees, display identifying elements of academic disability. Expressed differently, even if the word *disability* were never to appear in the literature, elements that reasonably *define* academic disability appear repeatedly throughout education literature. Therefore, the social construction of LEP students, as conveyed in education literature, contains elements of student identity that signify academic disability embedded in the LEP student category.

The education literature of the 1960s and 1970s reinforces major academically disabling elements that appear as embedded in the educational

identity of LEP students. The LEP student is often viewed as plagued by a wide array of sociocultural deprivations, producing educationally inhibiting "handicaps" and educationally connected "deficits," from culturally induced mental "retardation" and educational sub-averageness, to "organically impaired" forms of mental "retardation" and academic sub-normality. The education literature analyzed throughout these years suggests the *persistence*, some might say the *permanence*, of the portrayal of LEP students as disabled students, as sub-normal students, unable to perform verbally and conceptually as well as the normative others: the white, middle class, English monolingual students. This education literature also suggests a variety of explanations for such educational sub-normality, often rooted, to varying degrees, on a broad configuration of sociocultural disabilities: the intractability of educationally inhibiting home environments, the presence of an atrophying socio-economic status, their subnormal intellectual/academic/biological development, their defective social class mores, and their educationally stifling non-English cultural heritage.

The Bilingual Act of 1968 is conceptually designed in ways that, whether inadvertently or not, undermine the emergence of student bilingualism and historically absorbs the academically disabling elements embedded in the portrayal of the disadvantaged, "limited English-speaking" student – namely, the LEP student. This Act exists situated within an educational context in which education literature links a student's cultural deprivation, including linguistic deprivation, with disabling/subnormal oral development. Throughout the Bilingual Act's preoccupations, an LEP student's orality often appears to take precedence over their

literacy, though in the world outside the Act literacy greases the wheels of academic achievement, especially when measured through written standardized tests. What's more, the Bilingual Act becomes enacted within an educational context in which many LEP students are viewed as if they came from "primitive," pre-modern, illiterate or semi-literate cultural backgrounds, with families fleeing to a modernizing, and therefore, Americanizing, United States. Within such a social/educational context, the educational treatment of LEP students becomes, in part, a process of adjusting one's education of LEP students, accommodating to their cultural "backwardness," particularly when dealing with children from apparently illiterate or semi-literate families (in non-English or English). Stripping, or watering down, the LEP student of their academically disabling alienness, of which a non-English language is seen as perpetuating, becomes an acknowledged feature in education literature that contextualizes the Bilingual Act. Therefore, the characterization of the LEP student and their education becomes an opportunity to educate those LEP students in ways that account for their sub-normalities vis-à-vis the normative – and thus educationally prioritized – white, middle class, English monolingual American student.

Important education literature of the 1980s continued to characterize LEP students as academically disabled in distinctive ways: they are stifled by non-English language skills that either interfere with English language learning or are educationally irrelevant to academic learning; they are conceptualized as if they are suffering from debilitating learning afflictions, or meriting educational treatments

similar to those taking place in special education classrooms; and they are weighed down by academically disabling forms of cultural alienness.

With the dawn of the 1990s, education literature reaffirms the academic disabilities of LEP students. While the presence of academically disabling elements in the social construction of LEP student categories continue to make it difficult for educational personnel to distinguish the LEP student from the officially disabled student, the presence of a non-English linguistic repertoire continues to be viewed as interfering with English language learning. In addition, familial life and a non-English cultural heritage continue to be associated with an LEP student's subpar academic performance. As a result, LEP students are treated as meriting, or deserving, less academically challenging coursework than normal, white, middle class, English monolingual students.

Inheriting the historical trajectory of the LEP student category, one which embeds a wide gamut of academic "difficulties" into the LEP student category, the No Child Left Behind (NCLB) Act of 2001 explicitly and implicitly reiterates academic disabilities contained within the LEP category. Among other things, NCLB conceives the LEP student as a sub-normally educable student. While inaccurately portraying language usage in the social environment of LEO students, the NCLB legislation mistakenly insinuates the presence of non-English languages in an LEP student's life as inherently academically disabling. Emphasis is placed on culturally Americanizing LEP students through English oral instruction, even if the quality of academic subject matter instruction is compromised.

Education literature in the NCLB era *continues t*o underscore the difficulty, for a variety of education personnel, of differentiating the LEP student category from the Learning Disable (LD)/Special Education student categories, *as if* the students in these various categories shared an inordinate amount academically disabling traits. The integration of LEP students into less academically challenging coursework trajectories signals the embeddedness of academic disability within the LEP student category. In addition, notions of student academic sub-normality, stemming from at least the 1940s, continue to conceptually shape the education literature on LEP students. Significant education literature from the NCLB era signals the academic sub-normality of LEP students by explicitly and implicitly comparing them to white, middle class, English monolingual students, and, in doing so, generating a collective portrayal of the LEP student group as academically sub-normal, though educable, but only within an educational context that takes into consideration their abnormal academic limitations.

