

## **Barriers to Inclusion of Culturally and Linguistically Diverse Students**

Author: Sheila L. Macrine  
Associate Professor  
Literacy Department  
New Jersey City University  
[NMacrine@aol.com](mailto:NMacrine@aol.com)  
Tel : 201-200-3521

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## **BARRIERS TO INCLUSION OF CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS**

### **Introduction**

Changing demographics predict that by 2040, more than half of the K-12 school population in the U.S. will be from culturally and linguistically diverse (CLD) populations increased diversity has meant that a significant number of students speak a first language (L1) other than English. Researchers have noted that despite these changing demographics, there is a dearth of research about culturally and linguistically diverse (CLD) students and disparity in providing appropriate education for these students (Leake & Black, 2005; Falconer, 2005 & Brynes, 2003). There is even less scholarship about CLD students with disabilities.

While it is a given that all students with disabilities have to overcome significant challenges not faced by their peers without disabilities, these challenges are especially difficult for students with disabilities from culturally and linguistically diverse (CLD) backgrounds. Therefore, when compared to non-CLD students with disabilities, the CLD students with disabilities are more likely to face barriers to success based upon language and social differences, negative effects of having grown up in poverty, and difficulty processing 'standard English' oral and written information, all of which contribute to their risk of school failure (Leake & Cholymay, 2004; Greene & Nefsky, 1999). It has also been argued that students with disabilities comprise a CLD group whose members, like members of other minorities, are often stereotyped and subjected to negative perceptions and low expectations. From this perspective, many CLD persons with disabilities face a double burden of discrimination (Fine & Asch, 1988).

Sonia Neito (1996) writes that educational equity can be framed in terms of both equal opportunities and outcomes, including both the contexts in which students participate in educational experiences and the extent to which those experiences enable their academic growth. Therefore, it is imperative that we recognize not only the dearth of research in the area of educating CLD students without disabilities, it becomes even more important to recognize the needs of educating CLD students with disabilities and to challenge some of the special education policies for their inherent exclusionary practices (Ferri & Connor, 2005). Only then can we aim to educate “all” children for participation in democracy (Giroux & Schmidt, 2004; Furman and Shields, 2003). In this article, I outline the major challenges faced by CLD students with disabilities and how these challenges create barriers to school success and prevent success after school. It is therefore imperative to interrupt these practices and to furnish a different “way of talking that can unpack, inform, critique but still imagine what could be” (Fine, 1991, p. xiii) in education of CLD students.

### **Equity and the Challenges Faced by CLD Students with Disabilities**

As this population grows nationally (Census, 2000), many CLD students exhibit significant needs that can impact school success including: low socio-economic status, English as a second language, disabilities, first generation to consider postsecondary education, and cultural/familial differences. These concerns become monumental tasks to overcome for many of the CLD students with disabilities. The barriers to success for the CLD students have also acquired a new intensity and urgency, particularly in light of: 1) the increased competitiveness caused by globalization and pluralism of Western industrialized societies; 2) the increased diversity in school populations (Furman and Shields, 2003; Goldring & Greenfield, 2002); 3) the inadequate preparation of teachers to meet the needs of CLD students (Carrol, 2003); and 4) the achievement and economic gaps between mainstream and CLD students with and without disabilities (Coleman, 1990; Bowles & Gintis, 1976; Valenzuela, 1999). To further complicate this, the National Longitudinal Transition Study found that compared to non-CLD students with disabilities, the CLD student with disabilities achieve significantly poorer transition outcomes, lower employment rates, lower average wages, and lower postsecondary education participation rates (Blackorby & Wagner, 1996). As a result, these barriers for the CLD student with and without disabilities make the concepts of equity, social justice and democracy even more important concerns in schooling and education.

