Learning Disabilities or Language Proficiency?

Mapping a School's Understanding of English Learners' (In)competence

by

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ABSTRACT

Special education identification processes related to English language learners (ELs) in the United States have puzzled the field for decades. The phenomenon of referrals, the first step toward identification, is complex since it requires deciphering the root cause of students' learning struggles—e.g., second language (L2) factors, the possibility of a learning disability (LD), or the combination of multiple other influences. To investigate the various influences contributing to learning difficulties, I centered this study on three potential sources, individual, institutional, and interpersonal. I aimed to answer, how did sociocultural influences mediate a teacher's understanding of ELs' competence? How did sociocultural influences mediate whether a teacher referred ELs to special education services?

Using a cultural-historical theoretical approach, I sought deeper theoretical and empirical understandings into how institutional factors (e.g., tiered intervention contexts, policies), combined with other influences, mediated ELs' referral decisions. I used a multiple parallel case study design following two fifth-grade ELs who faced the possibility of a referral. Interested in the interpersonal domain (e.g., interactions and communication among people), I zoomed in to a local process, student-teacher conferences to examine how classroom processes shaped teachers' thoughts of students' competence, and ultimately, referral decisions. I video-recorded teacher-student conference sessions over 14 weeks, and audio-recorded viewing sessions of the recorded conferences to understand teacher and student interpretations of learning competence. To understand how other dimensions (individual and institutional) contributed to teachers' overall views about the student competence, I interviewed parents and school personnel, wrote observational field notes,

and examined archival documents related to student learning over the entire fifth-grade year. I used inductive and iterative qualitative analytical approaches to craft the findings.

My findings reaffirmed the complexity involved in finalizing ELs' referral decisions. I found cultural factors intertwined with structural forces, driving students' special education candidacies in divergent directions: one evaluated (LD); the other, retained. I also found the referral decisions were based on narrow understandings of learning and behaviors, lack of attention to students' L2 needs, and faulty and overpowering structural forces which undermined teacher's professional opinions about the referrals. These findings have implications for research, practice, and policy.

DEDICATION

To my loves, my family, Moriah and Malachi, my mom and dad, and my love, my best friend, whom have all showed an unconditional love and support for me in the past six years. Also for all my little loves, nieces and nephews: Elianita, Gracie, Destiny, Hadassah, Bozie, John Matthew, Zack, Fitzie and Reggie (furry niece and nephew), since you are our future—remember, nobody knows everything—and we never stop learning! I also dedicate this to my parents, and mi Abuelita San Juanita, an amazing woman I never met, but know so well through my mother's stories. Gracias, abuelita, por animar a mi madre a que fuera la primera mujer en estudiar mas allá de tercer grade en el Egido de Juaneugenio, Coahuila. Que con su enfermedad, aun sabiendo que las mujeres no estudiaban mas del tercer grado, usted ayudo a formar una gran mujer (mi madre) en los 19 años de su vida que compartió con usted. Ese apoyo y amor incondicional fue el que formo una mujer maravillosa que siempre me animó a seguir estudiando, y sobre todo, aprendiendo. Y por ella, siempre guardo dichos en mi corazón, como, que hasta el día que dejemos de respirar ese día dejamos de aprender, y dedico esta historia a las mujeres luchonas, como mi madre, mis primas y tías, y las madres de mis participantes. And because of these women, I dedicate this work to those who work tirelessly, day in and day out (many of you on your own), who show your unrelentless love and fight to be amazing sisters, mothers, daughters, and friends to me and the world around you: my new sis, Dez, for being the amazing sister I had never met, and all my amazing friends who have been so loving and caring with me. Last, but not least, I won't leave another man out. I also dedicate this to one dude, my brother, Joe, this is especially for you —I want to show the world there is no "one best way" to learn—so stop saying the one thing I hate you say! "Special ed" or not, you are one brilliant and caring man many people admire and love, so be nice to yourself!

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CHAPTER 1

INTRODUCTION

Over 40 years ago, federal action in the United States marked a key historical educational mandate with the passage of the Education for All Handicapped Children Act in 1975. Later renamed the Individuals with Disabilities Education Act (IDEA) in 1990, followed by a reauthorization in 2004 (20 U.S.C. § 1400), this important historical legislation marked the U.S. government's attempts to address a long-standing inequity—the right to a free and appropriate education in the least restrictive environment for all students.

Mandated to address all students' physical, cognitive, and socioemotional needs, today IDEA recognizes over a dozen classifications, and trends have varied across categories over the years. As one of the most popular classifications within IDEA, students classified as having a *specific learning disability* (LD) make up 34% of all students with special education needs, a significant proportion of the students served under IDEA (National Center for Education Statistics [NCES], 2019). LD is defined as

> a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (IDEA, 1975)

IDEA specifies the definition of categories. For instance, an LD classification is significant since it does not include "learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage" (IDEA, 1975).

Researchers have associated LD roots as related to neurological, perceptual, attention, language, or environmental factors, which are often highly controversial

phenomena (Fletcher et al., 2013). A focus on LD's definition rests on an individual's interpretation of the symptoms. Dunn (1970) drew attention to the context in which most LD classifications begin, the general education classroom. Dunn (1968) pointed to the problem of identification as stemming from the "general education establishment" (p. 20), specifically the classroom. Mercer (1973) also references the social nature of special education referrals in a nearly decade-long study that found most students in Riverside, California, who were labeled mentally retarded (now more commonly known as an intellectual disability [ID]), came from Latinx or Black families. Mercer illustrated the cultural work of schools in which students' sociocultural needs were not accounted for, and consequentially, many students were mislabeled as having an ID. Mercer identified general education teachers as "primary gatekeepers" or "chief identifiers" because they are the first to *notice* a struggling student and decide who merits a referral for special education services (Mercer, 1973, p. 105). How students are chosen, however, is a complex phenomenon based on the controversies over LD's definition (Courtad & Bakken, 2011; Rotatori & Wahlberg, 2004). Next, I turn to a minoritized group of students, whose special education eligibility and placement, aside from definitional dilemmas of LD, has perplexed the field for several decades, *English learners*[1] (ELs). English learners are a fast-growing population of students, approximating six million enrolled in U.S. schools (Migration Policy Institute, 2017; Sullivan, 2011).

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[1] I chose to use the term *English learners* (ELs) for three reasons: 1) it is the term used by the National Academies of Sciences, Engineering, and Medicine to differentiate *dual language learners* in pre-K through third grade from Els; the term used to refer to those in grades K–12; 2) my choice of the use of the term EL illustrates the context in which these students' educational trajectories are determined as a result of restrictive language policies in a state which targets Els. As a consequence, the approach has erased the possibility of bilingual education for many; and 3) my choice of the term is also meant to reflect the realities of many long-term ELs whose language needs have not been addressed by the state's structured English immersion programs, which has contributed to home language loss for many (Lillie, 2016).

ELs: A Special Case

For students who are not proficient English speakers, such as ELs, decisions about their learning struggles and how to address their needs make LD identification complex. Due to the possibility that language trumps learning when making decisions about referrals, I anchor this study on the quandary over the factors that mediate learning, rather than on definitional controversies over its conceptual definition (Courtad & Bakken, 2011; Rotatori & Wahlberg, 2004).

English-learner classification complexities are confounded by questions about cultural factors, and especially language, which are related to students' learning struggles (Dunn, 1970; Wagner et al., 2005). In making EL special education referral decisions, stakeholders must account for multiple dimensions, such as policy, empirical, and practical implications (Coutinho & Oswald, 2000). For instance, in addition to considering policy stipulations, teachers must be prepared to make special education referral determinations; hence, there is a need for professional development. Traced back to federal litigation, policy, and research efforts, this work draws attention to the processes and systems in place in which individuals make decisions about ELs (Artiles et al., 2016; Cross & Donovan 2002). While federal law stipulates LD identification factors cannot be related to cultural or environmental factors, the processes in place to enforce this stipulation are less clear. The National Academies of Sciences, Engineering, and Medicine's most recent report (2017) on promoting educational success for youth learning English points to (ongoing) concerns about EL overrepresentation and underidentification in special education programs:

> relative to their monolingual peers, however, [ELs] with developmental delays and disabilities are less likely to be identified and referred for early intervention. The risk of underidentification is particularly significant for language delays, which can erroneously be attributed to normal bilingual development. (Overidentification is less

> likely in the early years but may occur if low English abilities due to a lack of opportunity to learn English are misinterpreted as a language delay in a normally developing child.) (p. 183)

This report emphasizes a key point—that ELs are less likely to be identified and referred for early intervention—based on the possibility of language conflations that may mask themselves as disabilities or vice-versa (Wagner et al., 2005). Pointing out the complexity in disentangling language and cognitive factors, this turns the focus to unraveling this very point: how do school personnel distinguish Els' learning struggles from disabilities (e.g., cognitive or linguistic) and how are referral decisions made? This is an underexplored and misunderstood dilemma (Case & Taylor, 2005; Klingner et al., 2006).

The dilemma surrounding EL identification is often reduced to referral decisions, evident in the assumption of teacher as gatekeeper (Mercer, 1973). However, the most significant research gap is the study of the antecedents that lead to referral and evaluation decisions (Mehan et al., 1986; Mercer, 1973; Harry & Klingner, 2014). Specifically, how teachers arrive at decisions before making a referral for ELs is poorly understood (Klingner & Harry, 2006). Researchers have examined EL placement patterns for students already identified with special education needs (Artiles et al., 2005; Samson & Lesaux, 2009; Hibel & Jasper, 2012). In other words, student participants were already identified as having a special education need, rather than being in the process of identification where teachers had not determined a referral was needed. There is a limited number of studies focused on understanding the interactional processes that shape and perhaps lead to teachers' conclusions about students' potential eligibility for special education referrals. Most researchers have only examined the processes that unfold *after* a referral decision has been made, such as the outcomes of referrals (i.e., placement) or issues with assessment (Abedi, 2006; Hibel & Jasper, 2012; MacSwan & Rolstad, 2006).

Due to the political, technical, and sociocultural dimensions involved in determining students' struggles, an ecological perspective that accounts for multiple dimensions is necessary to untangle the LD and L2 struggle (Garcia & Ortiz, 1988; González et al., 2015). Because I am interested in documenting what takes place *before* school personnel refer and evaluate students, my study attempts to disrupt the dualisms that often exist in special education identification research (Mehan et al., 1986). Rather than study isolated factors (e.g., assessment, child-study teams) related to identification processes, I propose an alternative framework is necessary to understand equity issues germane to EL LD identification. This alternative framework shifts the focus from individual actors (e.g., EL or teacher) to the interplay of structures, historical processes, and social interactions to examine how teachers craft an understanding of struggling ELs' competencies (González et al., 2015).

Study Significance

A teacher's decision to refer a student for special education services is a high-stake phenomenon since the decision to refer often leads to identification. The opposite is also true—a student who is not referred may not have a chance for needed services (Ysseldyke et al., 1997; Vaughn et al., 2003). Ysseldyke et al. discovered that 90% of students referred were consequently tested for special education, and 70–74% of those tested were eligible for special education services. For all students, referral decisions made with limited information about students' struggles, is a problematic circumstance because students may have specific learning needs due to the possibility of an LD.

Referrals are a predominately social process largely led by teachers, and "[o]nly those students passing through this first gate-referral are even considered for psychological evaluation" (Gerber, 2005; Gresham, 2002, p. 469). Thus, I ground this study on the

processes that precede teacher decisions in students' special education referral determinations. Illustrating the processes surrounding a referral decision as a complex contextual phenomenon, Bocian et al. (1999) summarize referrals as based on

(a) the nature and role of professional judgment permitted at a specific gate,
(b) the concept or question addressed by those involved in the decision making at a particular gate,
(c) the use of local versus national norms employed at various gates, and
(d) the extent to which sociocultural and contextual factors are considered (as cited in Gresham, 2002, p. 469).

In this view, factors such as the nature of referrals and professional judgments become a "necessary but insufficient requirement" (Gresham, 2002, p. 469) for disability identification. Students who are not referred have less of a chance of being tested. Taking both extremes, could work against struggling students. Those who may have an LD may be overlooked and not referred, eliminating the possibility for evaluation. It may also work the other way around: students who do not have an LD may be referred and tested, consequentially misidentified (Ortiz et al., 2011). Thus, decisions to refer (or not to refer) are critical gatekeeping moments.

Current Trends and Improvements to Identification: Tiered Interventions

Federal action to address identification problems is fraught with definitional problems, and disability distribution across race and gender welcomed the use of tiered interventions, such as Response to Intervention (RTI) (Courtad & Bakken, 2011; Gresham, 2002; Rotatori & Wahlberg, 2004). As stipulated in IDEA (2004), tiered interventions can be used as a preventive tool and to make special education eligibility decisions (Hoover, 2011).

Also referred to as multi-tiered systems of support (MTSS), a term used increasingly and interchangeably with RTI (Jimerson et al., 2016), tiered interventions are used for making special education referral decisions for academic or behavioral support. Tiered interventions are also a proactive means to address students' learning struggles, and they are presumably a better method in comparison to the wait-to-fail approach (Lyon & Weiser, 2013).

A student's failure to respond to interventions, therefore, is currently used as justification for special education referral, which is highly likely to be followed by special education testing and classification. The MTSS approach is a multi-tier intervention framework, with increasing intensity levels, aimed at students' academic or behavior needs. To illustrate, Tier 1 covers instruction in the general classroom that includes all students (with and without special education needs). Tier 1 is also used as a springboard for identifying those students who do not meet established benchmarks, and consequently are identified as "at-risk" and in need of Tier 2 support (Fuchs & Fuchs, 2006). Students who do not show adequate progress over time or who consistently do not meet targeted levels based on test performance and progress monitoring, may qualify for more specialized intervention (such as Tier 2 or 3), and ultimately, benefit from special education (Gersten & Dimino, 2006).

RTI as a pre/referral process is of significance because after IDEA's reauthorization in 2004, researchers (Balu et al., 2014, Spectrum Survey, 2010) documented increasing numbers of schools using RTI across U.S. schools. For instance, a coalition among Spectrum K–12, the American Association of School Administrators, Council of Administrators of Special Education, National Association of State Directors of Special Education, and State Title 1 Directors (2010) conducted a survey across U.S. schools. Of

over 700 respondents who completed the survey, researchers found RTI adoption and implementation quickly rose over the years from 2007 to 2010. Notably, however, a few years later, there is still limited research on schools implementing RTI on their own, in "naturalistic settings" (Cavendish et al., 2016, p. 1).

While RTI has been identified as a better alternative to the wait-to-fail method, its implementation has not come without question (Haager, 2007; Lyon & Weiser, 2013). Noting parallel conceptualizations investigating how school personnel addressed ELs' learning struggles, Orosco and Klingner (2010) noted school personnel replaced the concept of *referring* for special education services as "referrals into RTI" (p. 276); in essence, referrals for RTI replaced referrals for special education services. In this view, RTI is a prereferral intervention useful for making special education referral determinations (Orosco & Klingner, 2010).

Researchers have identified problematic patterns in the function of RTI frameworks. For example, in an RTI investigation, Cavendish et al. (2016) noted that "quick" and "dirty" (p. 10) referrals were often the results of limited school personnel preparation, competing institutional factors, and alarming concerns about how RTI was used as a special education process. Similarly, Klingner and Harry (2006) identified the need for teachers to be better prepared to make EL special education referral determinations. Further, Balu et al. (2014), examined RTI implementation across three years in a sample of 146 elementary schools in 13 U.S. states. Balu et al. found the majority of schools reported RTI implementation (on their own), meaning they implemented RTI not related to researcher interventions. Alarmingly, Balu et al. also found students who participated in RTI in first-grade performed the same or worse than students who did not participate in such tiered interventions.

Relatedly, Bouman (2010), found the number of African American students identified as having a learning disability increased over a five-year period after RTI participation.

In order to understand special education processes before teachers make referral determinations, investigations of tiered contexts may provide insights into how teachers decipher ELs' learning struggles from the possibility of an LD. There is a scarce, yet significant, research base dating back several decades on this unresolved dilemma (Garcia & Ortiz, 1988; Rueda & Mercer, 1985). For example, Garcia and Ortiz (2008) provided a framework based on empirical studies attempting to reduce the number of inappropriate referrals for special education. In their conceptual overview intended to prevent inappropriate special education referrals, Garcia and Ortiz offered a comprehensive framework that considers the multiplicity of factors that can affect learning. Garcia and Ortiz offered a guide to disentangle learning difficulties from language struggles and highlighted the importance of accounting for multiple influences. They offered step-by-step actions schools could use to decipher multiple influences, such as family and student, teacher, institutional factors, all of which are relevant for distinguishing appropriate referrals. A key argument, Garcia and Ortiz pointed out, was the possibility that Els' struggles can stem from many factors. By going through specific steps, staff could distinguish (or rule out) individual factors that may impede learning. For example, ELs may be struggling with learning due to motivational issues or poor instruction, so if school personnel address those specific struggles, then a special education referral and evaluation may not be necessary. Further, their framework offered guidance when considering learning or behavior across settings, such as students' learning outcomes across classroom or learning situations. When school personnel have undergone thoughtful processes to rule out environmental, cultural,

or instructional factors that may interfere with learning, a special education referral might be justified as a last resort. In essence, special education referrals are justified after all possible influencing factors have been ruled out.

Cautions about EL special education referrals and the possibility of cultural or linguistic factors as interfering with learning make eligibility decisions is a complex task, and consequentially, impacts the timing of decisions. Klingner et al. (2006) reviewed the research base to identify research indicators which could provide insights into ELs' reading struggles, often based on the dilemma of L2 factors. Klingner et al. reviewed the research base related to referrals and categorized studies to examine subpopulations of ELs and other factors (e.g., assessment, L2 processes, interventions, and predictors of reading achievement). Klingner et al. found that school personnel often overlooked the possibility that prereferral strategies could rule out important factors and reduce the number of referrals. Based on their findings, Klingner et al. discussed the importance of paying attention to prereferral processes, particularly time factors in referrals, which were often delayed due to the difficulty in disentangling the root of students' learning difficulties.

More recently, González et al. (2015) synthesized the research base on LD and language intersections. With a focus on ELs, they illustrated the complexity involved in determining special education classification for students with complex needs. González et al. proposed researchers must account for the heterogeneity among groups that may appear to be homogenous (e.g., EL, Latinx). Emphasis on student's identity badges (Artiles, 2015) is only one influence when considering what complicates determination of ELs' learning difficulties.

This brief review of empirical work related to EL referral definitions points to one key point. In order to understand EL referral decision-making processes, empirical work must account for the social, political, technical, and pragmatic consequences of referral decisions (Mehan et al., 1986; Ortiz & Maldonado-Colon; Smith, 1982). This means, rather than focusing on individual factors in isolation, several dimensions must be taken into consideration. Multiple factors must be accounted for, including institutional influences, which emphasize the importance of context (e.g., geographical location), teacher factors (e.g., experience), assessment practices and historical inequities with testing ELs. A more comprehensive view of referral decisions also includes examining the schooling processes and instructional approaches considered in making ELs' referral determinations. Through this lens, empirical investigations take on a cultural and psychological dimension, with language at the center, or as González et al. (2015) summarized,

> When linguistic differences are added to this picture, a stronger case can be made for a situated analysis of learners' responses (or lack of response) to instruction. This is particularly the case because emergent bilinguals' engagement and uses of sociolinguistic and pragmatics tools and strategies are qualitatively different from native speakers, which could be misconstrued as non-responders, or even LDs. (p. 153)

This point, which calls for a perspective that investigates multiple layers, provides nuanced explanations of how teachers make EL special education referral decisions. It also draws attention to structural and cultural factors within tiered interventions (Artiles & Kozleski, 2010). Klingner and Edwards proposed empirical investigations focused on "What works with whom, by whom, and what contexts?" (pp. 110-112); thus they draw attention to the practices, the researcher, and who the researcher seeks to understand and why, as well as in what cultural historical places the investigation takes place.

Purpose and Research Questions

To investigate the multiple dimensions that mediate teachers' EL special education referral decisions, I examined the institutional forces that are intertwined with cultural factors, (individual practices, beliefs, attitudes) within MTSS settings. This theoretical grounding draws attention to the narratives school professionals use to craft ELs' special education candidacy routes. It lays the groundwork to understand how multiple influences (*institutional*, *individual*, and *interpersonal*) mediate a teacher's understanding of an EL's competence and the decision to refer (or not) to special education within an MTSS setting. I aimed to answer:

1) How do sociocultural influences mediate a teacher's understanding of ELs' competence?
2) How do sociocultural influences mediate whether a teacher refers ELs to special education?

Next, I present a review of the literature I used to scaffold the research questions and describe the conceptual framework of the study.

CHAPTER 2

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

Historical, social, and legal trends tied to special education identification factors emphasize the need to examine multiple empirical bases with regard to referral processes (Artiles, et al., 2016; Cross & Donovan, 2002; Waitoller et al., 2010). I began with an investigation of literature tied to EL special education referrals, in general. Secondly, I combed the MTSS research base in search of publications that explicitly linked EL special education referrals and tiered interventions.

