Disability and Language Ideologies in Education Policy

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Through policy discourse analysis, this paper explores ideologies around language and disability in U.S. federal education legislation, specifically the *Individuals with Disabilities Education Improvement Act* of 2004 (IDEA) and the *Every Student Succeeds Act* of 2015 (ESSA). This exploration draws from the fields of language planning and policy and disability studies in education, which are both problem-oriented fields that rely on the examination of social problems. In considering disproportionality and discourses of ableism and racism, I argue that *de facto* language education policy implicit in IDEA and ESSA supports the model of a White, normal, abled student who speaks English. Furthermore, a medical model of disability is implicated in this legislation through psycholinguistic conceptualizations of language. This analysis has implications for future research to intersectionally address ableism in both special education policy and practice and to examine the institutional mechanisms through which students are deemed not normal, including a conflation of the needs of English Language Learners and students with disabilities, as well as the intersection of both.

Haitian Creole, Spanish, Patois, and other language varieties filled my New York City high school English language arts special education classrooms, with students collaborating, joking, gossiping, and deploying whatever communicative resources they had available. Even though these students demonstrated sophisticated linguistic practices and rich communicative repertoires, they were still positioned, through institutional and discursive processes, as lacking linguistic prowess because of their status as students with disability. As a special education teacher in an urban setting, the students with disabilities I taught were disproportionately students of color, particularly Black, male students.

Disproportionality is a useful entry point for considering how policy reflects ideologies around disability. This is the term given to the phenomenon of the overrepresentation or underrepresentation of certain groups of students receiving special education services, categorized by race, ethnicity, language, gender, socioeconomic status, or other factors (e.g., Bruce & Venkatesh, 2014; Donovon & Cross, 2002; Harry & Klingner, 2014; Sullivan & Artiles, 2011). For example, when compared to White children, Black and Native American children are overrepresented in special education, while Asian and Latinx students are underrepresented, particularly in what are considered the more subjective categories of disability, such as specific learning disability, speech or language impairment, and emotional disturbance (Donovon & Cross, 2002; Sullivan & Artiles, 2011). While racial disproportionality has been extensively explored, representation of English Learners (ELs) with disabilities has not. The research

that is available shows that ELs are a complicated category—Linn and Hemmer (2011) found that ELs were overrepresented in special education in districts with a greater number of ELs, while they were underrepresented in districts with low numbers of ELs.

Underlying these conflicting trends is the fact that disproportionality is more complex than underrepresentation or overrepresentation of specific groups. Students with disabilities are not a monolith and may have intersecting institutional identities, such as EL status. This is particularly salient in classrooms like mine, where intersecting discourses of race, language, ability, gender, culture, urbanity, etc. impacted how students were institutionally labeled. Annamma, Connor, and Ferri (2013) highlight the importance of intersectionality in understanding disability and race, particularly how discourses of racism and disability are intertwined; they highlight the marginalization of ELs as an example of racializing and disabling discourses that are more complicated than analyzing statistics. Skiba, Artiles, Kozleski, Losen, and Harry (2016) argue that the oversimplification of this complexity does not address the structural and systemic causes of disproportionality, and Artiles, Kozleski, Trent, and Osher (2010) propose a sociocultural and historical approach to understanding how and why disproportionality occurs. Essentially, disproportionality reflects how conceptualizations of disability are tied to race, language, and other social categories, the study of which should be situated in sociohistorical contexts.

De facto language education policy can serve as a discursive site for examining how the intersectionality of race and ability underlies disproportionality. This paper uses the lens of language ideology to explore the question of how students with disabilities are represented in language education policy documents, which, I argue, interact with ableism and other systems of oppression to represent the linguistic practices of students with disabilities as deficient. These language ideologies rely on a model of a *normal* student, based on "White, middle-class, monolingual English-speaking and average ability criteria for school success [which] contributes to the reproduction of classism, ableism and racism in education" (Annamma, Boelé, Moore, & Klingner, 2013, p. 1286). Instead of focusing on students with disabilities as a static group who fail to reach some standard of normalcy, this paper takes the stance that policy discourses socially construct the idea of students with disabilities in conjunction with other marginalizing discourses.

This paper examines the *Individuals with Disabilities Education Improvement Act* of 2004 (IDEA), the current standing legislation that dictates funding and implementation of special education services, and the *Every Student Succeeds Act* of 2015 (ESSA), the most recent iteration of federal education law in the United States. These two pieces of legislation are intricately intertwined in discursively constructing students with disabilities.[1] In this paper, I will review literature on disability studies in education (DSE) and how it relates to language education policy and language ideologies, the policy contexts of IDEA and ESSA, and finally the text of the two pieces of legislation. I will then explore the language ideologies that discursively construct the label of students with disabilities within a language

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[1] I use the term *students with disabilities* as opposed to *disabled students*; the purpose of person-first language is to support the idea that people with disabilities should not be defined by their disability. However, I also acknowledge and honor those disabled individuals who preferred to be called otherwise (e.g., Collier, 2012).

education policy framework in order to understand the language education policy in the U.S. context and the implications of that policy for representing students with disabilities.