### **Over-representation of CLD Students in Special Education**

One of the most complex issues in the field of special education today, and has been a concern for nearly four decades, is ‘disproportionality’ which refers to the

‘overrepresentation’ and ‘under-representation’ (e.g., gifted programs) of a particular demographic group in special education programs relative to the presence of this group in the overall student population. The recent reiteration of the Individuals with Disabilities Act (IDEA) of 1997, the IDEA of 2004 legislation attempts to address this need by requiring that all States must develop a plan, establish targets and meet them in the provision of a free appropriate education, general supervision, transition services, and address the disproportionate representation of CLD students in special education or who are identified as special education students. It has also dictated that Nondiscriminatory Assessment be conducted with CLD students in consideration for Special Education services. However, when it come to the CLD student population, they continued to be over identified and placed in special education at rates that are significantly higher than the overall national rate. In additional, appropriate culturally relevant assessment tools have yet to be developed.

In an effort to identify factors related to disproportionality, researchers have examined relationships between the school district or student and family characteristics and special education enrollment (Artiles, 2003). One of the correlates to disproportional over-identification in the literature suggests: the levels of poverty in the school district (Coutinho, Oswald, Best, & Forness; Donovan & Cross, 2002), including the level of White poverty (Eitle, 2002); percentage of CLD teachers (Serwatka, T., Deering, S., & Grant, P., 1995), teacher credentials and student-teacher ratios (McDermott, 1994); and school desegregation politics (Eitle,2002). This disproportionality exists in various forms and at different levels and can be present in any or all of the following ways (NICHCY, 2007):

- National, state, and district level over-identification of CLD students as disabled;
- Higher incidence rates for certain CLD populations in specific special education categories, such as mental retardation or emotional disturbance;
- Significant differences in the proportion of CLD students who are receiving special education services in more restrictive or segregated programs;
- Excessive incidence, duration, and types of disciplinary actions, including suspensions and expulsions, experienced by CLD students.

There is further documented evidence pointing to the over-representation of academically low achieving CLD students that are disproportionately placed in special education (Daunic, Correa, and Reyes-Blanes, 2004). For example, in 1992, Black students accounted for 16% of the total U.S. population, but represented 32% of students in programs for mild mental retardation (Burnette, 1998). Yet, relatively little is known about the percentages of CLD and ELL students in special education, however, recent research points to a greater chance of placement in more segregated educational settings than did their peers. These inequities are troubling

and suggest that CLD students who are placed in special education classes have restricted access to general education and miss important opportunities to interact with peers who can provide appropriate language models for English language development.

Additional factors in the overrepresentation of CLD students in special education, include the racialized notions of ability (Ferri & Connor, 2005), as well as, the growing injustices in schools, i.e., national policies of accountability, high stakes standardized testing (Hursh, 2008), No Child Left Behind (Gabbard, 2004; Macrine, 2004); and the neoliberal policies of privatizing, downsizing and retrenchment (Pothier and Devlin, 2006; Furman and Shields, 2003; Larson & Ovando, 2001; Macedo, 1994).

## **Inclusion**

While persons with disabilities are marginalized, the intent of reasonable accommodations continues to be misunderstood, and the existence of the CLD group with disabilities in education is barely acknowledged (Rocco, 2002). Inclusion is supposed to provide equity and access for all students with mental and physical disabilities, both academically and socially, in the general education classroom but for the CLD student the likelihood of being included is difficult for a number of reasons.

Historically, disabled students were segregated and, mostly, housed in institutions. A policy shift toward more options for inclusion for special needs students, who were denied access to the mainstream, came about through concerted efforts by parents, legislators (Miller, Strain, Boyd, Hunsicker, & Wu, 1992), and professional organizations (Division for Early Childhood, 1993). In 1975, Congress had determined that millions of disabled students were still not receiving an appropriate education, noting that more than half of the handicapped students did not receive the services which would enable them to have equal opportunity (EAHCA, 1998). To fix this situation Public Law 94-142 of 1975 was passed, providing all students with a Free and Appropriate Public Education (FAPE) and funding for disabled students in Least Restrictive Environments (LRE) in special education programs.

Mainstreaming was adopted in an attempt to keep the LRE requirement in P.L. 94-142 and included disabled students participating in the nonacademic portions of the general education curriculum (CEC, 2003). Students with special needs would receive their academic instruction in special classes and would spend lunch, art, recess, etc... with their non-disabled peers. However, advocates for special education noted that mainstreaming provided far too little regular instruction, support, or accommodations for students with special needs (CEC, 2003).