I entered this study interested in understanding how researchers have conceptualized, written about, or investigated special education referrals within schools. I began with the search criteria targeting studies on special education referrals within kindergarten through 12th-grade settings between 1975 to 2019. I searched for empirical and conceptual publications on referral processes. Specifically, I searched for studies that included investigations of special education referral processes targeting students' academic struggles within schools, particularly related to the possibility of an LD. I included publications addressing academic struggles, plus those related to behavioral outcomes. In other words, I excluded studies targeting behavior in isolation since I was interested in examining academic struggles that may have been related to an LD classification.

I excluded publications that a) took place outside of the United States; b) were related to preservice teacher training or development; c) did not include a focus on academic struggles; d) concerned postsecondary referrals or evaluation; e) were related to low-incidence disabilities or such might be related to diagnoses required by medical doctors (e.g., visual impairments), or f) involved pre-school aged or younger children (e.g., Child Find),

which might include screening, identification, or evaluation by health organizations.

I began by using EBSCO Host/Academic Premier, Google Scholar, and ERIC/Proquest, to conduct several searches of the literature. I also used ancestral searches of the literature within publications to locate studies that I may have missed using the searches through the university's databases. I began a general search using the terms, "special education" and "referral," which yielded 721 publications on the general topic. As I read through studies, I realized most studies did not include information on EL status. Especially in earlier studies, authors included information about race/ethnicity, nationality, gender, socioeconomic status, but often they did not specify if students were classified as EL. Once I eliminated studies that did not include a focus on ELs, this initial search was fruitful in providing a general scope of the field.

I narrowed my search by including more exclusionary criteria. For this second wave of searches, I used three keywords to conduct the searches: *special education*, *referral*, and *English language learners*. Or, I used alternative terms for the identification of ELs, such as: *English learners*, *limited English proficient*, *English as a second language*, *bilingual*, *emergent bilinguals*, or *language minorit**. I also added terms such as *response to intervention*, *intervention*, *RTI*, or *MTSS* to locate publications that were related to EL special education referral processes within tiered intervention contexts. This search yielded a total of 495 publications related to special education referrals, ELs, or MTSS connections to identification or classification processes.

As I read through studies and eliminated those that did not meet the search criteria, I identified a small number (n=12) of studies that related to EL special education referral processes. In many studies eliminated in the final review, I could not determine if ELs were included as participants. Although researchers pointed out critical information significant for

EL referral research (socioeconomic status or ethnicity), or the publication included other demographic information (e.g., gender, racial/ethnic, socioeconomic status) but excluded L2 status.

Due to the small number of studies that met the search criteria, I present the review of the literature in two sections. The first is a general overview of how researchers have conceptualized referrals, including studies with and without ELs. The second section presents the patterns from the small number of studies I found that explicitly examined processes related to EL special education referral and evaluation processes.

General Trends in Referral Research

While examining special education referral processes, researchers have predominately focused on three dimensions: 1) individual factors, such as teacher biases or individual student factors; 2) institutional processes, such as factors related to structural influences, practices, or policies (e.g., individual and institutional); and 3) interpersonal dimensions (classroom interactional processes). In some cases, researchers have examined single dimensions; in other cases, researchers have investigated the interplay of multiple and overlapping processes. I present the first dimension (individual factors) in isolation, since it was a trend in earlier research, and follow it by collapsing institutional and individual empirical trends. I also present an overview of research centered on the interplay of multiple processes, especially the interpersonal. Next, I provide a general overview of special education referral research that includes publications in which authors spelled out how the research related to ELs. I conclude with an overview of the EL special education referral base to illustrate the individual, institutional, and interpersonal factors that influence students' special education candidacy.

Individual Factors

Researchers have examined individual influences related to referral decisions in a number of ways, such as how teacher factors (i.e. perceptions, practices, gender, and race) are related to special education referrals (Goodman & Webb, 2006; Hui-Michael & Garcia, 2009; Low & Clement, 1982; Prieto & Zucker, 1981; Tobias et al., 1982; Zucker et al., 1979). In earlier studies, teachers were presented with simulations of student cases to gauge teacher biases in referrals; these studies found teacher biases toward students from certain race/ethnicities (e.g., Jorstad, 1971; Zhang & Katsiyannis, 2002; Zucker et al., 1979). For example, of 280 subjects enrolled in a graduate special education class, Zucker and Prieto (1977) found teachers related individual student factors with race; referral reasons were tied to race factors. When examining gender and race, Zucker and Prieto found teachers felt special education placement was more appropriate for Mexican-American children, in comparison to white children, regardless of gender. In another study, Zucker et al. (1979) examined general education classroom teachers' perceptions of classroom placement. Zucker et al. found Mexican-American children were at a disadvantage because teachers felt special education placement "was more appropriate for Mexican-American children than for white children" (p. 35). Notably, these findings point out a significant factor: students' L2 status was not reported.

This aforementioned research draws attention to an important individual factor: teacher and student race/ethnicity, which has been recognized in empirical work dating back several decades. For example, many Hispanic/Latinx or Asian-American students may come from homes where English is spoken as one of several languages or not spoken at all (Poon-McBrayer & Garcia, 2000). But in earlier research, although it can be assumed students came

from homes where English is spoken as a second language, there was no way to determine that. Researchers failed to specify that information, and mainly focused on race/ethnicity, so I could not acknowledge such assumptions here. Therefore, as important as studies of race/ethnicity and referrals may seem because they may offer individual beliefs that are important in decision-making processes, they do not offer the full picture. A more holistic picture emphasizes the interplay of several factors, which include individual, interpersonal, and institutional influences, as well as the interplay between such influences.

A close review of studies revealed that researchers have focused on an array of other factors, beyond race/ethnicity and potential teacher biases. This work draws attention to these other important sociocultural factors related to special education student referrals, such as students' socioeconomic status (i.e., extreme home living conditions). Using observations, interviews, and examining student records, Mamlin and Harris (1998) found teachers' referral reasons were overshadowed by teachers' perceptions about multiple processes (e.g., schooling processes or family factors). For example, Mamlin and Harris noted teachers' perceptions of students' extreme home living conditions, students' schooling histories, and the need to account for schooling at times deterred attention from the actual referral determinations. In such cases, home circumstances were so extreme, students' academic problems were viewed as secondary issues to referrals, and teachers had multiple reasons for referring students to special education services, particularly based on teacher perceptions of students and families (Mamlin & Harris, 1998). Notably, although their study focused on perceptions about individual processes, their findings point to the need to also consider the interplay of schooling influences and individual beliefs and factors. Also, their findings also highlight the need to consider overlapping dimensions, such as the possibility that students

who have been impacted by environmental factors (e.g., poverty, accident), may consequentially need special education services. These findings have implications for special education identification mandates—that referral reasons cannot be related to environmental factors—thus, reiterating the need to consider contextual circumstances.

Special education referral research examining individual factors has important implications for future research, but it cannot only focus on individual factors in isolation—which is a lens that offers a more panoramic view. Other empirical work related to special education referrals has pointed out some of these factors: home language factors, such as the language spoken at home and family beliefs and practices about language use; parent work schedules; home/social and past school histories; important life events; literacy practices; immigration status; or parent involvement in prereferral or referral processes (Andrews et al., 1997; Argulewics, 1983; Bocian et al., 1999; Dauphinais, 2000; Gottlieb, 1991; Poon-McBrayer & Garcia, 2000). I point these out as a snapshot of the field, which has rarely focused on multiple dimensions, some focused on very local influences, such as the classroom. In other work, researchers have considered more global processes, such as how policy matters are related to special education referrals (e.g., Coutinho & Oswald, 2000). Next, I review special education referral research that highlights the importance of accounting for institutional factors, which at times overlap with individual influences.

Institutional and Individual Factors

Referral researchers have also focused on institutional influences, and the interplay of multiple factors (e.g., institutional and individual), such as school policies, grading, child study teams, record-keeping and grading, planning, institutional documents, MTSS/RTI, or school rules. I also reviewed prereferral interventions and RTI research, especially when

related to referrals, with implications for special education identification processes (Nelson et al., 1992; Sindelar et al., 1992). Further, I noted conceptual reviews or summaries of the research have connected referrals to teachers' instructional decision-making processes (Ysseldyke, 2001).

I also located research examining the interplay of multiple processes beyond individual factors (Ahram et al., 2011; Fielding, 2004; Goodman & Webb, 2006; Gritzmacher & Gritzmacher, 1995; Lloyd et al., 1991). Smith's (1982) illustration offered an explanation of the phenomenon and considers individual actions to determine how students come to be classified,

> Unlike most subjects of case studies, the 'staffing process' is not an event or place. It is an abstraction that stands for all the activities people in a school district carry out in deciding whether a child is to be declared handicapped and placed in special education. Yet, collectively, these activities can be regarded as a case because they are highly interdependent, they are regulated by a set of laws and rules, and thus have assumed a uniform shape. Clear patterns of action of educators have emerged. (p. 3)

Drawing attention to the actions of individuals, and the legal nature of referrals, an institutional dimension adds a layer of understanding to special education referral decisions. Thus, rather than investigating structural or cultural factors in isolation, the field benefits from examining the interplay of multiple dimensions. Considering the interplay of ethnic and linguistic factors related to special education decisions, Poon-McBrayer and Garcia (2000) examined Asian-American students' sociocultural factors to understand variables related to special education referrals. In a school with the largest number of Asian-American students identified as having an LD, Poon-McBrayer and Garcia found many of their conclusions resonated with previous research. Similar to the experiences of Mexican-American students, Poon-McBrayer and Garcia found vast diversity among Asian-American students. Further reifying that sociocultural needs matter, Poon-McBrayer and Garcia found within-group

diversity due to the number of languages within Asian-American communities (i.e., Asian Indians, Pakistanis). For instance, Poon-McBrayer and Garcia found many Asian-American families were not familiar with the school system although many Asian-American students were U.S. born. Poon-McBrayer and Garcia found many parents were immigrants (regardless of their children's language or citizenship status). Consequentially, parents had limited understanding of schooling processes due to language barriers. Poon-McBrayer and Garcia also noted that the school did not keep track of socioeconomic information, suggesting that while the free-and-reduced lunch rates of Asian-American students were only at 30%, it was possible that parents were not aware of the U.S.'s welfare system, in addition to the possibility that beliefs about Asian-American families' high-income overshadowed existing poverty within the district. Gathering data from students' identified as having LD, Poon-McBrayer and Garcia (2000) found data from individual student's cumulative folders

> continue to raise questions about (a) the relationship between English proficiency and referral to special education, (b) the appropriateness of language intervention and instruction prior to referral, (c) students' age and retention history, (d) determination of language dominance and proficiency, (e) assessment procedures and materials, and (f) the nature of services as well as the language of instruction provided in special education. (p. 66)

Although Poon-McBrayer and Garcia focused primarily on institutional documents, their findings emphasize the need to account for students' schooling histories prior to referrals. Thus, since schooling decisions (e.g., students' retention) may be related to special education referral determinations, researchers must account for broader contextual factors.

In other cases examining institutional factors and influences beyond the teacher in isolation, Ortiz et al. (2006) examined school personnel referral reasons along with family factors, such as the role of parents in prereferral interventions, home language factors, such

as the language spoken at home, and family beliefs and practices about language use (Bahr et al. 1993; Bay, 1994). In other cases, researchers examined how school teams dealt with special education referrals pertaining to how other school personnel (e.g., psychologists, principal, social worker) mediated special education referral practices and processes (Hammond & Ingalls, 1999; Hayek, 1987; Lau et al., 2006; Whitten & Dieker, 1995).

Related to institutional factors, such as high-stakes testing in Texas, Fielding (2004) found evaluation outcomes drive special education referrals. Surveying 962 diagnosticians in Texas, Fielding found the majority (87%) of the respondents believed initial special education referrals were driven by low performance on the state test. Further, Fielding also found over 86% of those surveyed claimed they were pressured by administrators to recommend students who failed the state evaluation. In a study examining disproportionality within special education placements, Ahram et al. (2011) drew attention to referrals by examining teacher referral forms, in addition to considering individual school personnel beliefs and school processes through the collection of qualitative and quantitative data (e.g., surveys, focus groups, interviews, and postsession evaluations). Ahram et al. found, as in earlier studies, individual perspectives mattered in special education identification decisions, and found

> (1) cultural deficit thinking in educators' construction of student abilities; (2) the existence of inadequate institutional safeguards for struggling students; and (3) attempts at addressing disproportionality often result in institutional "fixes" but not necessarily changes in the beliefs of education professionals. (p. 2234)

Considering the interplay of institutional and individual processes, authors have also named implications for the use of RTI/MTSS in making special education referral determinations. For example, examining individual and institutional factors in special education referrals, Goodman and Webb (2006) investigated reading assessment data of

third and fourth-grade students who were referred for special education services due to learning struggles. Since in many previous studies researchers focused on subjective data for teacher referral reasons, Goodman and Webb determined more objective information (e.g., student assessment data) could help rule out whether or not teacher bias was present. Goodman and Webb found "puzzling and troubling" (p. 65) results: that there was no gender or ethnic/racial bias in referrals, which conflicts with earlier research. Goodman and Webb found large numbers of native English speakers were referred for special educations services. Notably, however, Goodman and Webb found EL students were not referred for special education services as presumed they might be. Consequentially, similar to other work within RTI/MTSS contexts, Goodman and Webb cautioned the heavy reliance on RTI for making LD diagnoses.

Also within an RTI context, Ortiz et al. (2011) investigated EL classifications in special education programs within RTI settings. Ortiz and associates' publication included research findings from three interrelated studies examining the cases of 70 ELs, who were identified as having an LD, to examine the possibility of misidentification within RTI contexts. In their publication, Ortiz et al. found school staff often overlooked ELs' "holistic" and "retrospective" needs (p. 329). Reiterating the importance of accounting for the interplay of multiple processes across the three studies, Ortiz and the research team found "serious shortcoming in the district's implementation of special education referral, assessment, eligibility determinations, and placement procedures for ELs" (p. 322). Investigating the accuracy of students' diagnoses, Ortiz et al. found 77% of the students did not qualify for special education services, which highlights the possibility that ELs may be misidentified as having a special education need.

Furthermore, investigating the interplay of individual and institutional processes, researchers also studied school team dynamics and the impact on minority students in relation to referrals (Gravois & Rosenfield, 2006). In a study of 22 schools across a mid-Atlantic state, Gravois and Rosenfield examined the impact of instructional consultation teams made up of general and special education teachers, school psychologist, and other instructional support staff over a two-year training period. Investigating the impact of an instructional team, as opposed to a problem solving team (e.g., child study team) that gathers to discuss as a group, teachers met with case managers on a one-on-one basis to discuss a child's progress. Gravois and Rosenfield's findings reinforce the possibility that school processes (e.g., consultation teams) can make a difference in special education referral and special education placement patterns.

Similarly, in an RTI investigation, Cavendish identified "quick and dirty" (p. 10) referrals were often the results of limited school personnel preparation, competing institutional factors, and alarming concerns about how RTI was used as a special education process. These findings stress the need to consider how RTI has replaced special education processes—with very little changing—in the way students are identified. Although there are significant ties between referrals and tiered intervention frameworks, not all special education referral studies are distinctly about RTI/MTSS processes. Researchers have also examined referrals as a phenomenon within larger processes, such as the overrepresentation of students by racial/ethnic group within special education programs (Waitoller et al., 2010). Drawing from Guinier and Torres' (2002), Waitoller et al.'s metaphor of the miner's canary, which shows signs of "distress which threatens us all" (p. 29), is evidence of the urgent work needed to improve special education identification practices. In their review of the special

education representation empirical base, Waitoller et al. identified 62% (n = 26) of the studies were related to professional decision-making processes, such as teacher referral decisions, a highly consequential phenomenon (Ysseldyke, 2001). While Waitoller et al.'s review focused on a broader phenomenon, not exclusively special education referral decisions, their findings highlight the importance of accounting for the interplay of multiple factors. Waitoller et al. summarized the "technical dimensions" (p. 39) that mediate professional practices related to assessment issues, individual biases, personal beliefs, and decision-making processes within child study teams or eligibility team meetings.

Interplay of Multiple Processes and Interpersonal Influences

These patterns in the empirical base emphasize the need to consider the interplay of multiple influences to help explain how teachers make EL special education referral determinations. Rather than attributing referral determinations to simplistic explanations (e.g., teacher bias or student deficits), a "linear narrative which privileges individual factors," these empirical tendencies stress the need to examine the phenomenon from a wider lens (González et al., p. 148). A more encompassing lens considers multiple possibilities to explain ELs' learning struggles and the possibility their L2 status is impeding learning. To offer a more panoramic view, I center my focus on multiple processes, to include the individual, institutional, and interpersonal, a view into social interactions between individuals. I defined interpersonal processes as the relations and communications that take place during interactions between teacher and student (i.e., Harry & Klingner, 2014; Mehan et al., 1986; Richardson et al., 1989; Rogoff, 2003). These influences, least examined in special education referral or MTSS research, have been rarely examined within naturalistic contexts.

I found a small number of researchers have examined special education referrals considering interpersonal influences through examinations of what takes place in the classroom (e.g., Harry & Klingner, 2014; Mehan, 1986; Richardson et al., 1989). Although not specifically targeting linguistically minoritized populations, in a multiple-year ethnographic study, Mehan et al. (1986) examined the interplay of multiple processes, such as examinations of child study teams, individual teacher factors, family perceptions, and classroom interactions. Next, I narrow my study purpose, largely based on findings from Mehan et al.'s study for two reasons. First, Mehan et al. examined classroom interactional processes that mediated teachers' referral definitions and specifically targeted student communication patterns. Second, I could not locate empirical studies that had investigated the possibility that classroom interactional processes mediated EL special education referral decisions. In this case, however, the study centers on prereferral processes; that is, how teachers mediate decisions before a referral determination is made.

EL Special Education Referral Research

After eliminating studies that did not meet the inclusionary criteria, I located a small number of publications that related to EL special education referrals in some way—that is, results were related to processes significant for ELs—and they were somehow acknowledged in the publication. Since I could not locate naturalistic studies investigating EL prereferral processes within MTSS contexts, I centered my investigation on locating studies in which referrals were a focal point, or researchers related some aspect of the publication to referrals, and, ELs were included in as study participants. I identified L2 status as a critical factor within the research base since multiple factors (e.g., linguistic, cognitive, social) matter for distinguishing EL students' learning struggles from the possibility an LD

or other factors contributing to a difficulty learning. With L2 status as a focal point, I centered my efforts on L2 factors since federal law stipulates learning struggles cannot be as a result of a cultural factor.

I found multiple trends across studies. In some cases, there was limited information about how the research design or intervention examined ELs' sociocultural needs, especially how staff determined referrals or outcomes considering the L2/LD quandary. In cases with limited discussion on ELs' sociocultural needs, oftentimes, the only information provided about ELs was their limited English proficiency status through a representation in a table with other demographic information (e.g., race/ethnicity, SES); ELs were a segment of the study participants. In other cases, researchers targeted EL populations explicitly; they were 100% of the study participants (Gordon, 2018; Lasure, 2016; Ortiz et al., 2011; Rodriguez & Carrasquillo, 1997; Wilkinson et al., 2006; Yzquierdo et al., 2004; Velasquez, 2018).

Notably, some publications examined referrals and considered linguistic factors, but did not consider the interplay between several factors (e.g., school records and decision-making processes). To illustrate, Rodriguez and Carrasquillo (1997) investigated referral reasons of Hispanic ELs by investigating school records. Rodriguez and Carrasquillo found the majority of students were referred for literacy and language development concerns. Their findings resonated with earlier work that demonstrated school personnel had poor understanding of students' biliteracy development (e.g., Rueda & Mercer, 1985; Ortiz & Yates, 1988). While this work draws attention to critical factors in EL special education referral research, such as students' linguistic factors, their work was missing other significant dimensions, such as the possibility that structural factors (e.g., policies) or interactional classroom processes mediate special education referrals. For instance, examining EL records

and how staff document language development or status is critical, but it may not explain staff's decision-making processes, or interpersonal dimensions.

On the other hand, I located a small number of publications which included ELs and examined multiple dimensions, including interactional classroom processes related to special education referrals (e.g., Harry et al., 2007; Orosco & Klingner, 2010). Investigating students classified with special education needs, particularly related to referral reasons, Harry and Klingner (2014) found staff was unprepared to differentiate between L2 versus LD factors. Additionally, Harry and Klingner reported staff's poor use of assessments did not account for ELs' multiple needs. For instance, Harry and Klingner found bilingual assessors were overloaded with work and as a result constrained with time and not able to attend child study meetings. Harry and Klingner also found problematic institutional factors that did not adequately provide language support options for families during special education processes, such as the use of "sporadic" translation services (p. 128). Harry and Klingner found, ironically, schools had "excellent written guidelines" (p. 128) pertaining to how schools should address ELs' needs but the actions of individuals were not always carried out as reported. Harry and Klingner found the efficacy of the school system to be "mixed," which suggested concerns "had to do more with the quality of the school, the knowledge of key players and the culture of the referral" (p. 123).

Similarly, Ortiz et al. (2011) found problematic processes in the ways schools identified ELs as having LD, suggesting evaluation outcomes should not be based on single measures (e.g., evaluations made by school psychologists). Ortiz et al. further recommended multiple measures would provide more ecological and comprehensive evaluation results.