Conceptual Framework

This study draws from the fields of DSE, language education policy, and language ideologies in order to examine, through policy discourse analysis, the models and conceptualizations of disability that circulate in policy texts. This section synthesizes the contributions of these diverse fields.

DSE

A foundational concept of DSE is the social model of disability, in which disability is not seen as fixed or inherent to an individual, but is concerned with how the social and physical environments *disable* an individual (Adams, Reiss, & Serlin, 2015). This is contrasted with a medical model of disability, in which disability is seen as an inherent impairment of an individual that should be fixed or cured (Adams et al., 2015; Gabel, 2016). For example, with a medical model of disability, a student with a disability is understood to struggle in school because of an inherent impairment, whether psychological, neurological, or biological, that is individual to the student. With a social model of disability, the focus of analysis moves from a student to the institutional mechanisms of the school that would lead to a student being classified as having a disability, such as standardized testing, classroom expectations, or other aspects of educational contexts and how they may contribute to processes of disablement (Mehan, 1996). A medical model of disability struggles to account for disproportionality in special education, in which contexts create disabling situations that are mediated by space, race, socioeconomic status, and other circumstances.

In problematizing a medical model of disability, DSE argues that special education policy and practices rely on a deficitizing medical model of disability that stems from systems of oppression and marginalization, one of which is ableism (Beratan, 2008; Valle & Connor, 2011). Ableism is an ideological system with material effects that relies on "social biases against people whose bodies function differently than what is considered 'normal,' and beliefs and practices resulting from interacting with the biases that serve to discriminate" (Gabel, 2005, p. 4). This contributes to policies and practices that perpetuate ableist thinking in well-meaning attempts to address the needs of people with disabilities in ways that rely on a medical model of disability. Beratan (2006) argues that *institutional ableism* is at the core of special education legislation, contending that "discriminatory structures and practices, as well as uninterrogated beliefs about disability deeply ingrained within educational systems, subvert even the most well intentioned policies by maintaining the substantive oppression of existing hierarchies" (para. 3). Adopting the social model of disability for analysis allows for a reading of how special education policy emerges from and contributes to oppressive structures, but also how to reform and reimagine this special education legislation.

Ferguson (2016) argues that DSE can inform policy analysis through "stud[ying] the social construction of specific education and social problems. The

basic assumption that a certain social problem is an empirical given or is a natural occurrence is questioned" (p. 187). Likewise, the field of educational linguistics, and subsequently studies of language education policy, is also devoted to examining social problems (Spolsky, 1971, as cited in King, 2016). This paper seeks to put into conversation these two traditionally separate, but similarly problem-oriented fields. Exploring language ideologies in IDEA and ESSA through a DSE lens can allow for the denaturalization of conceptualizations of disability as they pertain to language use.

Language Education Policy

Scholars historically saw language planning and policy (LPP) as a field in which policy actors take deliberate actions to have a particular effect to solve what were conceived of as language problems. Cooper's (1989) definition of language planning alludes to intentionality in efforts to "influence the behavior of others with respect to the acquisition, structure, or functional allocation of their language codes" (p. 53); in this way, LPP addresses the selection of home, national, official, second, foreign, etc. languages for instruction (e.g., Shohamy, 2006). In reviewing the definitions of Cooper as well as many other LPP scholars, Johnson (2013) offers: "a *language policy* is a policy mechanism that impacts the structure, function, use, or acquisition of language" (p. 9, emphasis in original). He includes official regulations, as well as "policy texts and discourses across multiple contexts and layers of policy activity, which are influenced by the ideologies and discourses unique to that context" (p. 9). In elaborating on the idea of policy mechanisms, Shohamy (2006) includes "rules and regulations, language educational policies, language tests, language in the public space as well as ideologies, myths, propaganda and coercion" (p. 56). These more recent definitions of language policy remove the assumption of intentionality and include implicit and covert forms of policy to be included in the study of LPP; for example, Spolsky (2004) defines language policy as involving language practices, management, and beliefs or ideologies. This paper draws from language ideology in LPP research as an entry point.

Even though education policies in the United States may not necessarily explicitly and overtly make claims about language practices, they still reflect and impact the language ideologies that circulate in schools and around students (Menken, 2008; Spolsky, 2004). Schiffman (1996) reviews LPP typologies that include *overt*, *explicit*, and *de jure* polices, as opposed to *covert*, *implicit*, and *de facto* policies. Therefore, adherence to education policy serves as a mechanism of *de facto* language education policy that both reflects and imposes ideological orientations towards language practices in schools that are under the larger umbrella of LPP. Menken (2008) argues that "language policies [in the United States] have primarily been created through our legal and educational systems, resulting in a complex mixture of legal mandates, ballot initiatives and education policies" (p. 13). It is important to situate these language policy mechanisms in political and legal contexts to understand how policy mechanisms on these scales impact and interact with other mechanisms, and this paper seeks to provide a policy lens for examining disability and language ideologies in U.S. schools. Even though IDEA and ESSA are *de jure* policies in that they are official, written policy documents (Johnson, 2013), these policies do not

explicitly address language planning problems. Therefore, I characterize IDEA and ESSA as *de facto* language education policies in this paper in order to examine the implicit and covert language ideologies that circulate around disability.