In response, legislation called the “Individuals with Disabilities Education Act Amendments of 1997,” or IDEA 97 (now Public Law 105-17) stated that students could not be excluded from the regular education classrooms because of their disabilities. The law requires that a continuum of services be made available for every student (CEC, 2003). Out of this legislation the ‘inclusion’ of students with disabilities in regular classrooms in the least restrictive environments (LEA) evolved (CEC, 2003). Inclusion meant that there would be a commitment to every child, to the maximum extent, to be included in the classroom he/she would regularly attend (Stainback & Stainback, 1990) – rather than pulling out the child for these services. So, inclusion was supposed to encompass all of the needs of every student with disabilities within the regular classroom (Hollaway, 2001). However, there have been a number of problems associated with special education diagnosis and placement in inclusive classrooms based on race, class, and gender.

### **Exclusion of CLD Students**

The disproportionate number of culturally and linguistically diverse students is among the most significant and intransigent problems of special education according to the National Research Council (2002). CLD students (particularly male) and poor students are over-identified as having special needs, including: Learning Disability (LD), Mild or Moderate Mental Retardation (MMR) or Emotional Disturbance (ED), and as a result, they are then easily deemed inappropriate for inclusion. Disabled students of color also experience inadequate special education services, low-quality curriculum and instruction, and unnecessary isolation from their non-disabled peers (Johnson, 2004). Moreover, inappropriate practices in both general and special education classrooms have resulted in overrepresentation, misclassification, and hardship for CLD students, particularly black children (NRC). The continued significance of race as a predictor of special education disability identification, regardless of controls for a variety of other variables, leads to the contention that the process of special education referral and identification remains discriminatory (Ladner & Hammons, 2001; Losen & Orfield, 2002).

To achieve success many CLD students have to learn cues and have middle-class experiences in order to have school success (Grant & Sachs, 1995). CLD students, it seems, must transform cultural struggles to coincide with rules of existing institutional arrangements. In other words, the multicultural student must appropriate the ways of the dominant culture in order to survive. Indeed, the current American educational system serves primarily only to prepare middle-class children to participate in their own culture (Macrine, 2006; Saville-Troike, 1991; McLaren & Lankshear, 1993; Giroux, 1994), thus inadvertently subordinating other cultures not of the same ilk. Consequently, the quality of education that marginalized students receive can be predicted based upon gender, race, parents' income and

social class. The few students that succeed do so in spite of our educational agendas.

Social class or economic status also plays a significant role in over-representation of CLD students in special education. It follows that CLD students are disproportionately poor, and poverty is associated with higher rates of exposure to harmful toxins, including lead, alcohol, and tobacco, in early stages of development. Poor children are also more likely to be born with low birth-weight, have poorer nutrition, and environments less supportive of early cognitive and emotional development than their majority counterparts. The 18th Annual Report on Special Education to Congress suggested that poverty, and not ethnicity, is the most important factor influencing disproportion. Oakes and her colleagues explored how assumptions about race and class pervade school-based notions of ability as she quotes one teacher, "We all know that [tracking] has been a masquerade....for institutional racism" (Oakes, Wells, Jones, & Datnow, 1997, p. 482).

Since the NCR report, much has changed in both general and special education. The proportion of CLD students in special education has risen dramatically—to 35 percent in 2000 and an associated increase in the number of children served under the Individuals with Disabilities Education Act (IDEA). Many more of these students are receiving special education and related services in general education classrooms. Therefore, race, class and gender play an important role in the construction of learning disabilities.

## **Segregation**

To examine special education's exclusionary practices that segregate CLD students, we need to review the unfulfilled promises of two milestone pieces of legislation. Within the last five years, we have marked the 50th anniversary of the *Brown v. Board of Education* (1954) and the 30th anniversary of the Individuals with Disabilities Education Act (IDEA, 1975). The Supreme Court's *Brown v. Board of Education* (1954) decision concluded that in the field of public education the doctrine of "separate but equal" has no place and that separate educational facilities are inherently unequal. However, the Supreme Court left two glaring holes – it did not abolish segregation in other public areas, (i.e., restaurants and restrooms), nor did it require the desegregation of public schools by any specific time. It did declare the mandatory segregation that existed at that time in 21 states, unconstitutional.