Related to referrals after students, researchers investigated the timing of EL

identification (Artiles et al., 2005; Hibel & Jasper, 2012). For example, Samson and Lesaux (2009) examined EL placement patterns and found language minority students were identified later than non-EL peers; there was a slower rate of identification for ELs. However, Samson and Lesaux found that grade (or age) mattered. They found the probability of placement was less for ELs in comparison with non-ELs, but this was more the case in first-grade rather than third-grade. Samson and Lesaux also found teachers who reported students' poor performance in kindergarten had a higher chance of being placed in special education in the following years (Samson & Lesaux, 2009). Similarly, Hibel and Jasper (2012) investigated EL special education placement among children of immigrant parents. Hibel and Jasper also found placement rates increased over the years, but school personnel tended to delay EL special education referrals due to the possibility of language factors that make referral determinations difficult. For instance, Hibel and Jasper found school personnel delayed referrals until students were proficient in English, which requires several years to achieve basic levels of language development. This draws attention to timing factors, presumably under the assumption that if language can be ruled out as a factor impeding learning, staff can justify a special education referral. Notably, delayed special education referrals and classification rates for Els are empirical findings that resonated with earlier work (Garcia & Ortiz, 1988; Limbos & Geva, 2001; Samson & Lesaux, 2009).

A number of studies targeted EL special education prereferral interventions (Collier, 1986; Garcia & Ortiz, 1988). In other words, ELs were study participants within the study, or researchers examined the phenomenon of special education referrals before decisions were finalized. Focused on addressing ELs' learning struggles, Orosco and Klingner (2010) concluded school personnel replaced the concept of *referring* for special education services to

a teacher assistance or child study team, with "referrals into RTI" (p. 276); in essence, RTI replaced special education referrals. Orosco and Klingner found the RTI model functioned as a "negative cycle that created a deficits-based RTI literacy model" (p. 269). Although teachers were not trained in language acquisition processes, they often pointed to deficits within students, rather than investigating multiple factors, such as what might be problematic with instruction.

Few researchers have examined the role of L2 in relation to making special education referral decisions (Klingner et al., 2006; Klingner, Hoover, & Baca, 2008). More specifically, researchers have struggled to understand the role of L2 acquisition in ELs' learning difficulties, especially in naturalistic settings. Empirical evidence on this topic is particularly scarce in settings where prereferral interventions (e.g., MTSS) are meant to improve identification processes.

Next, I turn to the conceptual framework of the study.

Conceptual Framework

A cultural-historical approach that draws from Vygotsky's theory of learning and development, provides an entryway for understanding special education referrals within MTSS spaces as a "joint, mediated, activity in context" (Cole, 1996; p. 104). A situated approach shifts the conversation of *culture* beyond narrow understandings of the term, to examine the social and dynamic nature of classrooms where teachers make decisions related to students' learning needs (Artiles, 2015). In essence, a cultural-historical approach establishes the possibility to examine multiple influences, (i.e., individual or social forces in isolation; McDermott et al., 2006). A cultural-historical approach provides an entryway to consider individual (cognitive) and social aspects germane to EL special education

identification processes.

I frame special education referrals as a cultural-historical affair, which operates through the tools and rules within activity systems in schools across time (Cole & Engeström, 1993). With this theoretical understanding, schools, as cultural spaces, cannot separate cognitive processes from environmental processes. A cultural-historical conception of individuals' actions and activities also recognizes that cultural beings "contain accumulated knowledge of prior generations" (Cole & Engeström, 1993, p. 9) This conception

> implies a species-specific mode of developmental change in which the accomplishments of prior generations are cumulated in the present as the specifically human part of the environment; culture is, in this sense, history in the present. (Cole & Engeström, 1993, p. 9)

Recognizing history as always present, this understanding also provides a framework to document and understand how events unfold over time.

From Individual Traits to Practices and Activities in MTSS spaces

The Academically Struggling, Neither Here Nor There. A student considered for special education is in limbo, neither here nor there. I refer to such students who may be referred, yet not deemed special education classification as *academically struggling* because their academic performance is of concern according to school personnel. I focus on those academically struggling learners, indexed by their participation in more intense levels of intervention (e.g., Tier 2 or 3) within MTSS spaces, yet, for whom a referral decision has not been concluded. A student in the referral process, essentially, is a misfit in the general education classroom—evidenced by unresolved learning or behavioral struggles. A student in the referral process (not yet identified) is not deemed suitable for the special education

classroom at least until evaluation results award students a particular status.

From Individual to Multiple Dimensions. A cultural-historical approach (Cole, 1996; Cole & Engeström, 1993; Rogoff, 2003) moves the unit of analysis beyond the individual (in isolation) and draws attention to individuals' practices (Gutiérrez & Rogoff, 2003). Recognizing referrals take place within "social, educational, political, and legal environments in which interaction among educators and between educators and students take place" (Mehan et al., 1986, p. 44), I grounded my study on the interplay of multiple factors. This theoretical lens provides an opportunity to consider individual differences but is inclusive of other contextual factors, making dynamic conceptualizations possible. This theoretical lens considers the multiple dimensions of learning, which offers the opportunity to recognize referral decisions as mediated by multiple influences (H. Mehan, personal communication, April 21, 2018). A cultural-historical view includes several social and psychological forces: the individual, interpersonal, and institutional influences which often interlace, often creating identities of ability/disability for students (Harry & Klingner, 2014). Gutiérrez and Rogoff (2003) portray this theoretical position as follows:

> A cultural-historical approach can be used to help move beyond this assumption by focusing researchers' and practitioners' attention on variations in individuals' and groups' histories of engagement in cultural practices because the variations reside not as traits of individuals or collections of individuals, but as proclivities of people with certain histories of engagement with specific cultural activities. Thus, individuals' and groups' experience in activities—not their traits—becomes the focus.(p. 9)

Thus, conceptual understanding does not exclude student factors but rather accounts for social and historical processes, alongside students' needs that create narratives of students' educational canvas (González et al., 2015). Next, I illustrate my focus on special education referrals as characterized by a situated, dynamic, legal, and cultural-historical process (Cole,

1996; Greeno, 1988; Greeno & Engeström, 2014; Rogoff, 2003)

A Situated, Cultural-Historical Approach to Special Education Referrals

To examine the cultural-historical work of school, I focused on the situated cultural practices of individuals within one MTSS school, while also taking into account my own cultural identity as a researcher (Arzubiaga et al., 2008). Thus, I centered this study on the actions, processes, and temporal nature of culture (Cole, 1996), within one MTSS space, to learn how EL identification practices unfolded across time.

Interested in examining the situated cultural practices within classrooms, I set out to examine how researchers have accounted for ELs' complex and multiple processes, particularly related to special education referral decisions. After reviewing the research base, I found a limited number of researchers have examined the interplay of multiple processes. Most referral researchers have examined the phenomenon of referral factors *after* a special education referral decision had been concluded, and fewer have focused on those events and factors that can avoid a referral to start with. Mainly missing was empirical work on the processes and practices within a naturalistic MTSS/RTI setting *before* making a special education referral determination. Notably, this has been an ongoing concern for several decades (e.g., Wood et al., 1990)

A situated and cultural-historical understanding provides a way to examine the interpersonal processes—that is, a view of the very local, interactions in the classroom—and offer a close-up view of those individuals' perspectives. Borrowing from the medical sociology field, the notion of patient diagnosis—in this case, the search for a remedy, to identify students' ailments (learning struggles)—extends the conversation beyond isolated factors. This perspective, rather than seeking only to identify problems within the patient

(child), the doctor's knowledge and students' experience, and perspective also matter. This work requires accounting for the different interests of the protagonists, as in doctor and patient, but in this case, student and teacher (Wodak, 1997). Wodak offered a cogent explanation that "describes the class between the institutional world and the lay world as a 'frame conflict': value systems, the structuring of knowledge and traditions [which] all diverge and cause misunderstanding and conflict" (p. 177). In sum, having two individuals naturally leads to two perspectives, values, traditions, and behaviors; thus, conflict and misunderstanding is bound to happen. Wodak illustrated this in a doctor-patient setting:

> One common concrete manifestation of this is the fact that doctors typically want to arrive as quickly as possible at a diagnosis, while patients often want to explain aspects of their biography and would also like to know the implications of their symptoms or illness. (p. 177)

A more lucid approach to special education referral and evaluation decisions, thus, centers on the biography of individual students as portrayed through institutional practices, which are historically-laden. Focusing on individual biographies provide opportunities to learn from all actors—not just those who lead or make decisions (e.g., school leaders, teachers)—to create alternate narratives of students' special education candidacy trajectories. Consequently, this approach draws attention to participants' cultural-historical stories, which possibly account for individual conditions and perspectives, institutional, and interpersonal processes that contribute to students' circumstances in the first place (Cole, 1996).

Classroom events: Window into individual thoughts

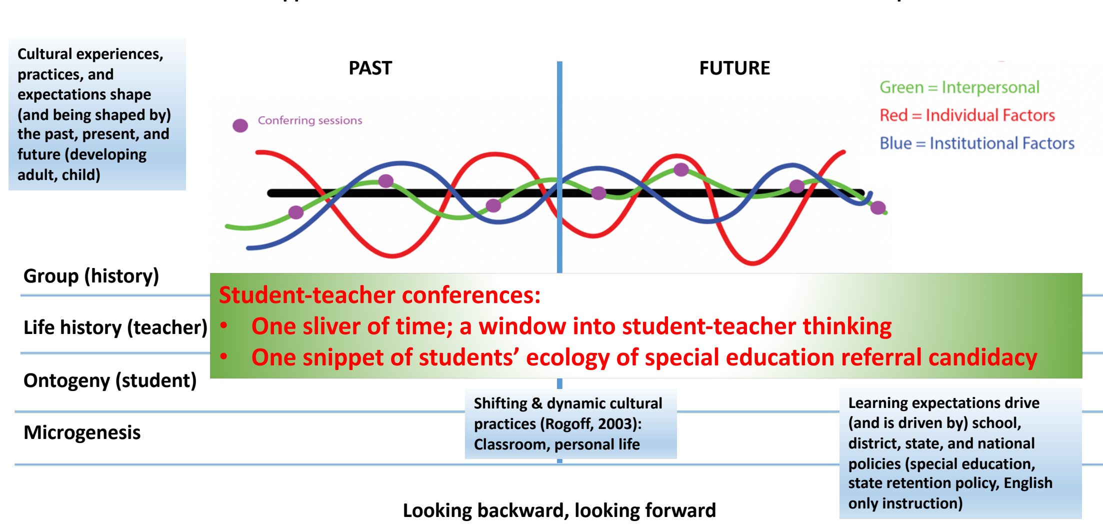
I grounded my study in the interpersonal domain—relations and communications between people during a targeted event. Although I also accounted for individual and institutional processes, all three are intimately tied together. A situated understanding of

teachers' decision-making processes related to special education referrals provides a better understanding of human actions (Cole, 1996) within MTSS contexts that cannot be separated from student performance, or as Bateson writes: "action [is] as part of the ecological subsystem called context and not as the product or effect of what remains of the context after the piece which we want to explain has been cut from it" (p. 338, as cited in Cole, 1996, p. 142).

Drawing from Cole's (1996) cultural approach to ontogeny, the study of human development, thus, focuses on individual's past, present, and future. A cultural approach that accounts for the multiple influences, individual, and institutional, through the manifestation of interpersonal processes is needed to understand one MTSS context where ELs' special education referrals unfold and may take divergent trajectories. At the same time, this understanding provides a situated approach to study snippets of learning (e.g., student–teacher conferences), one sliver of the interplay of multiple influences that unfold in a student's learning day; see Figure 1 for a visual representation of this theoretical grounding.

Figure 1.

Cultural Approach to an MTSS Context.



Drawing from Mehan et al.'s (1986) study, I positioned my study on the interplay of multiple processes and focused on understanding how student–teacher interactions and communication informed teachers' sense-making about struggling students' competence. Mehan et al. posited that a teacher's interpretations of students' behaviors for referral reasons are often based on a student's ability to successfully communicate. Successful communicators are thus, *in synch* with expected communication patterns (Mehan et al., 1986):

> Participants in successful communication encounters *synchronize* their verbal, paralinguistic, and kinesic behavior in rhythmic patterns … and when miscommunication occurs, participants have been found to be '*out of synch*,' or not attuned to a common conversational rhythm. (p. 73, emphases added)

Mehan et al. hypothesized "that a lack of synchrony between teachers and students leads to negative teacher evaluation" (p. 74). While Mehan et al.s' (1986) findings did not "bear out [their] initial assumptions" (p. 74), they did hypothesize they did not find that referred

students were more "out of synch" within classroom communication patterns for students not referred, due to the possibility of methodological issues. Mehan et al. (1986) justify:

> It is possible that the phenomenon was present and operating in the classroom in our sample, but we were not able to observe and record it. That is, there may have been a lack of synchrony between teachers and students in the classroom that failed to appear in the events we selected for taping because of bad sampling. The small number of events, their formality, or the actual act of recording may have been responsible for inability to see a discrepancy between students' behavior and classroom conversational rhythms. (p. 74)

Based on Mehan and associates' hypothesis, in a pilot study I explored the possibility that students' communication patterns in the classroom mediated the teacher's special education referral decision. I found evidence that the teacher expressed her thoughts of one student's competency but could not determine if it made a difference for the referral decision. After completing the study, I learned the student was in the process of being tested for an LD. In contrast, this study focuses on how teachers might *arrive* at a decision to refer a student, not after a referral determination is made, and the student is in the process of evaluation. Thus, my study is an attempt to also explore their hypothesis, one Mehan et al. could not conclude, due to a methodological shortage.

Next, I describe one classroom practice, teacher–student conferences. This practice constitutes a sliver of students' learning activities based on a language-filled classroom event. I hypothesize this communication and learning event provides a glimpse into the cultural work of classrooms, where teachers employ literacy approaches to gauge students' strengths and needs, and thus over time craft understandings of a student's level of competence.

Student–Teacher Conferences. Because social interaction is a driving force in the formation of identities (Goodwin & Heritage, 1990; Holland et al., 1998), I used student-teacher writing *conferences* as a method to investigate individuals' thoughts about each other

and the event. Conferences, also referred to as *conferring*, between teachers and students are one-on-one opportunities for teachers to *check-in* with (i.e., Beaver, 1968; Harris, 1986; Lattimer & Diller, 2003). Conferring as an analytical tool serves a dual purpose: 1) it is a classroom event used to gauge students' understanding of a particular skill, topic, or learning concept, and 2) it draws attention to the identities that are shaped, created, and figured in the classroom (Holland et al., 1998).

While conferring started out as a literacy activity, based on holistic and process-oriented approaches to writing (see Beaver, 1968; Harris, 1986; Harris et al., 2003), it has now become recognized as a personalized learning approach that may include other subject areas, such as social studies or science (Kallio & Halverson, 2017). Further, largely based on sociocultural approaches to literacy instruction, conferring is not a new concept to teachers (see Harris, 1986; Lattimer & Diller, 2003; Taberski, 2000). Conferences are unscripted, one-on-one classroom events based on teacher and student conversations, typically used to check in with students. Drawing from Vygotsky, Hodges (2017) illustrates conferring as a sociocultural approach to writing, supporting the idea that students learn from "mentors and more knowledgeable peers," in which

> students who confer with teachers will receive more thorough and concrete feedback. Instead of writing notes or making revisions on a piece of writing and handing it back to the student, the teacher sets aside time to meet individually with the student. The teacher reads the paper aloud to the student and discusses patterns that can be improved. Through this form of mentorship, the student gets individualized feedback and suggestions that can immediately be applied to new writing. (pp. 141–142)

Moon (2012) identified reading conference structures to include five steps: 1) "research" the most recent work, check last conference notes, or listen to the child to choose a topic, skill, or concept; 2) "decide" on concept, topic, or skill to focus on; 3) "teach" by giving an "example for student from Read Aloud," a book, or other text source; 4) "engage" the

student in the reading [or writing work] (topic, concept, or skill); and 5) "link" by renaming the "teaching point," tell students what they will continue to work on, and how to use the strategy, skill, or concept taught (p. 24).

Interested in capturing as many conversations as possible, I located conferring as a literacy activity and determined it was the closest to casual conversations during students' instructional day, other than when teachers are directing lessons or providing student instruction. For example, teachers might ask students a question during direct instruction, or give students a task and direct them to perform in some way, but it is not a sustained conversation. Conferring, on the other hand, is a sustained and focused conversation with specific goals. As an emerging research base, conferring has been used by teachers for decades, but its structures and characteristics have rarely been documented (Kallio & Halverson, 2017). One observation researchers recently noted is that conferring is a practice that has not been well understood, even by teachers who use conferences in their classrooms. To illustrate, researchers found teachers were doubtful about sharing their conferring protocols because they believed teacher–student conferences were "amorphous" in nature (Kimball et al., 2018, p. 4). Further, teachers were somewhat hesitant in sharing conferring protocols and also viewed them as informal, organic in a sense, and having no shape or form. For example, while students may feel "what is perceived to be an unstructured or "directionless conversation," (Harris, 1986), writing [or reading] conferences do have stages—or "proceed through time from beginning to end" (p. 45) with specific goals.

Recognizing students' strengths and needs are key in making special education referral decisions, and I determined student–teacher conferences might offer insights related

to teachers' interpretations about students' overall competence. Of significance, this practice would also provide the opportunity to examine students' thoughts about themselves and others (e.g., teacher). Hypothesizing teachers' understandings about students informs or mediates their special education referral decisions; thus, it draws attention to the interpersonal. In turn, using conferring as a communication phenomenon ties teacher and student styles of communication together, and this may also be related to the formation of identities (Holland et al., 1998). Studies of conversations "emphasize that styles of communication and the forms that distinguish them are intimately linked to local concepts of social identity and social roles" (Schieffelin & Ochs 1986, pp. 163-164).

In this study, I set out to understand how interpersonal processes, such as those located in conferring practices or classroom interactions—an illustration of individual and institutional processes within the classroom—might mediate teacher special education referral decisions. If communication patterns matter in special education referral determinations, what might investigations of student–teacher conferences offer, which might shed light on what teachers think of students based off communication patterns, as well as what students think of themselves? In all, what teachers think about students matters since teachers make critical decisions about students' educational trajectories; what students think also matters since their voices are often invisible in the special education referral or identification processes. Next, I lay out the method I used to answer the research questions.

CHAPTER 3

METHODS

In this study, I used a qualitative research design to examine the structural and cultural mediators that made a difference for two students' special education referral determinations within one MTSS context. Using three primary sources of data, I aimed to understand the individual, institutional, and interpersonal dimensions that mediated special education referral decisions for students. Next, I present the study contexts, data collection and analysis procedures, trustworthiness of my study, and limitations to my findings.

Study Contexts

This study took place within the southwestern part of the United States, in a state with over 80,000 ELs enrolled in kindergarten through 12th (K–12) grade schools (State Department of Education, 2019). The state's second-language learner population constitutes 6% of the 4.9 million ELs in the United States, which is a growing subgroup of students across the nation (National Center for Education Statistics, [NCES] 2019). ELs make up about 8% of the total number of students served under IDEA (State Department of Education, 2019). Of those students enrolled in K–12 schools in the state, students identified as Hispanic/Latinx students make up the largest number of students served in the *least restrictive environment* (LRE), or over 40,000 students.

The state also has a history of low percentages of students passing annual assessments, especially ELs. Based on most recent data results available, 46% of the total number of students who took the state's ELA and math assessment in 2019 passed; more than half of third graders in the state, consequently, were not proficient readers (State Department of Education, 2019). Across the state, more specifically, of those passing, 3% of

the ELs passed the ELA portion, and 9% passed the math portion.

According to the Office of Civil Rights (OCR, 2015) database, the majority of the students (90%) at Libertad Elementary identified as Hispanic/Latinx, higher than the district average, at 81%. At Libertad, other race/ethnicities identified as follows, according to the OCR: Black, n = 5%; White, n = 3%; American Indian/Alaska Native, Asian, and two or more races, all less than 1%. Further, the school's population consisted of 51% of students identified as female, and 49% as male. Of the school's student population, Libertad's ELs made up around 9% of the total student enrollment (OCR, 2015). Further, over 9% of the total student enrollment identified as having a disability (IDEA + Section 504), and the majority (90%) of students at the school qualified for free and reduced-price lunch, higher than the district average at 88% (OCR, 2015).

According to OCR data (2015), 100% of ELs at Libertad Elementary participated in limited English proficient (LEP) programs. Among the school's two language support tracks (LEP programs) for students, Libertad offers: the structured English immersion [SEI] classroom, mostly driven by the state's restrictive language policy, and a dual language [DL]strand, open to all students. Notably, many ELs do not qualify for the DL option due to the state's restrictive language policy which limits the possibility of bilingual education. Both students who were recruited and agreed to participate in this study, were ELs who did not qualify for the school's DL strand since they did not score as English proficient on the state's oral English development evaluation.

Libertad Elementary is a public school in the United States located within a restrictive language policy context which targets ELs, students who have demonstrated they are not proficient in English. Libertad Elementary also provides services to address the

needs of its diverse student body population. For example, Libertad is a school that uses MTSS as a process used to identify special education candidates, as well as a tool for addressing students' behavioral and academic needs. The school district tracks student progress for those who might need special interventions or services (e.g., special education services) to tend to students' learning needs. To track student academic progress, the state evaluates students through yearly standardized evaluations in math, ELA, and science (in some grade levels). Particularly, these high stakes assessment results are used to make significant decisions about students' educational trajectories, such as determinations to refer students for special education services, participation in increasing levels of tiered intervention support, or choices to retain students. For instance, students not meeting expected state standards for their grade level are tracked and marked as in need of more intense instruction, such as Tier 2 or 3 interventions. Further, since the state has a retention policy, students who do not pass the state's ELA portion of the annual evaluation in third-grade cannot be promoted to fourth-grade; they are retained due to state policy.