Gabel (2016) argues that DSE scholars "need to study and write about ways in which the protections of the IDEA—particularly equal access—can be maintained while its drawbacks, dangers, and expenses, particularly those associated with medical model thinking, are minimized or extinguished" (p. 210). The protections afforded by IDEA rely on ideological orientations that should be examined, as Hornberger (2002) suggests. In this way, representations of disability can be explored through examining IDEA and ESSA as *de facto* language education policies and the language ideologies embedded within.

Language Ideologies and Policy Discourse Analysis

Shohamy (2006) argues that "there is no language planning that is detached from some aspect of ideology" (p. 49). Drawing from this assertion and following DSE scholars' call to examine the social construction of disability, investigating language ideologies in language education policy can be a fruitful way to explore how language ideologies emerge for and construct students with disabilities; Ajsic and McGroarty (2015) assert that mapping language ideologies in LPP is useful for examining identity and social justice, both of which are pertinent in considering disability. Kroskrity (2000) relies on Silverstein (1979) and Irvine (1989) to define *language ideology* as the beliefs and ideas that circulate about language and their connection to people. He argues that these language ideologies mediate and are mediated by interpersonal interactions as well as larger social, political, and economic processes. Language ideologies are multiple, value-laden, contradictory, and diverse, and have material effects on people's identities and experiences. These conceptualizations of disability and language have consequences for special education policy and language education policy.

Critical approaches to discourse analysis offer a useful framework for examining language education policy and the ideologies embedded within. According to Rogers (2011), "discourse reflects and constructs the social world through many different sign systems," which includes but is not limited to talk and text, and allows researchers to examine how "semiotic interactions… are constructed across time and contexts" (p. 1). The unit of analysis for this paper is policy text as discourse. Allan (2008) argues that discursive processes illustrate the "inherently value-laden" nature of policy and "how policy reinforces normalcy/deviance, as well as [how it] constructs normative frameworks about how to solve social problems through policy" (pp. 9–10). This is particularly important in examining disability, which relies on ideas of normalcy and the social significance that is given to difference (e.g., Erevelles, 2016). Evans and Hornberger (2005) argue that "[a]ttitudes toward languages and their speakers are deeply embedded in institutional structures and practices and these attitudes are transmitted to and influence agents and processes" (p. 11). Therefore, conducting a policy discourse analysis can allow for an interpretation of language ideologies in policy.

Tollefson (2015) defines representations as "socially shared forms of knowledge about languages, ethnicities, nationalities, and other socially and culturally salient categories" (p. 138), which emerge in official policy and impact how individuals

interact with that policy. His discussion of bilingual education and medium of instruction debates in Arizona and Hong Kong reveal the underlying language ideologies that stem from beliefs that are not solely related to language. For example, in Arizona, arguments for or against bilingual education for Latinx students in the press were presented as disagreements around school choice; however, Tollefson argues that these reasons were also undergirded by ideologies of racism and xenophobia. While the contexts and debates were quite different, the underlying ideological processes revealed through discourse were salient in both cases. He asserts that discourses about policy "may index broader struggles over political power and economic resources, and issues such as national cultural identity, national security, or social values such as equity and social justice" (p. 134). Disability is a "socially and culturally salient categor[y]" that can be analyzed and understood through language ideologies in language education policy.

Even though much language ideology research examines the connection between language ideology and nation-state, race, ethnicity, education, gender, and other various disciplines and fields (e.g., Irvine & Gal, 2000; Henry, 2010; McGroarty, 2010; Relaño Pastor, 2007), there is a dearth of research in language ideology and disability, particularly in the U.S. federal government's categories of disability that comprise the highest number of students: specific learning disability, speech or language impairment, and emotional disturbance. While some language ideology research has been conducted with the Deaf community (e.g. Pizer, Walters, & Meier, 2013), disability studies and language ideologies are rarely discussed in tandem, and this paper provides space for the exploration of both in a policy discourse analysis.

An analysis of federal education policy can illuminate language ideologies as they pertain to disability within special education policy. These ideologies have material effects on the institutional structures and practices that both identify and serve students with disabilities. Through an evaluation of the discourses in IDEA and ESSA, I will consider the representations of disability and students with disabilities through the lens of language ideologies in language education policy.

Policy Context

IDEA and ESSA are the most recent major pieces of legislation that pertain to education and students with disabilities. This section includes an overview of both statutes in order to contextualize the analysis of language ideologies that circulate in the texts.