IDEA (1975), taking its cue from *Brown v. Board of Education*, was enacted to eliminate the public school segregation of children with developmental disabilities. Before Congress passed the IDEA, nearly half of the nation's approximately four million disabled children were not receiving a public education (Losen & Orfield, 2002). The most recent reauthorization of IDEA in 2004 highlights the complex and

contentious issues of over identification and the disproportion number of CLD students in special education.

The illegal practice of racial segregation in schools was challenged; and dividing students according to ability has become a normalized category of marginalization for CLD students (Ferri & Connor, 2003; Kauffman & Hallahan, 1995). Furthermore, CLD students are over-represented in 9 of the 13 disability categories, and are more likely than white students to be placed in highly restrictive (exclusionary) educational settings (Losen & Orfield, 2002).

While race and disability histories overlap, they are distinct and support inclusion without connecting it to racial integration (Ferris & Connor, 2003). For example, white privilege and racialized concepts of ability have historically masked racial segregation. Today, CLD students still face increased segregation, with most attending sub-standard schools in economically disadvantaged areas (Macrine, 2006; Orfield & Eaton, 1996). *Brown V. Board of Education* highlighted the fact that segregation was indeed harmful and unequal. Unfortunately, recent statistics are not encouraging and suggest that many gains in desegregation have been lost (Ferri & Connor, 2005). Despite the United States becoming more diverse, schools have become more racially/culturally segregated (Frankenberg, Lee, & Orfield, 2003). The desegregation of CLD students and students of color, which increased continuously from the 1950s to the late 1980s, has now receded to levels not seen in three decades (Orfield, 2001). School desegregation and special education policies have both been criticized for contributing to two largely 'separate and unequal' school systems (Linton, 1998; Lipsky and Gartner, 1996).

Nearly 30 years after the Education of All Handicapped Children Act (P.L. 94-142), many disabled students, especially a disproportionate number of CLD students, remain separated from their peers because of culturally biased intelligence testing and unfair standardized achievement tests. According to Ferri and Connor (2003), overt racial/cultural segregating school practices have led to covert forms of racism, including some special education practices, for example, in the over identification of students of CLD students as disabled. Furthermore, racism and ability discourses have converged, permitting racial segregation to continue to exist under the guise of "disability." Ferri and Connor (2005) locate the over-representation of CLD students in segregated special education classrooms to the connected discourses of segregation and exclusion. Recent efforts to increase inclusion of disabled students in regular classrooms have resulted in similar resistance to school desegregation shortly after *Brown*. So even with the push for 'inclusion' practices the CLD students are still out in the cold.

Disability triggers cultural and racially disparate outcomes (Ferri & Connor, 2005). For white students, special education eligibility is more likely to guarantee access to extra support services, maintenance in general education classrooms, and accommodation for high-status examinations (Parrish, 2002). For CLD students, however, the opposite can be the case (Oswald, Coutinho, & Best, 2002; Parrish,

2002; Fierros, & Conroy, 2002; Osher, Woodruff, & Sims, 2002; Artiles et al., 2002). These different and disparate outcomes are particularly problematic given the disproportionate number of Black and Latino students identified as disabled and placed in highly segregated settings (Losen, & Orfield, 2002). The intertwined histories of school desegregation and special education, argue that race and disability should be understood as interactive social constructs and not distinct biological markers (Ferri and Connor, 2005). To address these concerns, it is appropriate for IDEA to give increased attention to racial, ethnic and linguistic diversity to prevent inappropriate overrepresentation or under representation of CLD children in special education.

Some overrepresentation of CLD students in special education may be due to the well-documented link between poverty and disability. However, overrepresentation of CLD students in some categories of disability significantly exceeds what would be predicted by the impact of poverty. Students must be served based on their educational needs. Since 1997, states are required to collect cultural/racial data and to intervene where overrepresentation is identified. Furthermore, there is no financial incentive in the law to over-identify students for special education. All students are required to have appropriate access to the general curriculum and to participate in local and state accountability systems.