Site Access, Recruitment, and Participants

Access to the School

This study took place in a school where I spent over 16 years of my professional life as a bilingual DL teacher within inclusive settings. Having left Libertad three years before to begin my doctoral program, I entered a research space that I was both familiar and comfortable with. I began volunteering in my (former) colleagues' classrooms twice a week, something that strengthened my professional and personal relationships, as well as shaped my approach to the research project. It was these professional and personal experiences, as well as common goals for ELs, that provided the opportunity to gain entry into this research

space.

After establishing my research goals and learning of my colleague's interest in possibly participating in my study, I sought permission to conduct my study at Libertad. To gain entry, which required principal and district approval, I shared my overall research focus with the principal upon learning of the university's Human Subjects Institutional Review Board approval for my study. Being that I was interested in improving instructional practices for ELs, and my dissertation study used similar theoretical and methodological approaches used in my pilot study, the principal welcomed my study with open arms but directed me to seek district approval. I also conveyed one staff member's interest in my study and the steps I would take in case her participation did not work out. As I specified within recruitment materials, I created a letter to invite other teachers in case she could not or chose to no longer participate. I specified the process as: 1) inviting teachers to a brief presentation, which would explain the research study and 2) handing out a recruitment letter/flyer, which would invite teachers to contact me if they met participant criteria. I specified teacher–participant criteria as follows: a) teachers who had been teaching five years or more; b) certified bilingual teacher; c) experienced teaching ELs who had been identified as Tier 2 participants for reading interventions; d) conducted individual reading or writing conferences with students; and d) teaching within grades third through fifth. Finally, I shared my specific research study design and interests with the district's representative, the director of student achievement, who, within two weeks, approved my study.

Participants

Next, I describe the study participants, students, school personnel, and parents,

which included the following (all pseudonyms): Teacher 1, Xochitl; Teacher 2, Guadalupe; Student 1, Sebastian; Student 2, Pedro.

Teacher 1: Xochitl Najera. My first teacher participant, Xochitl, was a bilingual teacher who had extensive training in working with ELs, both with and without special education needs. Xochitl was a 20+ year veteran, bilingual teacher who had extensive training in comprehensive approaches to literacy instruction, as well as being known for her implementation of culturally and linguistically responsive approaches within her inclusive classroom over the years. I was especially interested in understanding her thoughts and practices in working with ELs with and without special education. Further, I was aware of Xochitl's comprehensive approaches to reading instruction and personalized learning practices, such as conferring with students.

Interested in empirical work and learning related to literacy for ELs in an inclusive setting, I visited Xochitl's fourth-grade most Wednesday and Friday mornings for literacy support related to ELs during the 2016–2017 school year, where I also completed my pilot study over six weeks. Since Xochitl was excited over the insights and learning we gained from my pilot study, I invited Xochitl to participate in a longer study. This time, we would follow two students over a long period of time, something she was thrilled to participate in since she believed it helped her development as a teacher. After explaining the study details that differed from our pilot work, she was thrilled to hear about another study and agreed to participate. During the following school year (2017–2018), I continued visiting her class twice a week, and consequentially, during the spring semester of that year, I invited Xochitl to be a part of my dissertation study. It was during the spring semester of 2018, Xochilt provided the pool of ELs for this study who faced the possibility of being referred for

special education services.

I began my study in Xochitl's class during the spring semester of 2018, but data collection was short lived. Due to circumstances beyond my control, all research activities were put on hold due to teacher walkouts in the state. After collecting two weeks of student–teacher conference data with one student, Sebastian, I had to stop all research activities. I collected interviews over the summer and into next school year, where I continued my investigation of the first student participant and began an investigation of another EL, who was also suggested by Xochitl. Unfortunately, since this student never returned the recruitment form, he could not participate in the data collection process, although I also observed his behaviors as I collected other student data.

Teacher 2: Guadalupe Varela. Being that colleagues from the year before were aware of my work in Xochitl's class, upon learning my project was put on hold, Xochitl shared the possibility of having others continue the project with the same students. Coincidentally, a grade-level colleague, Guadalupe, was aware of the collaboration between me and Xochitl since the grade-level was departmentalized (and they shared students), and Xochitl often shared her experiences and her appreciation for the support of having another adult in the class. Because Guadalupe met all study criteria and had similar training in comprehensive literacy approaches, held student–teacher conferences, and happened to be a teacher moving up with her students, I invited her to be a part of my study. She agreed to participate, and I began my study of her students.

Guadalupe was also a bilingual 12-year veteran teacher in both DL and SEI settings, and had experience working with students of all dis/ability types, within an inclusive setting. Further, much like Xochitl, she was also trained in teaching comprehensive literacy

approaches, which included conferring with her students. Additionally, due to her bilingual and literacy training, she also employed culturally responsive practices in her class. This year, as a dual language and SEI teacher for rotating classes, due to the school's move to departmentalization, she taught students in both of the school's L2 support programs simultaneously. The move to departmentalization meant students rotated to classes taught by teachers specialized in particular academic content areas. In the past couple of years, students rotated to teachers, by cohort (SEI or DL), and teachers adjusted instruction by group. Notably, during the year I conducted the study, Guadalupe taught writing to fifth- and sixth-grade students, for a total of five cohorts. The year before Guadalupe taught math to fourth graders, for a total of three cohorts.

Student 1: Pedro. Although Pedro did not agree to participate in the study until the summer before his fifth-grade year, I learned of his learning and behavioral struggles during the last month of his fourth-grade year. Pedro was a fifth-grade EL enrolled at Libertad Elementary since kindergarten. He was among a majority of ELs enrolled in Guadalupe's SEI class because he did not qualify for bilingual education through the school's DL program, as possible for students who were proficient in English. Pedro was also among the group of ELs Guadalupe referred to as "truly EL" since she was required to fill out individualized language plans, as required by the state since he was a basic-level speaker of English (not proficient in English). Pedro was also older than the majority of his classmates because he was retained in third-grade due to the state's retention policy, being that he had not passed the reading portion of the annual state test. Pedro also had a history of academic struggles, as his teachers both shared, and as a result, was potentially a special education candidate since he participated in Tier 2 interventions for academic support. I reserve more

detailed presentations of his academic and/or linguistic profile for Chapter 5.

Student 2: Sebastian. I began following Sebastian in the last semester of his fourth-grade year. Sebastian was a fifth-grade EL enrolled at Libertad Elementary since second-grade. He was also among a majority of ELs enrolled in Guadalupe's SEI class because he did not qualify for bilingual education through the school's DL program. Sebastian also had a history of academic struggles, according to Xochitl and Guadalupe. As a result of his academic difficulties, he was also potentially a special education candidate since he participated in Tier 2 interventions for academic support. Further, Sebastian seemed to have a history of behavioral toils, although he was chosen for the study since he was struggling academically. I also reserve more detailed presentations of his academic and/or linguistic profile for Chapter 5.

School Personnel and Parents. Other school personnel (beside teachers) and parents played a lesser (although important) role in my study. To understand individual and institutional domains related to a special education referral decision, I chose to interview parents and other school personnel who were somehow connected to students' learning and schooling trajectories. I interviewed both students' parents during the summer before fifth-grade. To learn about school factors, I interviewed six school personnel who were connected to Libertad's MTSS process, namely Libertad's principal, assistant principal, the first MTSS coordinator, school psychologist (the second MTSS coordinator), and the two teachers.

Next, I present the data collection procedures I used to narrate two ELs' stories during their journey as special education candidates.

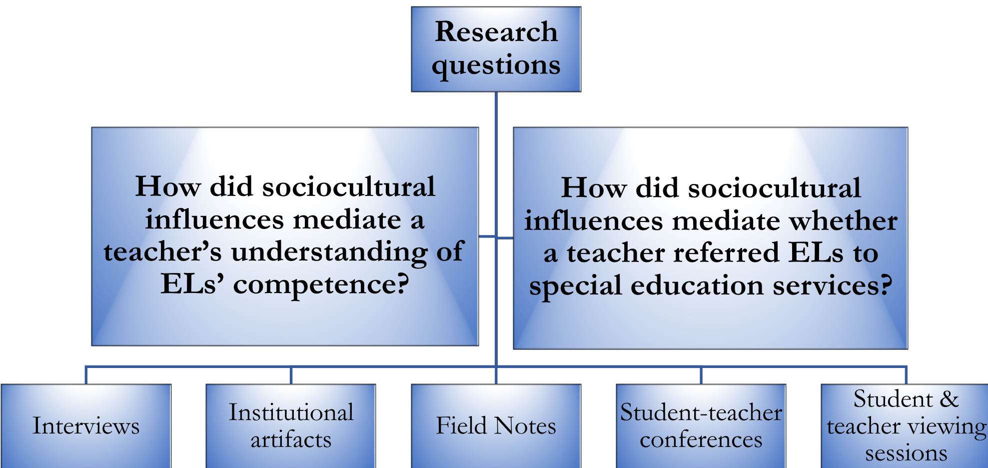
Data Collection Procedures

I used a multiple parallel design case study (Chmiliar, 2012; Marshall & Rossman, 2016; Maxwell, 2013), which involved the simultaneous collection of data for each circumstance within a multiple case design. Next, I present the data collection procedures illustrated through three dimensions that helped me answer the research questions. I begin with data sources that answered questions related to the individual dimensions that offered insights into personal beliefs. Secondly, I introduce the focal dimension of my study, the interpersonal, to illustrate the data sources that helped me craft the narratives of students' competencies. Third, I present the data sources, which offered answers about the institutional dimension, evidenced by information related to structural influences, as well as the influence that seemed to overpower teachers' special education referral decisions. See Figure 2 for an overview of research questions and data sources.

Individual Beliefs and Histories

I began answering the first research question through data sources that offered explanations of the individual dimensions that were related to participants' individual beliefs and histories.

Figure 2. Overview of research questions and data sources.



Individual influences are personal (or sociocultural) characteristics that contribute to individual beliefs and histories. Individual influences are related to family experiences, backgrounds, and beliefs or perspectives (Cole, 1996; Rogoff, 2003). Individual factors may include, although are not limited to, L1 and L2 use and status; ethnic/racial identity; gender; a student's socioeconomic status; or practices, beliefs, perspectives, based on cultural-historical experiences. Particularly, I was interested in learning about individuals' perspectives, especially those related to Pedro and Sebastian's performance and the topics discussed about how to address their learning needs (e.g., L2, cognitive needs), especially in the case school personnel might consider evaluation for the possibility of a LD

Interviews. I conducted semistructured interviews with school personnel and Pedro and Sebastian's parents to understand how they perceived their learning needs, strengths, and struggles. For parents, I was interested in learning how they perceived their child's learning struggles, their thoughts about language, and if they spoke of the possibility of a special education referral. To gather data about individuals' perspectives related to learning

processes, I asked questions pertaining to individual beliefs and views about sociocultural factors (i.e., family backgrounds, experiences, language use). Similar to data from previous research (i.e., Harry & Klingner, 2014), for instance, parents from different cultural backgrounds have been found to have different beliefs about language use and individual student struggles. Further, in pilot data findings the student and teacher made reference to the language used to practice reading at home, and they emphasized the need to get a sense of home literacy practices.

In conducting interviews, I was interested in learning their perspectives about how they might address ELs' learning struggles, especially due to the conflation over what caused their learning struggles. For instance, I asked questions about how they might untangle students' learning struggles, especially since L2 status was a sociocultural factor to be considered. Also, I was interested in learning about their perspectives about special education identification processes. Researchers have found individual beliefs and perspectives are related to teacher's instructional decision-making process, especially in special education referrals (Algozzine et al., 1982; Skiba et al., 2006).

Parent Interviews. To learn how family language use and views about learning may be related to student communication patterns observed during conferences, I conducted semistructured interviews with the participating students' parents. This is an approach used in other empirical work related to parents of ELs' (Kaveh, 2017; Moll, 2011). For instance, I focused on parent views and activities at home as related to learning (Richardson, et al., 1989; see Appendix F for specific parent questions). I focused on parent's beliefs about learning, since home cultural practices are directly related to the experiences, actions, and beliefs students bring to the classroom (Rogoff, 2003). Further, L2 family practices and

beliefs are of significance because researchers have found parent beliefs about L2 use, and support varies across family subgroups (Harry & Klingner, 2014; Klingner et al., 2008). For instance, Harry and Klingner (2014) found Haitian Creole parents would deny their children spoke a home language other than English or expressed their desire for their children to only learn English. Harry and Klingner found this belief was different among parents of children whose home language was Spanish, and they noted that Spanish appeared to be a "highly accepted language," and had not heard of Spanish-speaking parents "denying their home language" (p. 129). Particularly, I was interested in language use at home, especially since Pedro and Sebastian were not considered proficient English speakers, according to standardized oral English assessment results that had granted them EL status; see Appendix A for the Parent Interview Protocol.

I conducted interviews in the location of parents' choices (i.e., home, school, or coffee shop with a private area), in spaces regarded as most convenient and comfortable by individuals. I offered parents a $25 gift card in appreciation of their time for participating in each interview session, which they accepted. I invited both students' parents to participate in the interview. Pedro's mother agreed to participate, while both of Sebastian's parents participated in an interview to learn of family factors. Both interviews lasted an average of 58 minutes.

School personnel interviews. I gathered teacher interview data to understand personnel's understanding of special education identification processes, as well as how they might address ELs' pluralistic learning needs, as well as learning about their perceptions of students and families (Harry & Klingner, 2014). I included questions regarding language use or learning that I believed influence teacher decision-making processes, especially thoughts

related to special education referral, evaluation, or identification. For instance, I asked questions related to individuals' beliefs about academically struggling students, special education labels, and their beliefs about the L2 versus LD quandary. I also asked questions about their thoughts about academically struggling students as compared to academically struggling native English-speaking students. While school personnel interviews provided information about their personal beliefs and histories, they also provided data that illustrated how they understood or perceived institutional influences and processes—evidence of the overlapping nature of multiple domains. It was also through such questions I learned how institutional processes make a difference in teacher training and experience, and ultimately, mediate EL instructional decision-making processes. The interviews took place on school grounds or in a private location most comfortable for school staff (e.g., coffee shop), an after-school setting (e.g., school personnel office or classroom), or where it was most convenient for the individual (see Appendix B for Teacher and Principal/Instructional Leader Interview Protocols). I conducted a total of nine interviews with six individuals over the course of the school year, including three follow-up interviews with the school's two MTSS coordinators. All interviews lasted under one hour and ranged from 47 minutes to 59 minutes, for an average duration of 53 minutes.

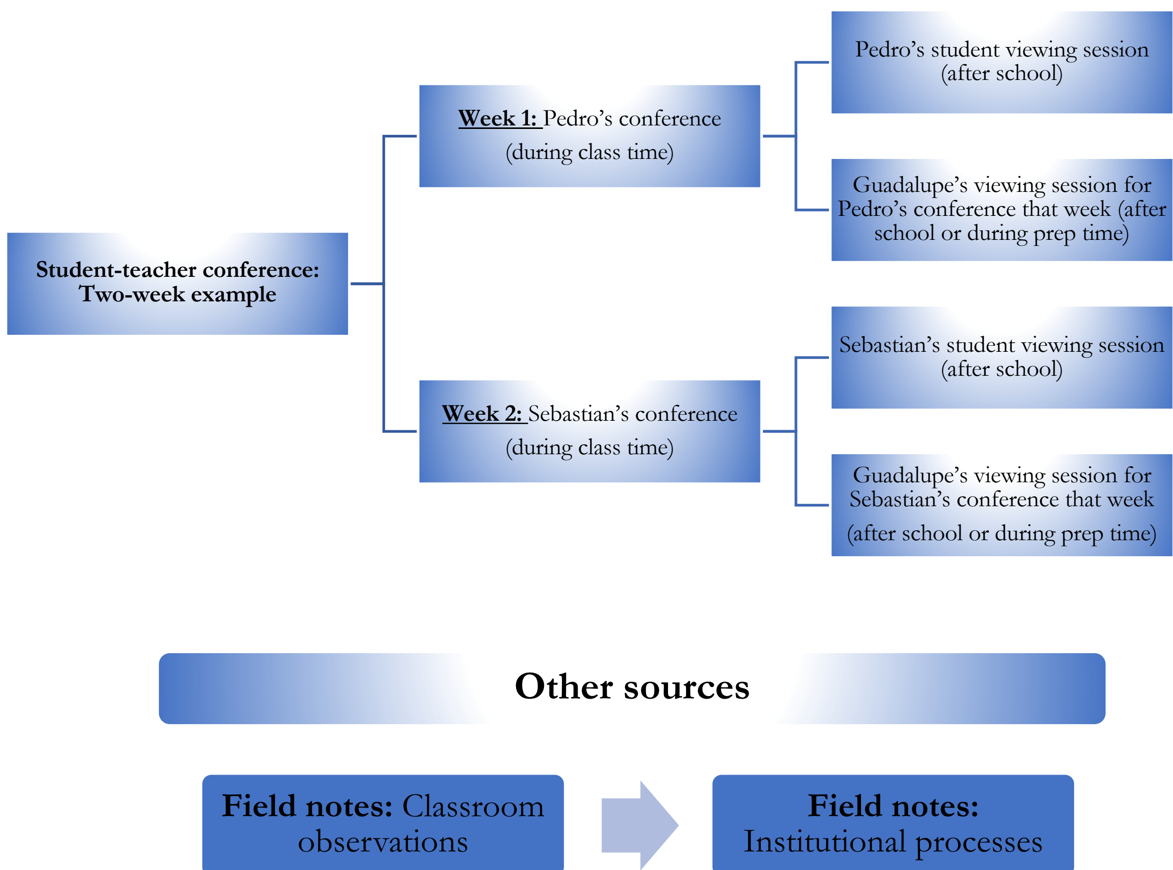
Interpersonal Dimension: Making Thinking Visible About Student Competence

I used three sources of data to examine interpersonal processes in the classroom. I used video recordings of student and teacher interactions during student–teacher conferences, student and teacher viewing sessions, and field notes as the analytical canvas on which interpersonal influences converged to mold teacher's views of both ELs' overall competence. I assumed the cognitive and interpersonal processes that unfolded during these

teacher–student writing conferences constituted an important source of information that influenced teachers' conceptions of student competence. I hypothesized, teachers' thoughts shape and are shaped by interactional moments, which ultimately led to teacher thoughts about the referral decision (Cole, 1996; Erickson, 2004; Rogoff, 2003). Erickson describes this as a mutually influencing process. Within social interactions, individuals shape, while being shaped by others. In other words, interactional data from teacher–student conferences were a starting point to trace the teacher's sense-making processes about ELs' competence, followed by viewing sessions with teacher and students. Next, I present the sources of data I used to produce evidence of the interpersonal dimensions as possible through student teacher conferences and viewing sessions. As an overview, I present a sample data collection event, to demonstrate my data collection procedures for the interpersonal domain (see Figure 3).

Figure 3.

Sample Weekly Data Collection for the Interpersonal Domain.

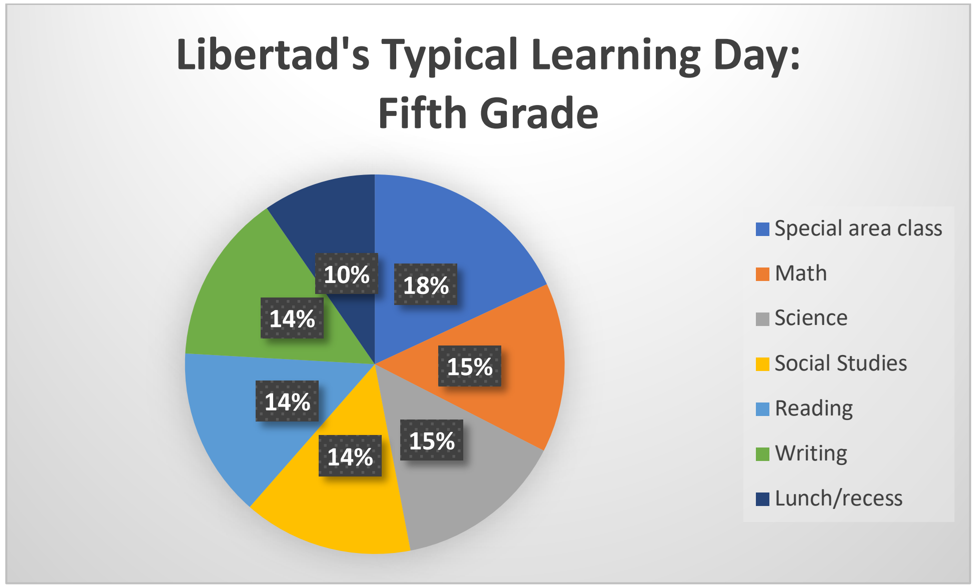


Student–Teacher Conferences. I used student-teacher conferences to capture a sliver of the conversational moments and learning between teacher and student. Student–teacher conferences were a slice of conversation and learning since it constituted one very small moment of students' instructional days. Of the 420 instructional minutes available in students' days, student–teacher conferences were only a small part of their writing instructional time. Further, since writing conferences only took place once every two weeks for students, over a 14-week period, it was an even smaller part of their learning days. Having used conferring in my own class, and based on observations from Xochitl's class,

this was less frequent than other cases. Typically, student–teacher conferences are held once every week (for most needy students), or every two to three weeks (for students who need less help) mostly based on student need (Taberski, 2000). Due to the grade-level's departmentalization, for Guadalupe, every two weeks for each student was the most frequent she could meet because she spent 90 minutes with her first class each day (more time than her other cohorts). In sum, Guadalupe's writing class, combined with reading time, took up 28% of students' instructional day; see Figure 4 for students' instructional day.