IDEA

IDEA is the most recent reauthorization of the *Education for All Handicapped Children Act* of 1975, which guarantees funding for rights to education for students with disabilities (Beratan, 2008; Rothstein & Johnson, 2010). The 1975 act was the first federal law to mandate that children with disabilities be included and educated in public schools and mandated the principles of child find/zero reject, due process, free and appropriate education, individualized and appropriate education, least restrictive environment, and nondiscriminatory assessment.[2] IDEA expanded upon

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[2] See Appendix A for an explanation of each principle, which is outside the scope of this paper.

these principles to include the right to education achievement, which is the idea that students with disabilities have a right to access the general education curriculum, including standardized assessments, with appropriate accommodations or alternative assessments. Furthermore, special education teachers must be properly trained and use research-based instructional practices (Rothstein & Johnson, 2010; Weishaar, 2008). Even though IDEA purports to support the inclusion of students with disabilities, scholars and activists have argued that its implementation has only served to further exacerbate inequities and segregation by race and language (Colker, 2013), such as the disproportionality described above.

When IDEA was passed in 2004,[3] it was designed to align with the tenets of the *No Child Left Behind Act* of 2001 (NCLB), which was the standing federal education legislation at the time (Colker, 2013; Kaufman, 2008; Peters, 2006; Rothstein & Johnson, 2010; Weishaar, 2007). However, education stakeholders differ in their assessment of the effectiveness or usefulness of this alignment for educating students with disabilities. Furthermore, a clause was added to address disproportionality of students of color, which IDEA attributes to an overidentification of "minority students" due to technical reasons that misidentify students of color in the evaluation process instead of contextualizing the evaluation process in its history of segregation (Artiles et al., 2010). Beratan (2006) ultimately argues:

> Disability and race are… conjoined in IDEA's disproportionality clause. It is ableist in that students' opportunities and experiences are being limited by mechanisms and structures built around constructions of disability, but it is also institutionally racist in the way it targets students by their membership in racial and ethnic minority groups. The racist outcomes could not be achieved without the ableist mechanisms. (para. 29)

While IDEA offers legal protections and calls for high expectations and standards for schools, teachers, and students, its implementation at the local level may be impeded by social, economic, and political factors, as well as the ideological underpinnings of these protections that may undermine the policy's good intentions. Even though IDEA does not explicitly address language, it serves as a *de facto* language education policy for students with disability. As IDEA relies on an ableist individualized and medical model of disability (Beratan, 2008), an analysis of language ideologies and language education policy through a disability studies lens can illuminate discursive practices in policy that reproduce ableism.

ESSA

ESSA is the most recent reauthorization of the *Elementary and Secondary Education Act* of 1965, which was initially passed to guarantee federal funding for elementary and secondary education and to ensure educational opportunities for students (Darrow, 2016). The 2001 reauthorization, NCLB, departed from previous legislation in its focus on accountability, which includes an increased focus on standardized testing and its use as an accountability measure at the federal level for schools, as well as for state and local education agencies (Menken, 2008). ESSA

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[3] IDEA was a reauthorization of the *Individuals with Disabilities Education Act* of 1997, which was a reauthorization of an act of the same name from 1990. All three have been abbreviated as IDEA in popular usage. This article refers soley to the 2004 reauthorization.

reduces the role of the federal government in determining accountability measures and includes more guidelines pertaining to college and career readiness (Darrow, 2016). Education stakeholders differ in their enthusiasm over ESSA and how it will impact the local practices of educators (e.g., Fránquiz & Ortiz, 2016; O'Brien, 2016).

As a language education policy, Menken (2008) argues that that "NCLB is a reflection of the federal government's response to a changing society and it has become a means to suppress languages other than English in this country" (p. 34); Evans and Hornberger (2005) found that

> in conjunction with a language as problem orientation, NCLB Title III employs a myopically monolingual view of English language learners' bilingual and biliterate development of language and literacy skills…[it] acknowledges little or no role for a child's first language in the acquisition of English or in academic achievement. (p. 101)

As with NCLB, Title III of ESSA also makes clear that English proficiency progress must be monitored and supported for ELs and immigrants (pp. 152–164)[4] as part of accountability measures (pp. 34–35). A major change of ESSA was a shift in nomenclature, from *limited English proficient* to *English learner* (pp. 66, 104, 161, 162, 289, 334, 369, 370, 376, 377, 380). While the change in appellation represents a move from a deficit-oriented view of this student population, the term EL still foregrounds the importance of English language use in U.S. society. Furthermore, the definition attributed to EL remains the same definition attributed to Limited English Proficient, indicating a change in nomenclature but not a change in definition of the term (pp. 1965, 2178). While NCLB and, consequently, ESSA, as language education policy has been explored in terms of bilingual education and ELs (e.g., Evans & Hornberger, 2005; Hornberger & Johnson, 2007; Menken, 2008), language education policy as it pertains to disability remains underexplored.