Therefore, as already highlighted in the introduction of this study, this work affirms how education literature has portrayed LEP students *as if* they were academically disabled students, and, in doing so, has established five major ideas: first, this study confirms the idea that in education literature LEP students have historically been *defined as if* they were *unofficially* speaking academically disabled, despite *not* being *officially* labeled as students with learning disabilities; second, the historical origins of the educationally disabling identity of LEP students has been linked to the negative historical portrayals of other student groups, such as African Americans; third, this study reiterates the notion that LEP students have been

partially depicted in accordance with a deficit orientation toward their academic capacities; fourth, this study furthers our detailed understanding of how the portrayals of LEP students are both conceptually and historically linked to the educational depictions of certain student groups, such as African Americans; and fifth, this study potentially opens up new ways of seeing and understanding the historical portrayal of LEP students in education literature.

This language of academic disability has been historically circulating through education literature, reinforced in interlocking ways. As with any language, expressions of disability have gradually changed over time, though the language-based social construction of the LEP student as a sort of reservoir of educationally disabling characteristics has remained in place, anchoring a socially constructed educational identity, one plagued by embedded notions suggestive of academic disability. In general, with the passage of time, the portrayal of LEP student identity has become less explicitly condemnatory of their sociocultural identity as an insurmountable obstacle toward achieving educational growth and excellence. Nevertheless, a depiction of their academic disability continues, up until the present era, to remain firmly rooted in a socially constructed identity of academic disability, though fed by more *implicit*, and therefore subtler, notions of educational sub-normality and of comparative educational inferiority.

In talking about discursive practices – which this study closely examines – Young and Mao (2008) have claimed that “rhetoric” is “part of the knowledge-making process that is situated in every specific occasion of language use and that is always socially and politically constructed” (p. 4). In the case of LEP students, this

study has analyzed *rhetoric* that has helped educators define those students, and therefore, treat those LEP students in specific ways, many of which might be educationally disabling. Therefore, while Young and Mao (2008) acknowledge that rhetoric or language use can "challenge" (p. 330) all sorts of "representations that produce damage" (p. 330), and "engender" what they might call positive ways of "becoming" (p. 11), this historically-based study might make some of us wonder whether or not the everchanging river of life can ever stop carrying, or drag along, some form of undesirable debris.

And yet, it is hoped that this study might contribute to deepen our collective understanding of how the social construction of the LEP student identity is conceptually and historically linked to academic depictions of other poorly served student groups in our educational system, particularly in the case of African American students, who have also been historically characterized as academically disabled within America's educational system. At a minimum, applying a social constructionist lens of academic disability might eventually help us open up new ways of perceiving, understanding, or grasping the conceptual permutations that have accompanied the expression of elements of academic disability that have been historically embedded, within education literature, in the depiction and characterization of LEP students and the LEP student category.

The precise strength of the presence of educationally disabling elements in the socially constructed identity of LEP students remains a somewhat open question in this study. A different theoretical framework applied to the educational literature that was examined could have found that these educationally disabling elements

were present in the social construction of the LEP student identity but that the positive elements in the social construction of the LEP student could have been more strongly present in their identity than the negative elements in determining their overall educational identity.

Nevertheless, given how much multicultural education literature has revealed ways in which minority students, including LEP students, have been found to be academically deficient, this study initially assumed that it was possible to find the existence of some deficient/deficit elements embedded in the social construction of the LEP student identity, though this study wanted to experiment with a new approach on how to uncover and interpret those and other perceived student weaknesses. In addition, this study wanted to connect, if the evidence from the literature warranted it, the deficient/deficit orientations associated with other student groups, such as African American students, with the socially constructed identity of LEP students. More importantly, this study aimed at deepening and providing a more nuanced understanding of the manner in which LEP students have been historically identified as educationally disable, doing so without quantitatively measuring the strength of that disabling social construction, but rather, by focusing on its persistence and evolution over an extended period of time. In any event, this researcher used the UW-Madison database of General/Multidisciplinary articles ("Academic search") and the Education Database ("Education Research Complete") to locate much, though not all, of the study's education that specifically touched upon the identity of the LEP student, though my selection of the stratified sampled

literature might have been done differently by another researcher, especially if they use a different conception of explicit or implicit student identity.

Another limitation of this study is that while it focuses on how the LEP student is socially constructed in education literature, classroom teachers were not interviewed, nor were classrooms systematically observed in an effort to ascertain whether or not the literature's social construction of LEP students either reflected or shaped the teaching practices of classroom teachers in specific ways. Such a limitation for this study inherently arises from the limited scope of this inquiry, as specified by its literature-oriented research questions. Nevertheless, the study's literature analysis opens up the possibility that future investigative endeavors could compare classroom practices with some of the findings of this study.

Finally, it should be noted that while this historically inflected study does provide some historical context for the unwrapping of discourse within education literature, the study does not deeply delve into the historic social, political, and cultural forces that would give a reader a better understanding of the societal forces – outside education literature – that have shaped the emergence of the educationally disabling elements embedded in the LEP student identity. Thus, for example, this study does not systematically analyze the dominant historical forces that equate American identity with English language monolingualism. Nevertheless, this relative lack of historical information stems, in general, from two factors inherent to this study: first, from the study's narrow focus on analyzing education literature as it unfolds over an extended period of time; and second, from *reliance on the education literature itself*, rather than on academic historians, to provide historical context

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