Figure 4.

Libertad's Students' Instructional Day.



For the occurrence of student–teacher conferences, Guadalupe dictated when conferring sessions would take place, typically telling me one or a few days before she anticipated having a conference with one of the student participants. On other days, she told me the day of her desired recording that she wanted to record that day. Because I had a short notice on some days, I always attended Guadalupe's class with my recording tools ready to go. We set up this format since it was the most logical way to capture student–teacher conferences,

which were a naturalistic part of her instructional day. Basically, whether or not I attended, she held conferring students with students, either individually, or in small groups. Although student–teacher conferences were only a very small fraction of students' learning days, they were also extremely fruitful since it was the only time during students' instructional days that I witnessed Guadalupe engage in conversations about learning. The rest of her class time was taken up with whole-class instruction, small-group work, or students engaged in independent work. In other words, although student–teacher conferences took up a snippet of their learning day, it was productive to learn about student or teacher thoughts.

To collect student–teacher conference data, I visited Guadalupe's class every school day possible, for 90 minute blocks three to five times a week over the course of 14 weeks. Depending on the week, I could not visit her class every day due to other commitments as required by my doctoral program, or days when she was absent, or students were testing. Focused on capturing all conferences between teacher and student, I captured every conference (to my knowledge) between Guadalupe and her participating students over the course of students' fall semester of their fifth-grade year. In all, Guadalupe conducted a 13 one-on-one student/teacher conferring sessions during Pedro and Sebastian's fall semester (12 one-on-one student–teacher conferences and one small-group conference over 14 weeks; range = 7–24 minutes), with an average conference time of 15 minutes. Of the 13 recorded conferring sessions, only on one occasion a student (Pedro) refused to be recorded on camera; this day, he asked to only be audio recorded. Sebastian seemed generally pleased with the opportunity to sit and talk with Guadalupe as he was being recorded. Further, since I captured one small-group conferring session, and it involved other (nonparticipating) students, I did not capture video this day. Thus, my analyses were based on 11 video

recordings and two audio recordings over the span of the semester.

Audio-visual recording processes. On recording days, I prepared a Sony hand-held camcorder before students came into the classroom. I placed the camcorder on a twelve-inch tripod situated on top of a small table near Guadalupe's conferring table. I chose this small tripod over a larger one, since after the first recording, the large tripod seemed to obstruct walkways and posed the risk of having individuals tripping on the tripod legs. Thus, a small tripod placed atop a student desk that was nearby seemed to be the most appropriate placement.

I positioned the camera at approximately four feet slightly to the front of my participants (facing both teacher and participant), as they sat in conversation side-by-side. In the efforts to capture only teacher–student participants (and not other students), I made sure the camera was facing away from the rest of the class, which was a logical strategy since Guadalupe usually positioned herself facing the class as she conferred with students.

To record audio (as a backup and to augment the audio quality), I used a recording device (an iPhone), which I could later synch to video data. While the camera also recorded audio, I was concerned a camcorder, in isolation, without microphones directly connected to the camera, would not capture the audio quality I wanted. Thus, I determined another device, to improve quality and as an audio-backup, would be my best choice. I used a retired phone with no internet or phone service, alongside the camcorder to collect interactional data from teacher–student conferences. To record audio, I used two connected lavalier microphones (lapel mic), connected to my recording device (the phone) and placed the phone in-between teacher and student on the table to capture the best possible audio quality.

After each recording session, I synched audio and video data using computer

software, so that video data would have the best possible quality audio and video data. Using Adobe Acrobat's Premier Pro Software, I uploaded video and audio files, followed by completing the steps within the software to synch audio and video data into the production of one new video file. The new video file was a combination of video from the camcorder I used to record the interactions and the audio recording from the phone, a video with higher quality audio recording than the original, which I used to during viewing sessions.

From the recorded audio files, I also used the data to produce transcripts of the student–teacher interaction. To expedite the process of transcribing data, I used *Temi*, an advanced speech recognition software, which transcribes texts within minutes, to get a generic transcription of student–teacher conversational data. Since the transcription software is not 100% accurate, I always returned to the transcriptions to clean up the automated transcription as much as possible.

Viewing Sessions of Recorded Writing Conferences. I used *teacher and student viewing sessions* of video-recorded conferences to examine teacher and student thinking during conferring events. I collected viewing sessions of recorded teacher and student reflections about their interactions for each conference for a total of 13 conferences (12 one-on-one conferences with Pedro and Sebastian, and one small-group conference), which included Pedro and Sebastian, among other struggling ELs. I used viewing sessions to understand how teachers and students made sense of each other's remarks and actions, and, particularly, looked for evidence of teacher utterances that might indicate how they viewed the students' overall competence. I also sought moments in which the teacher or students might appear to be "out of synch" from expected conversations. The viewing sessions were helpful in verifying how participants interpreted and handled such instances.

For a total of 13 conferences, I met with each teacher and student separately, which produced a new source of data, teacher and student viewing sessions. I collected a total of 27 viewing sessions, evidenced by one teacher viewing session and one student viewing session for each one-on-one conferring session. Of the 27 viewing sessions, two sessions did not involve viewing any data. The week I documented a small-group conference, the viewing session did not actually involve any visual data since I only audio-recorded that session because I did not want to capture nonparticipating students in the image. The other recording that also only included audio data was a result of Pedro's refusal to be recorded. Thus, of the 27 sessions, 25 sessions were viewing sessions, and two were hearing sessions, since participants listened to the student–teacher conference data. Also, I ended up with an odd number of viewings sessions because the small-group conference involved one session in which Guadalupe reflected on both students simultaneously.

To collect viewing-session data, I instructed teacher and students to stop the recording and comment/reflect using a viewing session protocol (adapted from Mehan et al., 1986). I created separate instructions for student and teacher, as evident in the protocols listed in Appendix C. This process basically involved, asking participants to a) stop the recording when they found a moment in which they wanted to share something they were feeling, thinking, or wondering, and then b) explain why the tape was stopped. If student or teacher did not stop the recording, I took it upon myself to point out my moments of interest, although I allowed the recording to play for the entire duration. When participants did not stop the video, I noted the stops and time, to document the number of times I had to take the prerogative to point out particular moments of interest, such as in cases when the teacher or student did not stop the recording.

Student Viewing Sessions. All student viewing sessions occurred outside of instructional hours, within 48 hours of conferring sessions being completed, as recommended by Erickson (2006). Student viewing sessions were conducted in Guadalupe's classroom, shortly after school. I gave students a 10-minute break to drink water, use the restroom, wash their hands, and enjoy a snack before starting the viewing session. After completing the viewing session, I offered Pedro or Sebastian a small gift (e.g., pencil, eraser, play-doh), in appreciation of their time. Upon termination of the study, each student received a $20 gift card to a store of their choice. Notably, both students reacted distinctly to the weekly rewards. For instance, while Sebastian seemed eager to choose a new gift each week, I noticed Pedro's interest in the gifts declined. By the last two viewing sessions, Pedro declined a weekly gift, saying no thanks, he was not interested in any gifts.

During student viewing sessions, I instructed students to 1) point out interesting moments; 2) explain why they thought the particular moment was interesting; and 3) share what they were thinking or feeling during that moment. I also used probes during the student viewing sessions to elicit students' a) understandings of what was happening during episodes they pointed out; b) interpretations of the objective or purpose of those instances; c) interpretations of the teachers' motives or goals; and d) understandings of the teachers' directions, questions, or feedback (Mehan et al., 1986). I began each student viewing session with, "Today I want to show you the conference you did with your teacher on [date]. If the video gets too long and you feel tired, we won't watch the whole meeting…I want to know what you were feeling, wondering, or thinking during those moments and will ask you to tell me why" [see Appendix D for a full description of the protocol]. Student viewing sessions concluded when the video ended or if our time went beyond 40–45 minutes, so as to not

fatigue the student. In all cases, students appeared fine with completing the recordings, and we were able to get through all viewing sessions in less than one hour.

When students did not stop the recording, we returned to the video data and I pointed out three to five instances where I asked questions about particular moments. For example, during a conference which lasted 14 minutes, if the video played the entire 14 minutes without being stopped by the student or teacher, when it ended, I returned to the video to ask about instances I thought were significant. This process involved taking good notes of important particular moments (e.g., when the teacher was repeating a question or comment), which I thought might be useful stopping points. For each student, this unfolded in different ways. For example, Sebastian always had something to say and was eager to share his thoughts. For Pedro, it was not until we were on his fourth student viewing session, about midway through the collection of all viewing sessions, when I realized he was intentionally not saying anything on many days. By this point, I figured it was a pattern that he was rather quiet during student viewing sessions since it was not typical of his classroom behavior (where he was especially talkative). On this particular day, as we sat in silence watching his conferring video, when he looked up at the time remaining on the video, he commented that there was only three minutes left on the video. Since he was scheduled to stay after school for 45 minutes, I knew we still had at least another 20 minutes left of time. I then explained to him we would still have to talk about something during the remaining time. I told him since he had not said anything, that I would not let him go that easily, and I would be asking him about particular points, as usual. After hearing my response, Pedro immediately responded, "Oh shoot, I've gost to say something!" He then quickly turned to the video, apparently trying to show me he had something to say, by saying "Well I

think…um… right there… I," stumbling through his words to apparently say something (or anything).

In all, I conducted six student viewing sessions with Pedro, which lasted an average of 32 minutes, over 14 weeks. I counted a total of 44 researcher stops, in which I had to initiate a stop for Pedro to comment on a particular moment from the student–teacher conference; Pedro stopped the recording 18 times over the course of 14 weeks, for six viewing sessions; I initiated a stop 28 times for the moments he did not stop the recording. I conducted seven viewing sessions for Sebastian, which also lasted an average of 31 minutes over the 14 weeks. Sebastian stopped the recording on his own a total of 52 times over the seven viewing sessions over the 14 weeks; I initiated a stop 18 times for the moments he did not stop the recording.

Teacher Viewing Sessions. Collecting teacher viewing sessions was a much more challenging process (in comparison to student viewing sessions) due to Guadalupe's many time-constraints. Due to multiple teacher constraining factors, I was not able to collect teacher viewing sessions within 48 hours, as originally planned. While I initially planned to conduct viewing sessions before or after school within 48 hours of the student–teacher conference, multiple and competing structural factors took away from the opportunity to conduct viewing sessions in a timely manner. As a result, Guadalupe and I spent several of her instructional planning days to collect viewing sessions during her teacher preparation time, which seemed to be the most convenient time for Guadalupe. Consequently, on several occasions, we had to reschedule her viewing session because there was some type of meeting, such as a last-minute grade level gathering, having to substitute in another class during her prep time, or other school-related meeting (e.g., MTSS or IEP meetings). As a

result of these competing and multiple structural factors, all of Guadalupe's viewing sessions were held within 48 hours or up to one week after data collection.

I followed a similar process during Guadalupe's teacher viewing sessions, asking her to stop and comment on moments she noticed something important related to the history of the particular student's struggles. I asked her to notate moments that indexed a learning difficulty, any information that might shape what she was thinking about the students' overall competency, or the possibility of a special education referral. I found on most occasions, Guadalupe commented on a particular topic, concept, or skill, and also often made comments about the student's competency (e.g., he's so funny, usually followed by an explanation about why). On many occasions, I asked Guadalupe to expand on her thinking, which also included cues, (e.g., clarifying questions, "What do you mean by that?") This process basically involved asking Guadalupe why she stopped the recording at the particular moment, why it mattered, and any next possible moves. Particularly during teacher viewing sessions, I planned to gather information or ask questions that might be related to a) how the exchange related to Guadalupe's previous experiences with the student inside or outside of the classroom; b) if the student was making a speech, act, or action that contributed to Guadalupe's conception of students' learning or L2 struggles, in comparison to other struggling learners who are (or are not) ELs; or c) if there are behaviors in the recording that could be used to justify an instructional decision or why the student might need to be referred to special education services (see Appendix D for an overview of the teacher viewing sessions protocol). I offered Guadalupe a $100 gift card to a store of her choice in appreciation of her time over the course of the year. I conducted a total of 13 viewing sessions with Guadalupe, which were made up of 13 conferring sessions for each of her

student-teacher conferences. Pedro's teacher viewing sessions lasted an average of 23 minutes for the six sessions over the 14 weeks. Sebastian's teacher viewing sessions lasted an average of 25 minutes for seven sessions over the 14 week period.

Classroom Observations: Field Notes. Since conferences were typically weekly occurrences, on days Guadalupe did not hold a conference, I also took careful field notes of participating students' behaviors and actions during whole-group lessons, small-group instruction, and student–teacher conferences.

Field notes and data collection processes. To assist me in taking notes in this process, I used handwritten notes on a small tablet with and digital notes on an application, *Field Notes,* on a smartphone to either handwrite or dictate thoughts or observations by the minute. I always used a combination of handwritten or the application to notate observations because at times it was easier to stay in the moment. At other times, when I was trying to keep track of both students' behaviors, it seemed easier to track the behaviors by minute within the application because I could dictate what was happening. The smartphone turned out to be a useful tool to document what was happening in the classroom because I could quickly type or dictate the words to describe what was happening from minute to minute or take photographs with the phone.

Institutional Dimensions: Tangible, Historical Artifacts, and Evidence of (In)Competency

I was also interested in gathering data that illustrated institutional aspects related to Pedro's and Sebastian's special education referral decisions; that is, the educational practices that serve in the "institutional construction of identities" (Mehan, 2000, p. 260). I defined institutional influences as those practices teachers engage in (e.g., record-keeping,

assessments, grading, MTSS processes) to address students' academic needs, especially related to the policies, regulations, and processes in place. Based on my review of the literature, I found school processes, practices, regulations, policies, and routines about academically struggling students were critical institutional factors I should consider. For example, while principals do not directly engage in student interpersonal processes (at least for the most part), their directives and policies shape the practices teachers engage in their classrooms. Further, a student can be identified as "at-risk" (Richardson et al., 1989), according to benchmarks set out by assessment publisher recommendations even before school begins and based on high-stakes academic performance (Gersten & Dimino, 2006). Using institutional factors, such as preset benchmarks, thus places such decisions outside of the teacher's control.

To collect data related to institutional processes, I involved two data sources. First, I collected written historical artifacts related to evidence of learning (school records) or teaching (classroom artifacts). Secondly, I reviewed school personnel interview data that might point to institutional processes in place related to the school's special education referral process.

School Records: Evidence for Linguistic and Academic Profiles. I collected school documents to understand how participating students' needs and sociocultural factors (i.e., language spoken at home) were recognizable by school records. I also used these documents to create linguistic and academic profiles of their learning trajectory at Libertad. This process involved gathering copies of school records as found in the students' cumulative files or classrooms—related to the students' educational histories, L2 factors, and academic learning. Once I collected copies, I erased any personal identifying information

(i.e., name, date of birth, and location of birth), and replaced personal information with other words (i.e., pseudonyms or different birthplaces), as to protect participant identity. I placed participant initials, along with their pseudonyms on a hard drive, which is kept in a secured filing cabinet.

Classroom Artifacts. I also asked Guadalupe to collect school artifacts to document educational practices related to concepts, topics, or skills she discussed during the student–teacher conferences. I defined classroom artifacts as photos or copies of student work, instructional materials (i.e., anchor charts), or lesson plans, which would serve to provide contextual information regarding the student–teacher conferences. I noted school artifacts served a dual purpose: 1) they provide more contextual information pertaining to concepts, topics, or skills covered during the student–teacher conferences related to L2 and ability differences; and 2) they document the specific practices Guadalupe engaged in to plan for or grade student participants, as related to topics, skills, or concepts discussed by teacher or student. This methodological decision was based on pilot study findings, since the teacher often referred to particular tasks, or kept notes about her next move after engaging in teacher viewing sessions. For instance, on a number of occasions, the teacher reacted to an action in the teacher viewing sessions by stating, "That reminded me of something else I need to focus on…," reiterating the power of using reflection opportunities, such as through viewing sessions.

I employed technological tools (i.e., smartphone tools and programs/software, such as voice memos and photographs) to further assist the teacher and myself in this data collection process. To collect teacher think-alouds, I provided a smartphone with no phone or internet service, so Guadalupe could take photographs of student work or use the audio-

recording application to quickly make notes of her thinking. Leaving a smartphone with Guadalupe provided her the flexibility to collect the documents on her own time and opportunities to provide a brief explanation about the artifact by recording a voice memo or to display the artifacts during the viewing sessions. Further, I also used the smartphone to limit the amount of time that might be involved in asking the teacher to write or orally state teaching practices during student conferences. Surprisingly, Guadalupe opted not to use the phone I left her and mostly shared documents and thoughts over email. Further, documenting work involved a collaborative process. For example, on multiple occasions, Guadalupe asked me to take a photograph of the artifact since she was in the middle of a lesson. As such, the collection of classroom artifacts were photos Guadalupe or I took. In all, I collected a total of 73 classroom artifacts which included information of student progress or instructional materials (10 lesson PowerPoints presentations of her weekly lesson presentations, 43 photographs, 19 emails, 1 voice memo). I stored all photos, videos, emails, and voice memos on the phone's hard drive and later transferred the files to the same hard drive that is kept in a secured filing cabinet with the rest of the data. In all, Guadalupe provided 19 emails, which was the most common method of sharing her materials, with her instructional lesson materials or lesson plans, such as her PowerPoint presentation. Additionally, although to a lesser degree, Guadalupe also shared photographs of instructional materials of student work.

Institutional Processes through Interviews. As a secondary source of data extracted from interviews, I included questions within my interview related to processes and systems in place, which might tell me about institutional factors. For example, in asking questions about which systems and processes were in place to help them make a referral

decision, I learned about school personnel's understandings about how the MTSS process was related to a special education referral decision. Further, I asked questions about district processes in place to help them make instructional and support decisions about ELs, especially the special education referral due to the L2/LD quandary (see Appendix E for Teacher Interview Protocol, for a list of all of the teacher questions).

Data Analysis Procedures

I engaged in multiple data analysis processes to bring "order, structure, and interpretation to a mass of the collected data" (Marshall & Rossman, 2016, p. 213). Each student was treated as a separate case, illustrated by data collected pertaining to the student–teacher interactions and individual student artifacts. After I collected data about each student, I compared the data across cases. Chmiliar (2012) describes parallel design multiple case studies as follows:

1) each case is treated as a single case,
2) all of the data in each bounded case is carefully examine[d],
3) data is organized into a comprehensive description that is a unique holistic entity, [and]
4) once a full account of each case is developed, cross-case comparisons can be made. (pp. 2-3)

To analyze the data, I took on an intuitive and interpretive stance (Marshall & Rossman, 2016, p. 215; Miles et al., 2020) to help me go into the data without a predetermined explanation. Drawing from Crabtree and Miller's (1992) work, Marshall and Rossman illustrate this strategy as an alternate approach to the "technical, scientific and standardized strategies in which the researcher has assumed an objective stance relative to

the inquiry and has stipulated the categories in advance" (p. 215). Thus, this approach involved beginning with the transcription data, from which I then went through a process of noting codes, writing memos about codes, clustering codes, drawing conclusions, and writing assertions based on patterns in the data.

I began by transcribing school personnel and parent semistructured interviews using a software transcription program (Express Scribe) to transcribe the data myself. I also used *Temi*, an advanced speech recognition software, which transcribes texts within minutes, to get a generic transcription of student–teacher conversational data. I used this methodological tool to transcribe student–teacher conference audio data, to assist in expediting the analysis process, and not delay the study due to time constraints created with transcribing the data. When the software program completed the transcription, I returned to verify the accuracy of the transcriptions. In all cases, all transcriptions were transcribed with an accuracy average of about 75%, to which I returned to listen to all transcriptions to ensure the accuracy was as close as possible to 100%. Basically, my job involved listening to the transcriptions and correcting words or phrases the speech recognition software had missed. This process, of listening to the transcription to make corrections also served as an analytical tool and provided the opportunity to listen to the transcriptions carefully as I progressed through data analysis processes.

I also used computer tools to assist me with the messy process (Marshall & Rossman, 2016) that can often be felt through the use of intuitive approaches. Computer tools were especially helpful in the development of categories, themes, and codes for interpreting the data. Specifically, I used computer tools to organize the data by means of computer programs, such as *Microsoft Office* (i.e., *Word* or *Excel*). For example, tables within

Word facilitated the organization of topics through the use of tools, such as a table of contents, to organize segments of the data; the use of track changes or comments to code or categorize the data; the use of coding, highlighting, and coloring texts and images for organizing codes or concepts (within PowerPoint SmartArt); creation of a code-book; the use of tools, including search options (i.e., *Control+F- for Find*); and the feasibility to create tables and images to organize, analyze, and interpret the data (Hahn, 2008; La Pelle, 2004).