Policy Analysis

To examine language ideologies, Ajsic and McGroarty (2015) recommend identifying a core group of keywords to analyze in the texts. I chose language-related keywords to examine the discourses and ideologies around language in IDEA, an act focused on disability and special education, and both language- and disability-related keywords for ESSA. I searched for *English*, *language*, and **lingu** in IDEA and added *disab** and *special ed** for ESSA.[5] I color coded hard copies of the text during the original keyword search by using the search function in a PDF to find each instance. Next, I did an initial reading of the text based on the groupings of keywords that I identified through color coding. I then reviewed the keywords to see what frequent phrases and contexts emerged, which included *English language instruction*, *language processing*, *language proficien**, and *native language*. Based on this second reading, I conducted a third round of keyword analysis, focusing on the co-occurrence of disability- and language-related keywords to identify

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[4] All numbers in parentheses refer to the page numbers for ESSA and to sections for IDEA.

[5] The asterisks indicate a wildcard search to encompass all forms of the terms that apply, i.e. disability, disabled, disabilities, etc. for disab*; special education, special educator, special educational, etc. for special ed*; language pro* for English language proficiency and proficient, etc; *lingu* for bilingual, linguistic, etc.

how language and disability were framed in tandem in the texts. I conducted a final reading focusing on those co-occurrences. Four rounds of reading through keyword analysis allowed me to read and analyze relevant and pertinent aspects of the laws. In doing so, I examined the policy texts as well as the discursive and sociopolitical contexts of these policies specifically through the lens of disability and language. This analysis is divided into two major sections for the two major pieces of legislation, each of which will include a description, analysis, and interpretation as they pertain specifically to language ideologies and disability.

IDEA

IDEA implicates a medical model of disability whereby inherent impairments in language use are a determiner of an individual child's disability. IDEA demonstrates the various ways in which language is used and viewed within special education, as well as how it plays a large role in the referral and identification processes. This section examines language ideologies pertaining to students with disabilities in IDEA and how those language ideologies reveal understandings of disability.

IDEA outlines 13 federal categories of disability, with *specific learning disability* as the only category explicitly defined in the text:

> The term 'specific learning disability' means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. (§§ 2657–2658)[6]

This definition attributes specific learning disability and "imperfect" language use to a problem intrinsic to the psychology of a child, which reflects the history of this category of disability (Carrier, 1986). This representation of learning disability situates the problem in the speaker, as opposed to considering that the speaker's linguistic practices may be differently interpreted depending on the context and evaluator. Many factors may mediate the interpretation of a person's language use as imperfect, such as school context and the other students in the classes (Harry & Klingner, 2014). The definition of specific learning disability reveals psycholinguistic conceptualizations of language that also rely on the medical model of disability; language can only be spoken or written and is an entity that can be used or understood. Furthermore, language is divided into specific tasks of listening, thinking, speaking, reading, writing, and spelling, and also highlights the importance of language in doing mathematical calculations.

Language serves as a skill when mentioned in sections on early childhood interventions, with preliteracy, language, and numeracy skills listed as the focus for children under the age of 3 (§§ 2671, 2742, 2746, 2749, 2750). According to IDEA, children with disabilities are considered to be lacking these skills or falling behind some norm or standard when it comes to demonstrating mastery of language or preliteracy without an explicit definition of those skills or what it means to be competent in them.

Language is also seen as a barrier to identifying and serving students with disabilities; IDEA specifically offers *limited English proficiency/proficient* and does

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[6] For the full definition, see Appendix B.

not mention other languages. *Limited English proficient/proficiency* appears 25 times through IDEA, the definition of which comes from the original 1965 legislation, before ESSA changed the terminology to EL.[7] In the General Provisions section of IDEA, the increasing diversity of American society is listed as one of Congress's findings, with one out of every three Americans being a "minority" or "limited English proficient" (§ 2650). On the same page, the limited English proficient population is listed as the fastest growing group in the United States, and it is stated that studies have demonstrated the special challenges faced by schools with limited English proficient students, which include the referral process, assessment, and implementation of special education services (§§ 2706, 2712). Education professionals need specific training to teach and address the needs of students with limited English proficiency and students with different learning styles (§§ 2771, 2776, 2778, 2779). IDEA includes the need to address disproportionality of students with limited English proficiency (§§ 2782, 2784) and emphasizes research areas that should be undertaken by the Special Education Research Center and includes examining the "special needs of limited English proficient children with disabilities" (§ 2801). Moreover, English is only named language in IDEA when, and only in reference to, limited English proficiency. Otherwise, no other languages are mentioned. This emphasizes the importance of English, as well as English as a norm and goal for IDEA in alignment with NCLB.