## **Gender**

Gender has been treated either as a non-issue or an organizational pathology in much of the disability literature (Blackmore & Kenway, 1995, p. 237). Black and Latino males are more than twice as likely as whites to be labeled mentally retarded (MR) in 38 states, emotionally disturbed (ED) in 29 states, and learning disabled in 8 states (Parrish, 2002). These labels continue to be overly ascribed to CLD students, particularly Black and Latino males (Osher et al., 2002). As a result, they are far more likely to be removed from regular classrooms (Fierros & Conroy, 2002). In analyzing nationwide data collected by the Office of Civil Rights, Parrish (2002) concludes that white students are generally, “only placed in more restrictive self-contained classes when they need intensive services. CLD students, however, may be more likely to be placed in the restrictive settings whether they require intensive services or not” (p. 26).

## **Cultural Politics**

The socio-political context of education, particularly in light of the recent rise of the neoconservative tide, assumes that schools should produce human capital, while

legitimizing dominant definitions of knowledge and competence (Apple, 1996). Neoconservative reformers reason that, in an era of global competition, schools must produce skilled and competitive labor force. Implied in this position is that schools will have winners and losers (Apple, 1996; Varenne & McDermott, 1999). These policies have had dreadful consequences as they become embodied in what some call “backlash pedagogies” with little awareness of human capacities and possibilities (Gutierrez, Asato, Santos, & Gotanda, 2002).

As a result, schools and teachers have negative assumptions about students with disabilities in general and CLD students with disabilities in particular. Disability is currently seen as a medical condition that prevents students from achieving high academic standards. Viewing disability as a medical condition that exists within the individual student, leads to a pathological approach to assessment, diagnosis, prognosis and intervention as necessary to identify and manage the disability (Burden, 1996; Kriegler & Skuy, 1996; Archer & Green, 1996). In other words, the assumption is that we are already dealing with a defective individual who... is subjected to diagnostic classification, regulation and treatment (Slee, 1997). Adding to this notion of the defective individual, Naicker (1999: 13) states that the medical model constructs disability as an objective attribute, not a social construct and as a natural and irremediable characteristic of the person. The medical discourse model links impairment with disability and leads to exclusion because the persons with the disabilities are seen as inadequate human beings who are unfit to be included in mainstream economic and social life. (Naicker, 1999).

While some scholars address inclusion, their focus is on pluralism without examining the underlying power relations of how race, class, culture language and disability plays out in schools. Some disability educators have tried to address this concern (Johnson, 2004). Thousand et al. (1999) argue that Freirean perspectives can be used to promote inclusive education by eliciting voice from “students with special educational needs [who] often feel disempowered, disenfranchised, or silenced in school” (p. 324). Furman & Shields (2003), when critiquing the role of schools in perpetuating inequality, argue that: Injustice occurs when there is no space created into which students bring their lived experiences, their whole selves inquisitive worlds and the words, when some voices are silenced privileged (p. 17).

The interconnection of disability, race, class, gender, culture, language and sexuality is becoming more evident. Successful education of all students must be based on the belief that, with commitment, all students can learn. Belief is not dictated by policy, it is based on experience, values, and a commitment to the success of all students (McGhie-Troff, 1999). By understanding the ways in which these identities/locations/markers are constructed and positioned within the social structure of the US, can help to create understandings of social, political, and economic inequality. The emphasis will be on investigating how the different systems of inequality interact with each other.

Conclusions

For full emancipation, the issues of the CLD student and the disability culture, overall, must be relieved of the assumptions that marginalize them (Galvin, 2005). The paradox of concerns for the CLD student and the disability culture may be stated as follows: How can we develop social justice models of equity and access regarding inclusive schooling for CLD students with and without disabilities without falling into the same exclusionary practices that have served to create our divisive identifications in the first place? Conversely, how can we relinquish the practices (Galvin, 2005) of over-identification without losing the ability to claim identities? I argue that by extricating disabilities and inclusive school practices from their origins in essentialist assumptions, disability culture and inclusive school practices can be reinvigorated and positively identified. Ultimately, creating educational experiences to educate “all” children to fully participate in democracy.

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