I also used a data analysis software program, *MaxQDA*, to code and organize data sources as I engaged in the data collection process. I found *MaxQDA* to be a powerful tool to help me categorize, code, and draw conclusions or disconfirm thoughts as I engaged in the analysis processes. I also organized data by including logs of "data-gathering activities," which helped to serve as a data reduction strategy and to keep the data organized and manageable (Marshall & Rossman, 2016, p. 215). I found logs of data-gathering activities to be especially helpful to document the date, place, and time of events; activities; names of individuals who were present; and what concept, activity, or topic discussed.

Individual Dimension: Making Individual Beliefs, Histories, and Processes Explicit

I engaged in the following data analysis procedures to inspect individual influences, specifically, parent and school personnel interview data. I chose to interview parents to get a glimpse of their thoughts about their children's schooling trajectory. School personnel, I figured, would provide both their individual beliefs, as well as explain institutional processes related to special education processes within the MTSS context. I used Harry and Klingner's (2014) illustration of grounded theory methods (Strauss & Corbin, 1997) to guide me through the process of drawing conclusions as I employed Miles et al.'s (2020) examples of theory-generated codes to categorize and make sense of the data. Similar to inductive

analytical methods, I combed through interview data to determine how parent beliefs or views relate to L2 student learning processes and development.

Parent and School Personnel (Interview data) Analysis. After engaging in inductive methods (Strauss & Corbin, 1994) to analyze the data, I used MaxQDA and Excel spreadsheets as an analytical tool to help me sort out the codes, cluster codes, and create conceptual categories to organize the themes I created from the interview data. For example, after coding all interview data, I counted 35 parent codes, which included some of the following categories based on school personnel interview questions about the referral process: institutional constraints; overall learning goals; special education referral criteria; teacher beliefs about EL special education referral decisions; teacher beliefs about learning and L2 processes; teacher beliefs about the reasons for students' struggles; support systems to justify EL special education referral decisions; and teacher beliefs that suggest learning struggles come from internal, individual processes.

I was also interested in learning whether or not parents were aware of their children's learning struggles and if they viewed student competency in the same (or different) ways as school personnel. To analyze parent interview data, I took somewhat of a different process. For this, I categorized parent interview data in four general categories: 1) thoughts about students' schooling struggles, strengths, and weaknesses; 2) comments about family L2 use, history, and support at home; 3) home literacy practices; 4) and specifically, whether or not parents mentioned the idea of special education services. Especially since I was not aware if parents had been informed about the possibility of a special education referral, I avoided any questions about special education processes. In both cases, parents did not mention anything about the possibility of special education services.

After transcribing all interview data, I engaged in a similar coding process (Miles et al., 2020) for the establishment of themes, based on reviewing codes and the memos I created over time in the data-collection process. For example, after creating a conceptual category of teacher beliefs about processes to justify EL special education referral candidates, I reviewed the memos I had written over time about what would justify an EL's special education referral, especially due to the L2/LD quandary. Digging deeper into the data, I found school leaders (e.g., principal) and instructional support staff (e.g., reading coach, MTSS coordinator, or psychologist), in general, held slightly different views about what would justify an EL's special education referral. That observation led me to compare what school leaders (principals and MTSS leaders) expressed in comparison to Pedro and Sebastian's fourth- and fifth-grade teachers. I concluded school leaders and instructional support staff approached special education referrals distinctly, in comparison to Xochitl and Guadalupe's approaches. Particularly, when examining teacher perceptions about how they settled the L2/LD quandary, I also concluded even Xochitl and Guadalupe held beliefs about how they determined the dilemma, evidenced by subtle differences. I also noted, it was becoming apparent that L2 factors were rarely mentioned in viewing sessions, and in the MTSS process, it was a minimal requirement to address linguistic factors. Consequentially, the evidence further supported the notion that L2 factors were often stagnant, ignored factors in special education referral decisions.

As I reviewed dozens of codes across multiple sources of data, I began the process of noting patterns across themes (Miles et al., 2020 Saldaña, 2015). To help me reduce the number of codes, I subsumed codes into categories that spoke to special education referral processes. For example, while staff referenced the school's MTSS Tier 2 and 3 processes to

assist students with learning struggles, I categorized Guadalupe's constant reminders to Sebastian, that he had to have work to show, as evidence she was searching for to demonstrate his competency to the MTSS team. Next, I turned to the institutional artifacts, which I used to draw conclusions about the data, which helped me answer the research questions.

Interpersonal Dimensions Data Analysis: Making Thinking Visible About Student Competence

I engaged in the following analytical processes to draw conclusions about the data I collected over the 14-week period. In this process, I aimed to understand how the interpersonal domain was evidence of the developing narratives of students' competencies crafted across time and space within Libertad's MTSS process. Notably, it was also during this process I realized student–teacher conferences and viewing sessions were data-producing sources that offered insights into the individual, which was evidence of the inextricable ties among multiple dimensions. Further, I found teacher and student viewing sessions offered insights into the interpretive nature of such a data source, as both another key analytical insight and alternate explanation of students' (in)competencies.

Student-Teacher Conferences Interactional Data Analysis. I analyzed conferring video data using multiple analytical tactics, starting with Erickson's (2006) "Type I-Whole-to-part… inductive approaches—with [a] focus on interaction process and integrated study of literal referential meaning and metaphoric meaning" (p. 577). Inductive approaches, derived from context analysis, ethnographic/sociolinguistic discourse analysis, and conversation analysis are referred to as Type I-Whole-to-Part (Erickson, 2006) analysis and involve some of the following steps:

> Step 1: Review the entire recorded interactional event as a whole, in real time, without stopping the playback, writing the equivalent of field notes as you notice verbal and nonverbal phenomena, using a watch to note times of major transition in activity, or using the time code already recorded (in current digital video recording, a time code is done as the original tape is being shot). (p. 577)

In this step, I began by observing conferring sessions before meeting with students in order to get an idea of any verbal or nonverbal moments that might merit further discussions, and I noted the time in which segments of interest occurred. I wrote the time down as a segment of interest in the event Guadalupe or the students did not mention particular points. For example, if Guadalupe seemed to repeat a question during a particular moment, I noted it as a segment of interest. Erickson describes the next step as follows:

> Step 2. Review the entire event again, stopping it, and, if necessary, replaying it at major section boundaries, noting on a timeline the occurrence of major shifts in participants (in and out of scene), of sustained postural and interpersonal distance configurations, and of major topics and/or speaking/listening activities. (p. 578)

I used this stage to return to the data and look for particular physical movements or motions (i.e., facial expressions and head or hand movements) that might add to the conversation. For instance, similar to the pilot study results, a change in facial expression, or bringing the hand up to the mouth, suggested a change in emotions (e.g., surprise or laughter). Erickson suggests within this step, researchers might,

> Step 3. Choose, within an episode of interest, a single strip of [video] that contains a single sustained postural/distance/gaze configuration among all the participants in the interaction. Transcribe the talk and the nonverbal behavior of the various speakers in that [video segment]. Transcribe the verbal and nonverbal listening reactions of listeners. To transcribe, replay short segments of the [video] (e.g., 3–7 sec) repeatedly. In a set of these recursive passes attend either mainly to speech or mainly to nonverbal behavior, focusing on one party at a time in the interaction. (p. 578)

I defined "episodes of interest" (Erickson, 2006, p. 577) as instances when the student or teacher remained on a topic, concept, or skill for longer than other moments, evidenced by repeating the same question, or posing the same question in different ways. Next, I

transcribed episodes of interest to be used in a closer analysis of the discursive data produced during the student–teacher conference, which Erickson describes as,

> Step 4. Proceed in the manner described in Step 3, replaying fairly short [video segments], until you have enough descriptive information to answer questions you have posed for the extended [segment] of social interaction within the event that is bounded by sustained postural/distance/mutual gaze patterns. (p. 578)

I also used this stage to connect what I observed during student–teacher conference video data to the larger research questions I sought to answer. To determine the "typicality or atypicality of the instances" that have been "transcribed and analyzed in detail—by more general coding," Erickson (2006, p. 579) recommends returning to the initial viewing notes as an index to the whole event, or to constituent sections within it. To illustrate, if in the overview of video data from the first step I noticed Guadalupe was referencing a class chart, I zoomed into that episode to more closely examine the details of that conversation.

The process of reviewing student–teacher conference data was useful to draw conclusions about Guadalupe's instructional tactics and moves. Based on transcription data of all conferring sessions, for example, I determined Guadalupe's small group or individual meetings with students were characterized by a pattern that was primarily based on evaluating students. I noted that she seemed to begin with particular questions, although her conferring sessions where characteristic of protocols and patterns established in emerging scholarship on conferring, which seemed "amorphous," but actually followed a pattern (Kimball et al., 2018, p. 4). During a simple conversation with students, she did not pull from a script, yet, she seemed to have a clear picture of what she expected students to do—the curriculum, standards, assessments—which all seemed to drive her instructional intentions.

After reviewing each student–teacher conference session for before, during, or after

student and teacher viewing sessions, I applied open codes to the themes I observed during student–teacher conferences. I used inductive methods (Strauss & Corbin, 1994; Miles et al., 2020) to draw meaning from data.

Miles et al. (2020) first-cycle coding method helped me manage the list of codes. After applying general open codes, I began attributing general codes to topics and observations that stemmed from the student–teacher conference (e.g., expository text, plan for writing, and time constraints). Next, I went through the process of categorizing first-cycle codes together, to assist me in the process of reorganizing codes, which, in turn, helped me in the creation of themes based on categorized topics. For student–teacher conference data, I counted a total of 51 general open codes that served as evidence to conclude student–teacher conferences were a reflection of the structural and cultural mediators, which somehow contributed to both students' competency.

Viewing Sessions (and More Student–Teacher Conference) Analysis. I used inductive approaches (Erickson, 2006) to closely examine teacher and student reflections of their interactional snapshots from the classroom. Building on the first stage, using Erickson's (2006) Type I-Whole-to-part, inductive approach to analyzing data, I used viewing sessions data to draw dis/confirm observations and patterns I started to notice as I reviewed student–teacher conferences. To illustrate, because most conversations focused on the curriculum and standards students were expected to achieve, it made sense that she often referred to her thoughts about the curriculum and how it was difficult for Sebastian to meet particular standards. Such analytical approaches (Erickson, 2006)

> not only to show what is happening in key instances, but to explain to the reader how and why those instances are of key importance analytically, that is, where those instances presented and discussed in detail fit into the overall patterns of variation that are found within an event as a whole, or across a number of examples of such

> events…The reader should be able to come away from an analysis not only "tree-wise" but "forest-wise." Without a presentation and discussion of detailed examples the reader cannot be tree-wise. But that in itself is not enough, being left tree-wise yet forest-foolish. The reader needs a sense of both levels of analysis and their inter-relations, hence analysis needs to pay systematic attention to both. (p. 579)

To sort out the forest and trees related Pedro and Sebastian's educational canvas, I found Miles et al.s' (2020) analytical activities draw meaning as useful tools for me to dissect student–teacher conferences and viewing sessions data. Using Harry and Klingner's (2014) example as a guide to analyze multiple sources, alongside the activities recommend by Miles et al., I used multiple analytical processes to engage in open-coding of all transcribed data, which included student–teacher conferences and viewing sessions. For example, as I observed student–teacher conferences, if Guadalupe's conversational moves were related to student motivation, I coded the segment *student motivation*. If conversations centered on a particular writing strategy, I coded the segment *writing strategy*. To further illustrate, the codes included information about students' work, misunderstandings, curriculum and instruction (e.g., strategies), classroom expectations, grade-level expectations, and assessment, as well as student behaviors during student–teacher conferences (e.g., yawning, head down).

Next, I engaged in stage two, which was clustering codes into conceptual categories. This involved creating conceptual categories through the clustering of codes. I followed Miles et al.'s (2020) analysis examples to help me make meaning from the data, which involves the process of noting patterns and themes, seeing plausibility (finding reasonable ideas), and determining what fits or makes sense. For example, I categorized Guadalupe's comments about writing strategies, assessments, and comments related to instruction as one conceptual category entitled *instructional work*. Further, when Guadalupe explained to students "they" (an unknown outside source) were expecting students to perform at

particular standards or levels on assessments, I combined such comments, concluding Guadalupe perceived there were things she did not have control over, such as administering standardized assessments. I categorized these types of comments into the conceptual category, external pressures (e.g., testing and grade-level expectations). Further, since questioning was a salient theme across all of Guadalupe's student–teacher conferences, I set out to dive deeper into the types of questions she was asking. There was something about Guadalupe's questioning that indicated she was in search of something, which mainly pointed to conceptions of student understanding. I concluded that her questions were all related to trying to meet particular achievement standards; anything outside of such standards portrayed students as deviant from the expected standards.

On this analytical stage, I also begin to look across data sources to test out particular themes. I used viewing sessions data as dis/confirming evidence based on observations I made while analyzing and reviewing student–teacher conference data. For example, in student–teacher conference data, I clustered several areas together, such as strategies Guadalupe used in the class to assist Sebastian with completing classwork. Later, during viewing sessions, if she did not share her thoughts on a general observation I thought was important, I asked directly about the topic, which served to confirm or disconfirm what I noted/observed.

To help me draw conclusions about the overall themes I determined could be used to explain the students' special education referral decisions, I employed Miles et al.'s (2020) activities to draw meaning from my analyses. I found the activity of creating a logical chain of evidence most useful to conclude my overall findings. To illustrate, this process involved examining the roles of multiple participants to draw causal links. For example, I noted the

district data leader's directive to mark all students who had not passed the state's ELA assessment, as students to be closely monitored. The MTSS coordinator explained this school process and Xochitl confirmed it during an interview, explaining students were identified "right of the bat" (X. Najera Interview, August 9, 2018). In this case, student performance and the possibility of Tier 2 or 3 instruction become two interlocking cycles: if students did not perform well, they were, by default, tied to Libertad's Tier 2 interventions. Thus, the logical chain of evidence, founded on "if-then tactics: 'If that were true, then we should find X. We do find X. Therefore…" (Miles et al., 2020, p. 287). In Libertad's case, thus, its MTSS framework looked as follows: By default, based on standardized assessment results (from annual state tests), if students did not perform well (as passing), then they were earmarked as Tier 2 candidates, regardless of L2 status (L2 status is ignored). Then, once students began participation in Tier 2 interventions, after eight weeks of responsiveness (or lack thereof), its efficacy was revisited (but L2 status was still ignored). Then, if Tier 3 interventions were deemed necessary, the interventions continued, in different capacities or intensity, and the cycle was repeated. This seemed like a straight-forward and logical process; however, what was happening with students' L2 status? Was the intervention considered to help the student? If that was the case, that the treatment worked, then what did that say about students' stagnant L2 status?

Classroom Observation and Field Notes Data Analysis

I used classroom observations of Guadalupe's instruction to dis/confirm the themes and patterns I noted from other sources of data. Again, I used Miles et al.'s (2020) analytical activities to help me see how my field notes fit within patterns and themes I saw within other sources of data. To do so, I began by applying open-codes to the observations I noticed as I

combined handwritten notes and extracted notes from the note-taking application. Next, I eliminated or created codes to help me see how certain codes fit with others or conceptual categories.

Institutional Dimension Data Analysis: Tangible, Historical Artifacts, Evidence of (In)Competency

For examining institutional data, I used analytical procedures to examine the data I used to make educational practices visible. Similarly, I used Miles et al. (2020) and Saldaña's (2015) theory-generated codes to assist me in the development of codes and analytic memos, and ultimately to produce case summaries, categories, or themes. I used themes and categories established from other data sources (e.g., interview data) to dis/confirm themes developed from other data analysis procedures. This process helped me answer the research question as related to what institutional influences might relate to special education referral determinations. I found Guadalupe shared information about institutional practices, which led to questions about schooling processes in place, related to the special education referral processes. For example, during a teacher viewing session, Guadalupe explained that she was asked to complete a retention paper for Sebastian, or the decision to begin Tier 3 interventions had been made without informing her. As such, it was Guadalupe's sharing during viewing sessions that allowed me to see the interplay of multiple processes that made the difference for individual special education candidacy trajectories. It also led me to the possibility school leaders undermine teachers' professional opinions, and teachers do not always have full control over students' educational trajectories.

EL Linguistic and Academic Profiles (Document) Analysis. Collecting copies of written school documents from the student's cumulative file was useful information to

understand how schools documented students' learning trajectories over time. For instance, I created tables to help me understand the historical timeline that had unfolded in Pedro and Sebastian's school experience. The tables I created included information about students' language support programs and oral English proficiency levels for each year, which provided an overview of how both student's school history unfolded within an MTSS context. Further, I analyzed documents to search for evidence related to L2, learning factors, or concerns pertaining to the students' struggles. For instance, in examining home language survey documents, I noted parents' responses on the language survey form required by the state indicated home language use or the language mostly spoken by the child as Spanish, in both cases. Clearly, both students were classified as ELs, according to institutional data. I also noted their classroom placements from year-to-year. Notably, for both, DL instruction had never been the case even though the school had a bilingual education L2 support option. Basically, I used information I gleaned from school assessment results (i.e., oral English proficiency results) to document how L2 factors had been addressed in previous years (i.e., when the student was enrolled in an SEI classroom versus a two-way bilingual immersion classroom). Next, I used the tables to help me understand which pieces were missing or resonated with what school personnel described about the students. It was during this process, for example, that I learned Pedro had been retained and Sebastian had never been retained. It was also the source that helped me understand there were key missing documents within the students' linguistic profiles, evidence which resonated with the observation that students' L2 factors were often ignored.

Classroom Artifacts (Documents) Data Analysis. I analyzed school artifacts in a similar process as historical documents to dis/confirm previously established categories,

codes, themes, and clusters, noted through other analytical segments of data across multiple sources. I also used the notes, observations, and memos I created or documented about classroom artifacts. Notably, Guadalupe frequently referenced classroom activities or lessons during student–teacher conferences or viewing sessions, evidence that the interpersonal is inextricably tied to individual and institutional processes. For instance, during student–teacher conferences, Guadalupe frequently referenced an instructional chart hung up on the wall or asked the students about a particular writing piece. For this reason, I asked Guadalupe to take pictures and share all instructional materials, to which she responded in an unexpected way. While I left a smartphone with her, she did not feel the need to use the research study phone; rather, she used her phone to send photographs, and consequentially, she only collected a few samples with the study phone. Mostly, she sent materials (e.g., photos, student updates) over email, which included her PowerPoint presentation slides and lesson materials.

Drawing Conclusions of Findings

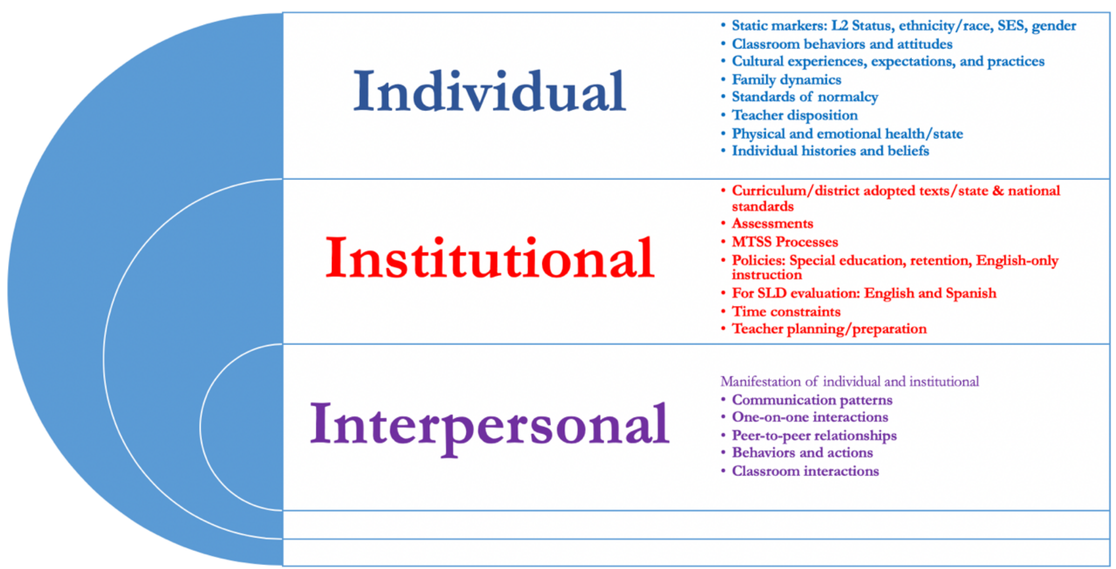
In order to reduce the data to more manageable chunks, I returned to the factors with which I started to investigate in the first place: individual, institutional, and interpersonal dimensions, which are all connected to narratives of students' competency. Next, I present the final steps to conclude my overall findings, which included looking across data and examining the different areas to illustrate my overall findings.