These discussions of limited English proficiency and children with limited English proficiency in a special education policy highlight a framing of limited English proficiency as a problem or challenge in addressing the needs of students and falls into Ruíz's (1984) *language-as-problem* orientation of looking at language and how linguistic differences impact a student's educational experiences in school, as well as how educators must treat those linguistic differences. This framing also relies on differentiating a language need that depends on social factors as outlined in the definition of limited English proficiency (see Appendix B), while imperfections in language in terms of disability have a psychological origin, which depends on a medical model of disability.

ESSA

As a comprehensive education policy, ESSA addresses the needs of students with disabilities and IDEA in terms of inclusion in assessments, parent communication, and curriculum, but also relies on a medical model of disability and on language as psychological entity. English language proficiency is defined by four "recognized" (p. 24) domains: speaking, listening, reading, and writing. In this sense, language is seen as only involving these four tasks, and those are the domains of language use which can be assessed; these four tasks are also included in the definition of specific learning disability outlined in IDEA. While these domains are listed specifically for ELs, they reflect conceptualizations of language proficiency that may have implications for the ways in which language practices of students with disabilities are understood.

In addition to language, ESSA describes literacy education, mainly in terms of reading and writing. In defining literacy instruction, ESSA includes:

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[7] I use the term *limited English proficient* in this section to mimic the language of the text, while acknowledging the deficit-oriented discourse this term entails. The text of its definition appears in Appendix C. An analysis of the definition is outside the scope of this paper.

> …age-appropriate, explicit, systematic, and intentional instruction in phonological awareness, phonic decoding, vocabulary, language struc-ture, reading fluency, and reading comprehension… [and providing] op-portunities for children to use language with peers and adults in order to develop language skills, including developing vocabulary. (p. 135)

Here, language is seen as having an innate structure, with phonology being an explicit part of language that must be taught, but also as having a social aspect, which students can only develop through language use with their peers and adults. Language is also conceptualized as an entity and a social practice in this definition. Disability is mentioned with literacy when referring to the development of practices and resources for students with disabilities "at risk of not attaining full literacy skills due to a disability" (pp. 150–151). ESSA does not explicitly outline what it means to attain full literacy, nor does it refer to reasons beside disability that may impact someone's ability to attain "full literacy." In considering how literacy is defined, disability is seen as having psychological and social effects on how students with disabilities use and understand language. It is important to note here that language and literacy are mentioned in general terms and not explicitly regarding the English language, which could reflect a variety of ideologies, whether English is implicitly the target language, or language involves a skill that students with disabilities may lack.

Title III of ESSA addresses "language instruction for English learners and immigrant students." Section 3115 of this title describes "improving the instruction of English learners, which may include English learners with a disability…" (p. 159) as an eligible activity for receiving a grant. An EL with a disability is defined as an EL who is also a child with a disability (p. 164). Any English language needs or services must also be reflected on their Individualized Education Program (p. 57),[8] and any data pertaining to this intersection must be disaggregated and reported (pp. 161–162); however, there is nothing in ESSA that addresses the needs of this intersection of identities beyond this definition and these brief mentions. ESSA also addresses the development and improvement of identification procedures and instructional practices for both populations; McCardle, Keller-Allen, and Shuy (2008) express optimism in regards to researchers' attempts to intervene in developing improved referral and identification measures to differentiate between disability and language need, but admit that the process still continues to be a challenge. This points again to how the linguistic practices of ELs and children with disabilities may be conflated but attributed to different causes.

Students with disabilities and ELs are mentioned in tandem throughout ESSA as two separate groups whose needs should be addressed. They are both considered subgroups when disaggregating data (pp. 26, 32). The contexts include funding for programs and professional development, identification processes, parental outreach guidelines, and accommodations for assessment. Both types of students are mentioned several times with the term "disadvantaged," such as "individuals with past experience developing systems of assessment innovation that support all students, including ELs, children with disabilities, and disadvantaged students" (p. 89), which could suggest that students with disabilities and ELs are disadvantaged. Otherwise, ESSA calls for the inclusion of students in services and

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[8] For further explanation of an Individualized Education Program, see Appendix A.

instruction for all students, and lists "all students, including ELs, children with disabilities…" or similar format (pp. 137, 141, 171, 172). While this may reflect a desire to be inclusive of these students, needing to name these subgroups also positions these students as not necessarily being part of the group called "all students" and not meeting some standard or norm.

In recognition of unique or special needs of children with disbailities and ELs, ESSA calls for funding for professional development or alternative certification for teachers and other services (pp. 61, 106, 119, 123, 126–127, 141–142, 191, 296, 298), assessment accommodations and development (pp. 78–79, 82, 86), inclusion in charter schools (pp. 193, 197–98, 200, 209), inclusion in gifted programs (pp. 236, 238), and special attention to parental engagement and communication (pp. 67, 70, 216, 217) for these two populations. Special education services and English instruction services must be available for homeless and migratory children as well (p. 330). Access to a well-rounded education (p. 176) and challenging academic standards is emphasized for ELs and children with disabilities.