Looking Across the Data. To summarize my steps as I looked across several sources of data, I assigned hundreds of codes to data across sources, some of which I eventually subsumed under broader codes. For example, from a list of 116 codes, which included coding results from all sources of data, I subsumed child codes within parent codes

to help me make sense of the data. After considering codes within others, I reduced the number of codes to 11 conceptual categories, which related to special education referral decisions, based on the data I collected. More specifically, as I reflected on my memos about factors and possible explanations about special education referral determinations, I concluded five themes could explain my findings: 1) school processes and practices related to institutional influences (e.g., standards and accountability, and school-wide initiatives); 2) MTSS and special education processes as culturally-mediated; 3) beliefs about ELs and L2 factors; 4) beliefs about students with special education needs and processes; and 4) research effects, procedures, and factors. To illustrate this process, I visually grouped codes according to related factors, which allowed me to better understand how the three influences interacted with each other. Thus, being able to see the codes displayed near three areas of influence (e.g., individual, institutional, and interpersonal), helped me to understand the embeddedness of the three factors. It also helped me see the inseparable ties between dimensions. For instance, during a viewing session, Guadalupe shared an example that illustrated the ties: This day she shared several thoughts: 1) she did not think Sebastian had an LD; 2) how she believed his emotional factors overshadowed the possibility of learning; and 3) how the MTSS process was not addressing his needs. Closely examining these points helped me see interpersonal, as inextricably tied to the individual and institutional, as she shared her thoughts in response to watching Sebastian sit quietly, saying nothing. Further, in this analytical process I concluded students' behaviors, perspectives, and family cultural practices were all related to individual influences; in turn, MTSS processes, school rules, and standards are also related to institutional processes. See Figure 5 for an overview of the themes that helped me see the embeddedness of multiple dimensions.

Figure 5.

Overview of Themes Illustrating the Inseparability of Multiple Domains



In all, these patterns are predominately based on school expected standards, school practices, procedures, and personal beliefs, and they shaped and determined both students' special education referral decisions. This possibility also came from examining student–teacher conference data and the observation that most conversational topics from student–teacher conferences and teacher viewing sessions data were related to expected schooling outcomes, standards, and overall behavioral and academic expectations.

Final Steps: Local Zones to Explain Referral Decisions

When examining the interplay and entrenchment of multiple factors, I concluded that ecological explanations were one useful way to explain decisions about the students. Borrowing from Erickson's (2004) notion that talk is a semiotic ecology created in real time,

I determined I could use an ecological explanation to explain how special education referral processes unfolded for both students. I used "local zones," the "underlife" of face-to-face encounters within classrooms where "everyday life is lived," as an explanation of and "what local social actors" were doing in their [MTSS] tactics" (Goffman, 1964; Lemert & Branaman, 1997, as cited in Erickson, 2004, pp. 143-146). In other words, I clustered social interactions or concluding narratives about students into areas I called "local zones" (Erickson, 2004, p. 143), to explain the interrelationship and interactions of all participants who contributed to students' stories of special education candidacy. As such, I used "local zones" (Erickson, 2004, p. 143) to explain students' troubling behaviors, learning outcomes, and the adults' reactions to their outcomes. This was the most comprehensive approach to explain how each student came to be determined as a special education candidate in the first place. I concluded that "local zones" of schooling processes and MTSS ecosystems—evidenced by inconsistencies, missed opportunities, and institutional gaps—could be used to explain staff's special education referral decisions.

Next, I turn to my role as a researcher, my participation, my (unintended) research intervention in the process, and trustworthiness of my study, which should be considered in my conclusions of both students' special education referral candidacy journeys.

Researcher Positionality

I acknowledge my positionality as a researcher resides on a continuum (Banks, 1998; Breen, 2007; Greene, 2014; Naples, 1996). Drawing from Banks (1998) and others, Greene challenged the insider–outsider "false dichotomy"; that is, rather than assigning single roles, individuals embody multiple roles, or hold multiple positions, as an "indigenous-insider, indigenous-outsider, [and] external outsider" (p. 3). Banks (1998) illustrates these roles as

> the true *indigenous-insider* as researcher holds the values, perspectives, behaviours, beliefs, and knowledge of his/her indigenous/cultural community that is under study, whereas the *indigenous-outsider* has assimilated into outsider culture and is thus perceived as an outsider by the indigenous people of his/her community. The *external- insider*, meanwhile, has become socialized, or "adopted" into the outsider culture, rejecting the cultural values of his/her indigenous community. Finally, the *external-outsider* is socialized into a community different from the one under study, and has only a partial understanding and appreciation for its cultural values; he/she is thus merely a visitor, interested in learning more about the group of which he/she is not a part. (as cited in Greene, 2014, p. 3)

Drawing from Greene's conceptualization of researcher's positionality, I find the need to tell my research story as both insider and outsider, viewing myself as living on a continuum, with the possibility that positionality statuses can be "blurred" (Greene, 2014, p. 3). At the same time, I acknowledge my efforts to embody the role of an outside researcher so that my biases and assumptions would not interfere with what I observed in the data. As a former teacher of this school community, I walked the hallways of this school as a teacher and parent of this community, something I have done for the past 20+ years. For instance, Libertad Elementary is where I spent my very first teaching days. It was at Libertad I developed many skills and practices that still impact the way I view learning, which have ultimately shaped how I approached this study. For instance, being a dual language teacher, I believed and tracked research that supported bilingual education for all students, and especially for ELs. I also recognize, as a former member of the school's teacher-assistance team (responsible for making collaborative referral decisions for special education testing), my experiences may constrain me from particular insights, concepts, or ideas that pertain to special education identification. Further, as a parent of a child who attended this school from kindergarten through eighth-grade, and currently the parent of another child, who has attended for the past five years, I recognize I am both viewed as an outsider and insider.

My Presence and Study Occurrences

Reflecting on the research design and analysis, I acknowledge my interpretations may be influenced by my values, attitudes, and beliefs, as is often the case in qualitative research (Miles et al., 2020). Although I visited Guadalupe's class to examine a naturalistic event in her class, the data may be a reflection of the participants' "impression management" (Miles et al., 2020, p. 7). Miles et al. illustrated this as possible in qualitative research, when participants behave as they believed I might want or expect them to act. Therefore, my interpretations may not be a complete representation of what the situation would look like had I not been present.

To illustrate the possibility of participant behavioral responses in reaction to my presence, I also acknowledge my responses somehow shaped Guadalupe's instructional decisions, actions, or beliefs about the students. To illustrate, as I entered the study, I expected for Guadalupe to openly share her thoughts about the students; and she did. What I did not expect was for her to ask me about student perspectives about the classroom video data. Understandably, she did; she was curious about her students' learning and wanted to know. I witnessed students' thoughts and feelings about critical information to her, and as their teacher, she had every right to know. For instance, as their teacher, she wanted to know if the conferring session on main idea was something her students had successfully captured. As such, Guadalupe asked me questions I did not anticipate going into the data collection process. She asked about her students' learning on recently discussed topics. And, I told her. As an ethical decision, I could not withhold information about their learning. Thus, when she asked me if I believed Sebastian understood what "dialogue" was as a writing strategy to add details, I told her. It also worked the other way around. When Pedro asked me to "please" tell Guadalupe he understood a concept we discussed during a viewing session, I

had to share. I do admit I did not share everything participants expressed to me. I say all this to acknowledge, both students and Guadalupe were impacted by my presence, and I cannot deny my research design impacted the overall findings in some way.

I also recognize my presence had an impact on both students during and after school in some way. Notably, both Pedro and Sebastian demonstrated distinct behaviors in class and after school (during the viewing sessions). For instance, I noticed several changes in Pedro's behaviors over the semester. At first, Pedro seemed interested in asking many questions during class time; he looked for me and often tried to engage in conversation. It did not take long for him to realize, however, that I was trying to avoid engaging in conversation with him. I attribute this, partially, to Guadalupe's request to work with Pedro on many occasions. Thus, Pedro became used to my presence because Guadalupe often asked me to work with students with special education needs or struggling ELs, such as Pedro and Sebastian. Shortly after, as he became used to my presence, he asked fewer questions in the classroom.

As I expected (as one of the more talkative students in the class), Pedro asked many questions and initiated conversations on all sorts of topics during the after-school viewing sessions. Notably, many conversations were unrelated to the video data. In fact, on many occasions, he seemed more interested in conversing about topics unrelated to school. For instance, in the beginning, I found myself having to make it very clear to Pedro that our task after school was to engage in conversations about the video-classroom interactional data. This also meant I had to explain to him that if we had time (after completing viewing sessions), we could hear his favorite song or work on other tasks. Although Pedro shared many thoughts about the recordings, Pedro also shared many other details about his

personal life. On some days, Pedro was interested in talking about the study design. Pedro was curious about who else was involved in the research project; in fact, he begged me to tell him who else was involved. Also, he loved suggesting the types of snacks I should bring, and he often asked me to bring Takis or carried an empty candy wrapper in his pocket to show me the types of candy I should bring. On other occasions, his conversations were related to topics about his personal life or things that interested him. For instance, during these after-school interactions, I learned Pedro loved spending time outside playing soccer on the streets with his friends. Further, I learned about his love for music and the songs he liked to listen to, which made him feel calm. I also learned that he worked. He and neighborhood friends worked cleaning neighbors' yards and mowing lawns to make extra cash because he wanted to save money for a computer. I also learned his mother, who worked multiple jobs to support her children, relied on his older siblings to pick him up after school. I also learned Pedro was curious about my personal life, and even made assumptions about my legal status. For example, one day, after conducting a mini-lesson with the whole class on the writing process, and my experiences as a doctoral student traveling for work, Pedro walked up to me and stated, "Well, I do know one thing: you have papers!" When I turned to ask why he was making that statement, being that there was no conversation on the topic, he responded, "Well, 'cause you can travel, you have papers" (Field Notes, October 3, 2018). These observations suggested Pedro had wondered about my identity, and rather than focusing on the topic (writing), he was intrigued by the fact I could travel. These observations, I concluded, were related to his personal knowledge of individuals without legal status in the United States. This also deepened my understanding of how sociocultural factors (e.g., personal experiences) impact students in significant ways. Of all the cohorts (the entire fifth-

and sixth-grade classes) I presented my lesson to, Pedro was the only student to mention anything about my legal status—notably, it was not the topic of conversation—as the lesson was about writing as an iterative process and publishing.

Sebastian, on the other hand, avoided any conversation during class time; in fact, he rarely spoke to me during class. The after-school viewing session time, though, was a different story. Sebastian seemed to be another child after school. Unlike Pedro, Sebastian's conversations stemmed mostly from video data. While in class he was quiet, rarely talked, and doodled, or he seemed to be upset about something. After school, he was extremely talkative, smiled, and took on a leadership role when interacting with his siblings. Since his parents also picked up his siblings after school, on many occasions, to make things easier for his parents, his siblings waited in the classroom, as well, while we held Sebastian's viewing session. At times, Sebastian's siblings waited in the classroom and enjoyed after-school snacks together. Since we usually began viewing sessions with a bathroom break and snacks, Sebastian took on a leadership role. Sebastian directed his younger siblings to go wash their hands, asked them not to run, or yell in the hallways, and seemed to establish the appropriate behaviors they were to follow in the classroom. Notably, during class I never witnessed Sebastian remind others about appropriate behaviors; in fact, he was usually the one being reminded. On the other hand, there was something about the after-school setting that seemed to make him much more comfortable. In fact, Sebastian's after school behaviors were mostly positive; unlike his classroom behaviors, I did not witness any negative behaviors. The only negative experience I witnessed was one day when he shared during his viewing session that he was extremely worried about grades, having been motivated by watching himself on video. That day, Sebastian shared he was worried he was going to get in

trouble at home for "bad" grades (Field Notes, November 9, 2018). To this, I could not help but encourage Sebastian. I explained to him he could remind his parents that he was trying to do his best in school. I also pointed out his tendency to not complete work. It was also a moment when he opened up and shared he was being bullied. Consequentially, as the right thing to do, I attempted to encourage Sebastian as much as possible, besides having to share the details of his worries with Guadalupe.

Trustworthiness and Credibility Strategies

Trustworthiness is an important characteristic of qualitative research to increase credibility of the data findings (Brantlingner et al., 2005). Coming into the study, I found the need to be mindful of the potential biases I might bring into the research setting. As a former member of this community, I needed to consider the facts I already knew as a teacher of this professional community. This means, I had to work hard to not focus on my preconceived notions of the school's referral processes, and explicitly targeted looking at the data. I also intended to set aside all previous beliefs, observations, and assumptions in order to investigate referral processes within a school I was largely familiar with. I made it my goal to position myself as an outsider, with the goal of not making premature conclusions about what I observed within this setting. As such, during the data collection stage, I made the efforts to restrict any activity with my participants outside of the activities involved in gathering the data. I also employed strategies which assist the credibility of my findings (Brantlingner et al., 2005).

While Greene (2014) acknowledges both pros and cons for using insider research, I used a combination of tools and techniques to assist me with recognizing my biases and possible limitations, which I spell out in subsequent sections. Next, I review some methods,

as laid out by Greene, based on Lincoln and Guba's (1986), and Brantlinger et al.'s (2005) procedures for establishing trustworthiness and credibility in research.

Triangulation

Data triangulation involves the use of "varied data sources," alongside the "use of multiple methods to study a single problem" (Brantlinger et al., 2005, p. 201). As illustrated in preceding sections, I used multiple data sources, using holistic and introspective methods, to justify the answers I gathered to answer the research questions. For example, I studied how teacher's portrayed student competencies through interview data, student–teacher conference data, viewing sessions data, as well as institutional artifacts. All pieces of data told a story about Sebastian and Pedro; they also(dis)confirmed each other. I found this tactic to be fruitful to help me stay focused on examining the phenomenon from multiple angles.

Since I recognize interviews over the summer about teacher beliefs are not sufficient to examine to understand teacher thoughts about students, I set out to examine teachers beliefs in practice. Thus, I used conference sessions and classroom observational data as evidence of teacher thoughts about the students within specific learning situations. Basically, student–teacher conferences were useful to investigate if what the teacher expressed when school was out of session (e.g., summer) was something they also lived out during the year within the classroom. Further, since I wanted to confirm my thoughts about student and teacher actions and behaviors based on conference data, I collected teacher and student viewing session data which I used to dis(confirm) participant thoughts about the learning instances. Thus, viewing sessions were fruitful in (dis)confirming what I was thinking. Additionally, other sources of data assisted me in (dis)confirming participant thoughts, behaviors, and decisions, within a structural entity such as Libertad. For example, I collected

classroom and school artifacts which provided additional insights on learning situations or structural processes and practices across the year. Further, the multiple data sources assisted me in understanding how the school designed learning for students, and ultimately, how staff determined special education referral decisions.

Maintaining Field Journals

To assist me in the data collection process and increase credibility of my findings, I employed Lincoln and Guba's (1986) recommendation to create field journals or logs. Lincoln and Guba illustrated three "other forms of notes; in journal format: a log of day-to-day activities, kept individually by team members; a personal log; an individual reflection diary; a methodological log" (as cited in Greene, 2014, p. 8). In this process, I maintained multiple forms of logs, both handwritten and oral recordings of log activities using computerized or phone applications, or software programs that provided the feasibility of holding notes. As such, I kept multiple field journals/logs, with different purposes: a check-in/out log, classroom log and journal, and a researcher reflection journal. These logs and journals helped me keep track of school activities, organize my data, and document my thoughts about the activities during the data collection phase. In the logs and journals I notated the date, time, description of the event, as well as documented any issues that arose from events. I also noted how I resolved any issues when present, dates of emails, notes on the collection of artifacts, and my interpretations of the data as time progressed (Marshall & Rossman, 2016). Next, I provide details of the descriptions that were included as a part of the data collection process and assisted me in providing credibility to my findings.

Thick Description

I used *thick, detailed description* to report "sufficient quotes and field note descriptions

to provide evidence for researchers' interpretations and conclusions" (Brantlinger et al., 2005, p. 201). To gather thick, detailed descriptions of field notes and observations, I kept handwritten notes and recorded audio notes of observations, which I reviewed on a daily basis. I kept these thick descriptions in either the classroom log or reflection journal, as the classroom log was used to document student behaviors as well as my interactions and responses to students. Basically, these audio and written memos helped me to organize the data, categorize thoughts, and support interpretations I used to draw conclusions about the data. To help me maintain an outsider perspective, I made it a goal to write details of the classrooms I visited over the weeks at Libertad. This included documenting the teacher's instruction, student behaviors, their interactions in the class, instructional materials and expectations as posted on the walls of the classroom, and descriptions of the lesson materials the teacher shared. During the data collection process, I prioritized focusing on the data collection process. Thus, even during moments when I may have engaged in conversation with Guadalupe's class, during her teacher preparation time, I used those moments as quiet moments to review my notes or take notes of the physical layout of the classroom. But using thick description does not only include recording or describing what I saw or heard during a class lesson. Rather, I focused on interpreting what I saw and how it related to what I was noticing in other data sources, beyond describing, intended to understand those events, which were relevant or meaningful to participants. For example, it was not enough to write down a student's emotional outburst; I tried to understand how the incident related to other events and patterns I noted in the classroom. And, taking notes about the physical layout of the classroom assisted me in this process. It was during a moment of writing notes on the posters in Guadalupe's class, I learned Sebastian's behaviors did not meet the classroom

expected standards (e.g., sitting up straight), as indicated by a poster on the wall. Next, I present an additional strategy I used to increase credibility of my findings.

Debriefing

I also participated in peer debriefing, by sharing findings with my research supervisor/advisor, Dr. Artiles, who provided thought-provoking feedback, challenged my assumptions, and compelled me to dig deeper into the data. Dr. Artiles constantly reminded me to challenge my assumptions and to turn to the data to demonstrate my conclusions. My routine conversations with him helped me maintain focus on what I saw in the data, rather than relying on background knowledge I had about teacher participants or school processes as a former insider of the school.

When possible, I also shared initial findings with a close community of doctoral students, faculty members, and postdoctoral scholars, who gathered biweekly, as a research group led by Dr. Artiles. Further, I also shared initial results or what I saw in the data with scholars across the field, such as during national conferences, including Bud Mehan, co-author of *Handicapping the Handicapped*. Mehan et al.'s work was relevant to me since I drew extensively from their study to inform my theoretical and methodological choices, to which he warned that I be sure I did not fall into a trap of "methodological myopia" by only looking at one source of information (Personal Communication, April 21, 2018). Notably, I was also warned extensively about this by my advisor (thanks Dr. Artiles), and it drove the impetus of my research design. Next, I present the findings; evidence of the interplay of multiple factors in special education referral decisions.

CHAPTER 4

THE CULTURAL ECONOMY OF MTSS:

FRAGMENTED STRUCTURES, ORGANIZATIONAL AND CULTURAL MEDIATORS

In this chapter, I aim to address the institutional context in which two special education referral candidacies unfolded within one MTSS school. This chapter is intended to lay the groundwork for the larger research question: what are the sociocultural influences that mediated staff's thoughts about two ELs' competency and ultimately, a special education and referral evaluation decision? To answer this question, I present the evidence in two sections. First, I focus on the institutional context to illustrate Libertad's MTSS framework, a structural overview of how its processes were meant to function. I conclude with the individual factors that shaped (and were shaped by) institutional influences and evidence of the cultural mediators, which characterized Libertad's MTSS framework as a fragmented and culturally-laden process.

Libertad's MTSS Framework: Special Education Prequel

In this section, I illustrate Libertad's structural support system to address students' learning and behavioral needs, as well as to highlight it as the framework for making special education referral determinations. Citing the state department of education's (2019) definition of the term, Libertad's RTI/MTSS framework (used interchangeably) is a

> Multi-tiered approach to providing services and interventions to ALL learners at increasing levels of intensity. The process can be used for making decisions about general, remedial, and special education, creating a well-integrated and seamless system of instruction that is guided by student outcome data. (State Department of Education, 2019)

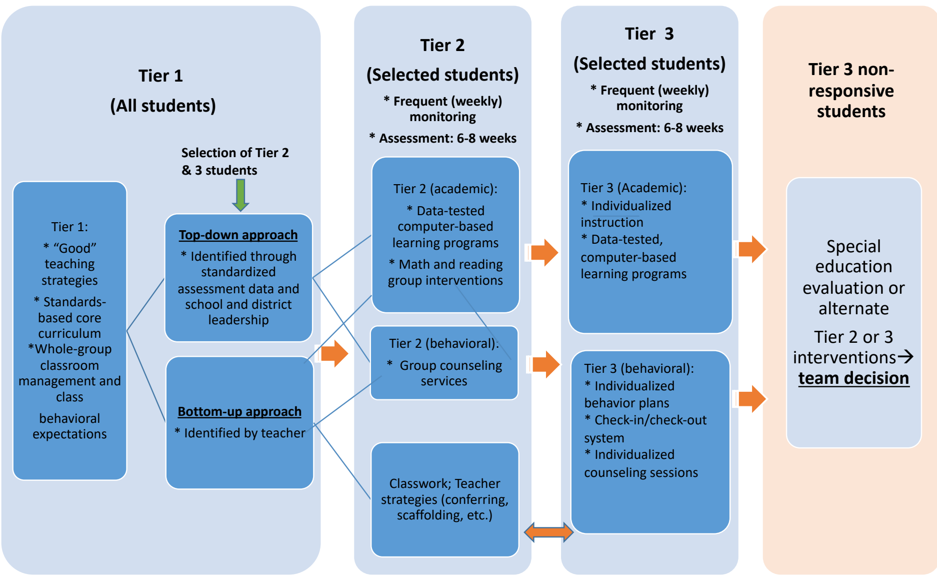
More specifically, according to the district, Libertad's MTSS process is characterized by three levels of intensity, Tier 1 includes all students; Tiers 2 and 3 apply to some students, depending on need, and is described this way:

> Tier 1: includes all students (with and without special education labels) [consisting of]
>
> good teaching strategies, standards-based core curriculum, classroom management/behavior expectations;
>
> Tier 2: data-tested computer-based learning programs, math and reading group interventions, group counseling services; [and]
>
> Tier 3: individualized behavior plans, check-in/check-out system, individual counseling sessions, data-tested computer-based learning programs with individualized assistance plans. (Field Notes, August 13, 2018)

Libertad's MTSS framework was a multipronged process intended to address students' behavioral and academic needs. Beginning with school academic and behavioral expectations for all students, Libertad's staff intended to address most students' needs through general instruction—Tier 1. When students' academic or behavioral needs were not addressed, then students could proceed through Tiers 2, and eventually 3. Students participated in Tier 2 by induction through a top-down or bottom-up approach, through institutional processes, such as through multiple individuals, or individual teachers. If a student was nonresponsive to Tiers 1 through 3 after six to eight weeks of instruction, a special education evaluation was warranted; see Figure 6, Libertad's MTSS framework.