The constant references to both populations indicate that educating students with disabilities and ELs require special or unique attention and training that general education teachers do not necessarily receive or seek out, even though the latter are the teachers who are responsible for the identification and referral of both students with disabilities and ELs. These sections reveal the tension between the inclusion of all students and the importance of acknowledging and addressing the needs of different students. Their pairing also points to a possible conflation of the needs of the two populations, while ignoring the ideological construction of both.

Discussion

While neither IDEA nor ESSA are examples of explicit language education policies, they both serve as *de facto* policies that reveal how students with disabilities are understood in policy text. I argue that language education goals for students with disabilities do not necessarily differ from the goals of other students; what differs is how ESSA and IDEA purport to include students with disabilities in the achievement of the goals. ESSA and IDEA assume that there is some norm of language use, and students with disabilities have an inherent impairment that prevents them from reaching it. Within the text of IDEA, language is seen as a tool for communication, as a skill, and as a barrier. It can hinder the process of identification and referral and needs to be learned and developed by students. Definitions of literacy and specific learning disability emphasize an understanding of language as a psychological entity. Students with specific learning disabilities, the disability classification with the highest number of students (Harry & Klingner, 2014), are then believed to use language imperfectly. The mention of "imperfect ability" (IDEA, §§ 2657–2658) in its definition also assumes that students who are not disabled have a perfect ability to "listen, think, speak, read, write, spell, or do mathematical calculations." These understandings of language highlight an idealization of the native speaker-listener (Chomsky, 1965) as well as disability as deviation from a norm.

Annamma, Boelé et al., (2013) argue that NCLB, and consequently ESSA, constructs "an ideology of normal through its narrow definition of success: achievement on a standardised test" (p. 1284). The conflation of the needs of students with disabilities, ELs, and other marginalized populations (e.g., low-

income) demonstrate its marginalization as a group of students who fail to meet some norm. Ultimately, the *de facto* language education policy implicit in IDEA and ESSA supports the idea of a normal, able student who speaks English. Deviation from some norm, such as inadequate academic performance, is considered an inherent characteristic of a student with a disability, while the failure to meet this norm for ELs is attributed to lack of proficiency.

Flores and Rosa (2015) use the term raciolinguistic ideologies to describe the process of racialization of language practices that pertain to a listening subject, not just the speaking subject. They describe a White listening subject as overdetermining a racialized speaking subject's linguistic practices to be deficient; this can be extended to include not just a White listening subject, but an abled listening subject. In this way, policy can be examined in how it listens to students' linguistic practices as opposed to assuming objectivity in the way that people's speech is understood. Rosa (2016) ties discourses of disability to racialization and *languagelessness* in arguing that "racialized ideologies of languagelessness call into question linguistic competence—and, by extension, legitimate personhood—altogether" (p. 163); while he refers to racialized ideologies specifically, ableist ideologies are inherently tied to racialized ideologies (Annamma, Connor, & Ferri, 2013) and can be extended, especially considering discourses around personhood, humanity, and disability (e.g., Colker, 2013). This analysis supports calls to address the complexity of disproportionality in consideration of not only ableism, but also racism, classism, and other systems of oppression through historical, structural, and cultural approaches (Artiles et al., 2010; Skiba et al., 2016). Instead of understanding disability or race as determining deviance and difference, this framework allows for examining an abled or normal listening subject that understands difference as it relates to oppression.

Examining legal texts allows for a deeper analysis of ideologies and discourses that emerge, but does not reflect how those policies are negotiated in schools. This type of analysis only serves as political and social context for classroom practices, and does not allow for an exploration of how this policy interacts with racism, ableism, and other systems of oppression that impact the implementation of these policies.

Implications and Conclusions

On a surface level, IDEA and ESSA support the idea that students with disabilities and ELs can learn like all other children. However, the constant pairing of the two subgroups has led to and may continue to contribute to the conflation of disability and language differences, particularly in testing accommodations and instructional practices that best serve the students with disabilities and ELs (e.g., Schissel, 2012). Even though ESSA and IDEA highlight the importance of being able to distinguish between disability and language need, the line between the two cannot be neatly drawn, and a reconceptualization of how to best serve students' needs, no matter what they are, may be helpful. This conflation also points to the importance of identifying and navigating language ideologies that circulate around students with disabilities to better understand how to find and serve them. The medical model of disability prevails, assuming that differences in children with disabilities are inherent as opposed to socially constructed, while constructing differences in language use through other institutional means.

Since ESSA will only begin to be implemented in 2017, state and local educational agencies are still preparing to implement this law. States already differ in their implementation of IDEA and NCLB, and the supposed return of decision-making power around testing to states in ESSA could lead to changes in high stakes assessment. Moreover, policy also appears in forms other than laws; Common Core State Standards, 21st century skills, and college and career readiness are only a few of many recent educational initiatives that have been taken up by states in the last few years. These initiatives also have implications for language policy, even though they are not official federally-mandated programs and standards. This points to the complicated nature of language policy beyond legal texts.

Furthermore, policy documents do not exist in a vacuum. Even though Congress has acknowledged in IDEA the diversity of students served in U.S. schools, it has done little to address the systemic inequities that IDEA only serves to intensify (Colker, 2013). Therefore, in addition to the policy texts and official regulations as mechanisms of language policy, Johnson (2013) also includes "unofficial, covert, de facto [*sic*], and implicit mechanisms" as policy processes in which ideologies are negotiated, thereby viewing policy as a dynamic negotiation of ideologies, making these policy texts dynamic rather than static artifacts (p. 9). As García and Menken (2010) propose, educators negotiate with and enact official policies, and in doing so, enact the process of language policy in their schools and classrooms.

Hornberger and Johnson (2007) assert that "[l]ocal educators are not helplessly caught in the ebb and flow of shifting ideologies in language policies—they help develop, maintain, and change that flow" (p. 527). With the belief that "[t]he texts are nothing without the human agents who act as interpretive conduits between the language policy levels" (p. 528), I argue that an ethnography of language policy (Hornberger & Johnson, 2011; Johnson, 2009) would be an effective way to examine how educators enact and embody language policies, specifically for students with disabilities. Although ESSA promotes the inclusion of students with disabilities in schools, curriculum, and general education, the way educators interact with this policy may reflect other ideologies. Since special education has traditionally been critiqued as taking on an interventionist and medical model view of disability, it is important to analyze school and teacher practices, as well as student interactions, through the lens of DSE.

In conducting an ethnography of these policies as they are enacted and negotiated in schools, intersectionality could be foregrounded to explore how discourses and ideologies of race, gender, class, and other aspects of identity inform discourses surrounding ability and language. One useful framework would be Annamma, Connor, and Ferri's (2013) DisCrit framework, which brings together critical race theory and disability studies to examine how race and disability inform each other. This is especially pertinent since one of IDEA's findings includes the acknowledgement of the highly disproportionate number of students of color and ELs receiving special education services. An ethnography in school settings where students of color and ELs represent a large part of the population could also allow researchers to understand what is salient for students with disabilities whose intersection with other aspects of identity are highlighted in data reporting guidelines in ESSA.

IDEA has been essential in outlining educational rights for students with disabilities and is the legislative backbone of special education. However, in order

to more equitably serve students with disabilities, reassessment and reflection on policy and practice are necessary, especially as these are situated in dynamic social contexts. Annamma, Boelé et al. (2013) argue that "by reconstructing commonsense perceptions about what is normal, we stand to create more equitable learning environments for students who have been marginalised and segregated based on perceived differences in cultural practices, race, language use and ability" (p. 1291). This reimagining of special education law and practice, through the lens of language policy, can allow new understandings of how ableism emerges, as well as new possibilities in addressing ableism through language. Both IDEA and ESSA provide rich springboards for further research, including ways to honor and celebrate the rich communicative practices and repertoires of marginalized peoples.

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Appendix A

Table A1
Principles of IDEA

Principle	Description
Child Find/Zero Reject	Schools must seek out, identify, and serve students with disabilities not being served properly or at all. Schools also cannot exclude students with disabilities from receiving a free and appropriate education.
Due Process	Families and children with disabilities have legal protection during the referral process, as well as during the implementation of special education services. Parents and guardians should have full participation in all special educational processes.
Free and Appropriate Education (FAPE)	All children with disabilities have the right to a free and appropriate education.
Individualized and Appropriate Education	The referral and evaluation process, as well as the educational services if deemed necessary, must be individualized and appropriate according to the needs of the child. This includes the development and implementation of an Individualized Education Program for a child with a disability.
Least Restrictive Environment (LRE)	All children with disabilities have the right to FAPE in the least restrictive placement appropriate for their needs.
Nondiscriminatory Assessment	Evaluation for special education must be based on a variety of assessments and procedures and must include individuals from a variety of disciplines (e.g., teachers, pscyhologists, etc.). The assessments must be fair and nondiscriminatory, particularly in terms of race, language, culture, gender, or disability.
Right to Educational Achievement	Students with disabilities have a right to access the general education curriculum, including standardized assessments, with appropriate accommodations or alternative assessments. Special education teachers must be properly trained and use research-based instructional practices.

Source: Adapted from Rothstein & Johnson, 2010; Weishaar, 2008

Appendix B

Specific Learning Disability Definition

"(30) SPECIFIC LEARNING DISABILITY.—

"(A) IN GENERAL.—The term 'specific learning disability' means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

"(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

"(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(IDEA, §§ 2657–2658)

Appendix C

Limited English Proficient Definition

(25) LIMITED ENGLISH PROFICIENT- The term limited English proficient', when used with respect to an individual, means an individual —

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)   (i) who was not born in the United States or whose native language is a language other than English;

(ii)   (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —

(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);**

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

(Elementary and Secondary Education Act of 1965, § 9101)