Figure 6.

Libertad's MTSS Framework.



MTSS Purpose

Libertad's MTSS framework served a dual purpose and multiple school personnel described it as: 1) a process to prevent and address student academic and behavioral struggles, and 2) a support system for making special education referral decisions, a special education prequel (V. Sheeran Interview, January 17, 2019). As I demonstrated in this study, although Libertad's MTSS process was a special education prelude, it did not lead to special education services for all students. Students who needed more intense interventions (beyond Tier 1) participated in Tier 2 or 3 instruction, but participation could be temporary.

Aligning with the state's description of MTSS, Libertad's framework consisted of

two teams serving a dual purpose: one to address behavioral needs and the other academic struggles. Particularly, at Libertad, academic and behavioral MTSS did not consist of the same team members, although there were a small number of members who were on both teams; only certain individuals overlapped (were on both teams). Interestingly, other schools within the district used the same teams for both academic and behavioral problems; all members were on both teams. Since I went into the study interested in academically struggling ELs, I focused on the academic team, unaware that what I would find out about Pedro and Sebastian would lead to many questions and examinations related to behavior. Thus, my overview includes a summary of both, although I provide fewer details about the behavioral MTSS framework and team.

Snapshot of a school year. During the 2018–2019 school year, there were 46 students (out of 640) involved in Libertad's academic MTSS framework, Tiers 2 or 3. Students who did not respond to Tier 3 interventions were then evaluated for a special education classification. Thus, students' names were documented on the MTSS coordinator's list of possible special education referral candidates. Students on the Tiers 2 and 3 MTSS list also included students from previous year(s), those referred by teachers or the MTSS team, or students identified as "at-risk," identified through the school's assessment and accountability director. Of those 46, 23 students were referred to MTSS throughout the 2018–2019 school year. The remaining were students already in queue, from previous years. See Table 1 for an overview of the number of students within Libertad's framework for the year Pedro and Sebastian were fifth graders.

Table 1.

Libertad's Special Education Referral and MTSS framework.

Historical processes: 2018-2019 School year	**Total Number of Students**
Total students at Libertad	640
Students referred to academic MTSS (or enrolled) in the current year	23
Total number of students in academic MTSS cue (from current and previous years)	46
Number of ELs in academic MTSS cue	8
Number of students evaluated for LD	5
Number of students who qualified for an LD classification	3
Number of ELs who qualified for an LD	1
Number of students tested through behavioral MTSS, PBIS	4
Number of students who qualified for OHI	4
Number of students who qualified for EBD	2
Anticipated number of students to be enrolled in 2019–2020 academic MTSS, based on estimated "at-risk" students based on the state's retention policy in third-grade	10

Note: Positive Behavioral Interventions and Supports (PBIS); Other Health Impairment (OHI)

Academic MTSS Structure

In this section, I illustrate Libertad' s MTSS process as inextricably tied to special education identification processes. I demonstrate how Libertad's MTSS process was a

gatekeeper, as well as a passport for special education candidacy. I also show how, generally, students had to participate in increasing tiers of interventions before staff could justify a special education evaluation for the possibility of an LD (or any other) classification.

Prior to tiered interventions at Libertad, school personnel used the teacher assistance team (TAT) model to make special education referral and disability evaluation determinations. When asked the question about what support system was in place for teachers to justify a special education referral, the school's psychologist chuckled, "The MTSS team" (V. Sheeran Interview, July 20, 2018), suggesting replacement of the child study team, TAT. Similarly, after asking Guadalupe what support system was in place to help teachers decide which criteria to use for a special education referral for the possibility of an LD, she summarized, "You mean, MTSS?" (G. Varela Interview, August 14, 2018). In essence, the MTSS team replaced the TAT team and became a major contributor in students' special education referral decisions and schooling trajectories.

Libertad's academic MTSS team consisted of multiple individuals: classroom teachers, social worker, psychologist, MTSS coordinators, reading coach, principal, and the assistant principal. During the period I collected data, the MTSS team included the following individuals (all pseudonyms)[2]: Nicholas Castillo (principal); Zachary Morgan (assistant principal); Kimberly Wade (reading coach; Year One MTSS Coordinator); Vince Sheeran (psychologist; Year Two MTSS Coordinator); among other staff, such as general and special education classroom teachers.

One aspect of Libertad's tiered intervention framework included structural processes in place to produce names of students who might need Tier 2 or 3 instruction. Regardless of

[2] All names are pseudonyms throughout, including those of students. In some cases, I have also changed individuals' gender, for the protection of participants' identities.

teacher decision, at-risk students were earmarked as potential Tier 2 candidates. In essence, starting off the year as an "at-risk" student, due to poor performance on academic outcomes, students were identified through a data team member, and teachers had no input in selection of these students. In essence, school and district personnel worked together, and as the district's accountability director passed school-wide data sets to the principal, the principal had access to all student outcome results. In turn, the school principal shared individual teacher results. Thus, Libertad's MTSS system was a framework with traveling historical documents and representations of student learning outcomes. Libertad's MTSS was also evidence for special education candidacy through its Tiered 2 or 3 interventions. Students at Libertad qualified for the school's MTSS, Tiers 2 or 3 levels through one of two ways: 1) an MTSS team member's directive (e.g., principal) to take action to address students' learning struggles using evidence from district-level data sets, which included student outcome information based on the state's yearly standardized assessment results (third through eighth grades) and district benchmark data (kindergarten through second-grade); or 2) teacher recommendation to the MTSS team. Students outcomes were based on student class performance, teacher thoughts and observations, and student performance on standardized assessment results, although staff predominately focused on standardized assessment outcomes.

Libertad's Tier 1, general instruction for all students guided by the state's academic standards, was based on "rigorous, relevant, research-based learning environments led by well-trained staff," applicable to all students at Libertad (Field Notes, April 30, 2019). Essentially, the district based Tier 1 instruction on the premise that expert knowledge and teaching was produced through practices supported by research that was conducted by

trained individuals, and that was considered to be the case for all subject areas: math, English language arts (ELA), and science. Students who did not respond to Tier 1 instruction within six to eight weeks, evidenced by poor academic performance, starting the first week of school, were deemed as candidates for the school's MTSS Tier 2, or eventually Tier 3-targeted academic support.

Bi-directional Process: Challenging Teacher as Gatekeeper. Libertad's MTSS process was a multi-pronged framework which worked in two ways. Students were identified by 1) a default system of identifying academically struggling students through data and MTSS representatives (top-down) or 2) the general education teacher (bottom-up). Challenging the notion of teacher as gatekeeper (Mercer, 1973), how students became Tier 2 and 3 participants was a process initiated, processed, or concluded by the decisions of multiple individuals—thus, Libertad's MTSS framework was also a special education gatekeeper.

Tiers 2 and 3 were increasing tiers of instruction catered to students' individual needs, typically initiated in one of two ways. Students could be identified through a top-down approach (based on district data) sent by the district's accountability director to school principals or other instructional leaders. Consequentially, students could be referred by the school's MTSS members. Alternatively, teachers could refer students who were not responsive to Tier 1 instruction (bottom-up), evidenced by poor academic performance data after six to eight weeks of instruction by recommending students to the team. After six to eight weeks of Tier 2 interventions, if students continued to show poor performance (nonresponsiveness to instruction), based on frequent monitoring, the MTSS team would opt for an alternative intervention or increase the level of intensity. Thus, for students who were not responsive to Tier 2 interventions, intervention intensity was elevated to Tier 3,

which was characterized by individualized instruction. After a period of six to eight weeks, with continued nonresponsiveness, students qualified for special education testing. Advancing through Tiers 2 and 3, and progressively not responding to instruction, deemed students special education candidacy, and in turn, justified an evaluation. Next, I illustrate how Libertad's MTSS framework was a multipronged process for identifying students who qualified for Tier 2 or 3 interventions and could, eventually, be evaluated for special education services.

Top-down Approach. Libertad's academic MTSS process was a (top-down) system set in place where "at-risk" students were preidentified before they entered a classroom, at the start of a new year. Students could be identified through school processes in place targeting students based on data results. Notably, this process consisted of multiple individuals keeping track of student performance, which was necessary evidence to justify a referral. The school's psychologist illustrated this process and explained that the district's director of assessment and accountability sent out a spreadsheet in the fall reporting all students' annual evaluation outcomes. Particularly, third-grade classes "based on different data points [benchmark assessments], students on the [state's retention list]," were designated as "at-risk," so the district could more closely monitor such students (V. Sheeran Interview, January 17, 2019). The state's retention list consisted of names of students who faced the possibility of a retention because they did not pass the ELA portion of the state assessment; so students who did not pass were placed on this list and closely monitored. The system to identify students through district data sets, identifying students by default, was intended to help staff quickly and early in the year recognize the students not passing who needed to be a part of the MTSS's Tiers 2 or 3 interventions. Xochitl explained the MTSS as

a predetermined process: "When we've done our [standardized benchmark] assessments, and we usually do that at the beginning of the year, we already know who's going to be identified from the beginning, the intervention room, and also intervention time; it's built into our time" (X. Najera Interview, August 9, 2018). Teachers started out a new year knowing who might merit special education candidacy; they also had no excuse—interventions time was built into their schedules—thus, it was a top-down system to ensure students' learning needs were met. To summarize, it was through students' annual assessment results that any student who did not perform as proficient in the state's ELA annual assessment was tagged as "at-risk," which technically qualified them for Tier 2 or 3 interventions, and eventually as candidates for the special education pipeline.

To categorize students, school personnel used the state's annual assessment based on four performance levels, Level 1 (Minimally Proficient), Level 2 (Partially Proficient), Level 3 (Proficient), and Level 4 (Highly Proficient), with Levels 3 and 4 considered passing, based on state scale score ranges; see Table 2 for an example

Table 2.

State Scale Cut Scores Example

Grade	Minimally proficient	Partially proficient	Proficient	Highly proficient
3	2395–2496	2497–2508	2509–2540	2541–2605
4	2400–2509	2510–2522	2523–2558	2559–2610
5	2419–2519	2520–2542	2543–2577	2578–2629
6	2431–2531	2532–2552	2553–2596	2597–2641

Thus, student scores outside of acceptable ranges could be designated as at-risk. Taking on

the role of the gatekeeping process, through Libertad's academic MTSS framework, almost any student identified as "at-risk," based on standardized test results could be categorized as possible Tier 2 or 3 participants. Each year, the process repeated. Students at Libertad who took the annual state assessment, as a part of Libertad's Tier 1 that did not pass any portion of the test were earmarked as "at-risk" (N. Castillo Interview, June 25, 2018). For students who did not take the state test, in younger grades (K–2), poor performance on the district's benchmark standardized assessments determined student participation in Tier 2, and eventually, Tier 3 interventions. Since the state's annual assessment is only administered once each year, the district used a standardized benchmark assessment (which mirrored the state assessment) to gauge student learning several times a year. At the end of each school year, students took the benchmark assessment one grade ahead (for the upcoming grade), which was intended to capture an overview of student preparation for the next grade level. Then, starting the year, students took the benchmark assessment at the beginning, then twice in the fall semester and then twice in the spring semester, before taking the state assessment in late spring. Similarly, based on frequent district-wide standardized assessments every eight weeks, student responsiveness was measured by student outcome scores. In primary grades, and for struggling readers, this consisted of multiple procedures and measures to assess their early literacy skills, such as reading passages, nonsense words, or producing sounds based on one-minute measures. For example, students were assigned to read a list of nonsense words or passages within one minute. Accordingly, students' performance determined their competency in particular reading subareas. Failure to respond to Tier 2 interventions deemed Tier 3 as necessary. Failure to respond to Tier 3, in turn, justified special education evaluation.

As a top-down process, selection of Tiers 2 and 3 participants was driven by MTSS members or school leaders (e.g., principal). Nicholas (principal) summarized the process for identifying those students who might be referred to the MTSS team, a top-down trajectory, driven by school and district leadership:

> You know, we've been trying to identify [the academically struggling] a lot sooner, you know, just based off of data, taking a look, who are those at-risk kids, based off of data that we've seen? So we kind of start there and then go to the teachers themselves. (N. Castillo Interview, June 25, 2018)

The top-down framework involved a two-step process, starting with a) looking at the data and then b) going to teachers. In essence, Libertad's staff faced the possibility they could be confronted by MTSS representatives to investigate the actions they were taking to address students' learning needs. For example, Nicholas explained, when teachers did not bring up students, the MTSS team used more forceful means to identify those academically struggling students who might benefit from more intense instructional tiers (Tier 2 or 3). Next, Nicholas illustrated the actions MTSS leaders took, when necessary, such as filling out MTSS forms to get the process started:

> Quite honestly, with some of the staff [those who did not refer struggling students for Tiers 2 or 3], we have to force the issue, ok here's the paperwork, fill it out now. "Okay, well…," Nope, fill it out now. We got to get these kids identified, we've got to start getting them on our radar so we can figure out what to do to maybe help make up those achievement gaps that are there because most what it is, and sometimes it is, no, there's a learning disability, there's something else going on, this kid is coming out of their shoes, they're trying so hard—that they're not making it—why? What is going on so then we can actually go down a different path if we need to through special education or some different things like that. (N. Castillo Interview, June 25, 2018

Libertad's MTSS processes included a form that was to be filled out by teachers, regardless of who initiated the process. This form included a section for teachers to answer questions about the reason for the referral, the area of need, student scores in multiple areas

(e.g., reading fluency score), hearing and vision results, district assessment scores, annual state assessment scores, English proficiency levels, national standardized assessment scores, questions about language, the student's home language, students' strengths and interests, parent communication, interventions, and an indication to add additional pages, if needed. See Figure 7, Libertad's MTSS form.

Figure 7.

Libertad's MTSS Form

MTSS Form

I would like to refer the following student to the MTSS Team for screening:

Student Full Name: ______________________ **Grade:** ____ **ID#:** ____

Referring Faculty: ______________________

Please list the following scores, as appropriate:

- **District Reading Fluency score**
- **Hearing and vision results**
- **District Assessment score (reading/math)**
- **Previous year's state test performance score**
- **Overall oral English Proficiency level**
- **Stanford 10 results**
- **Other**

Strengths and interests (3 minimum):______________

Do you believe this child's difficulties in school are at all related to language acquisition?

What is the child's home language? __________________________.

Reason for referral (check all that apply):

- ☐ **Academic**
- ☐ **Speech/Language**
- ☐ **Behavior**
- ☐ **Emotional/Social**

Have you communicated with the parents/guardians? Yes No

- **When did you communicate with the parents/guardians that student was being referred to MTSS?** ________
- **How was the information received by the parents/guardians?**
- **Parent Concerns**

MTSS Classroom Intervention Efforts

What interventions or accommodations have been implemented consistently with this student?

Include descriptions for each intervention along with frequency, duration and outcome.

List of Interventions Used

Example: Intervention: Word building with reading rods.
How often? Three days a week for 15 minutes
Start/End Dates:
Pre-intervention score:
Post-intervention score:
How effective do you think this intervention was? Student showed negligible growth.

Universal Intervention or Accommodation **(given whole group):** ______________

- **How often?**
- **Start/End Dates:**
- **Pre-intervention score:** ______ **Post-intervention score:** ________
- **Based on the data and your work w/the student up to this point, how effective was this intervention?**

Targeted Intervention **(given in small group):**___________

- **How often?**
- **Start/End Dates:**
- **Pre-intervention score:** ______ **Post-intervention score:** ________
- **Based on the data and your work w/the student up to this point, how effective was this intervention?**

Please add more pages if you have additional intervention information.

Libertad's MTSS form addressed students' L2 factors through a series of three questions or areas: 1) Do you believe the child's difficulties in school are at all related to language acquisition?; 2) What is the child's home language?; and 3) one section for school personnel to note the students' overall English proficiency score. A teacher's yes or no response, the student's English proficiency evaluation results, plus the child's English language level, based on four areas of English competency, served as gatekeeping criteria for MTSS and SPED candidacy. For example, a teacher's response might include three short answers: 1) a yes/no response, I (teacher) believe the student's struggles are (or are not) related to language acquisition; 2) the name of the students' home language (usually English or Spanish), and 3) a section for staff to note students' English proficiency level/score as emergent, basic, intermediate, or proficient. Notably, a proficient score indicated a student was at the highest level of English proficiency; it also qualified ELs to be reclassified as non-EL, after going through the state's reclassification process; see Figure 8, Oral English Evaluation Categories.

Figure 8.

Oral English Evaluation Categories.

Proficient **(Most Proficient)**	**Intermediate**	**Basic**	**Pre-Emergent Emergent (Least Proficient)**
Proficient students consistently understand and produce social and academic English. They independently read and comprehend key information in grade-appropriate texts. These students write paragraphs in various writing applications using grade-level vocabulary and simple, compound, and complex sentences with a variety of verb tenses.	Intermediate students have a moderate ability to understand and produce academic English. They have moderate ability to independently read and comprehend grade-appropriate texts. These students write sentences demonstrating some control of conventions, grammatical structures, and academic vocabulary.	Basic students have a limited understanding of academic and social English and produce short phrases and simple sentences with common construction patterns. They have limited ability to decode and comprehend text read independently. These students write simple sentences with limited control of conventions, grammar, and vocabulary.	Pre-Emergent/Emergent students have an extremely limited and inconsistent understanding of social and academic English. With instructional/environmental support, these students can formulate simple phrases and sentences orally and in writing.

Libertad's MTSS framework as a top-down approach was also evident in leadership decisions, such as who might be an exception to Tiers 2 or 3 interventions and qualify for special education evaluation. Typically, students had to go through the Tiers 2 or 3 in order to determine that a special education referral might merit an evaluation. Any exception to the MTSS process was only possible in extreme cases, as Nicholas reiterated:

> So we got to go through MTSS before we can even refer, unless, you know, we get a kid in and "Go, yeah, this is a do-not-pass, go holy cow. We got something going on major here. I mean, but even then we've gotten some new kids in before where within days, within a week teacher goes, "Oh my God, this kid's in third-grade doesn't know the letter "A," no idea, can't even-- nothing." We still put into the MTSS process, but we streamline that sucker really fast and that's where I'm, "Okay Vince, our new psych, get in there, go look what's going on with this kid." Bonnie [bilingual speech pathologist], can you go observe, go see what's happening? You know, kind of deal. So we'll streamline that, and we'll make the referral at that point." (N. Castillo Interview, June 25, 2018).

Portraying Libertad's MTSS process as a gatekeeper for special education referrals (with the exception of extreme cases), its framework could also be a subjective phenomenon (Bocian, Beebe MacMillan, & Gresham, 1999). Academic results characterized by low performance or

behavioral outcomes warranted special education evaluation, based on professional judgment as a "necessary but insufficient requirement." Although that decision was contingent on individual perspectives—one example of the social nature of special education referrals (Gresham, 2002, p. 469).

Bottom-up Approach. Conversely, Libertad's MTSS process also functioned as a bottom-up approach. Teachers could bring students' struggles to the MTSS team and request additional support for the student, such as through increasing tiers, (e.g., Tier 2, small-group intervention). Guadalupe and Vince reiterated the idea of teacher as the initial decision maker, stating teachers identified the "problem," and went to the team for problem-solving ideas (G. Varela VS, December 11, 2018; V. Sheeran Interview, January 17, 2019). Nicholas illustrated how the process could begin, when a teacher approached the team seeking support outside of the classroom to address the students' struggles: "Here's a kid that maybe didn't show up based off the data" (N. Castillo Interview, June 25, 2018). Xochitl described the processes teachers might go through to justify a special education referral. For instance, if a teacher had exhausted all strategies in the classroom, they could go to the MTSS team and explain:

> If I've been able to, like say, use at least three different strategies with a student consistently, and I have evidence that maybe those three different strategies, nothing has worked, I didn't see any progress or if they flatlined with the progress, that's when I start thinking, okay, this could be a referral, because I like to try all the avenues—all of the resources that I have. (X. Najera Interview, August 9, 2018)

Expanding on what teachers needed to show as evidence for a special education referral, Guadalupe explained,

> Yes, so I know there's like a series of steps we have to do-- one of them is, we have to bring in their data, so they have to be like a year behind or two years behind. And if they're not two years behind, then they're not considered for special ed. (G. Varela Interview, August 14, 2018)

Guadalupe emphasized a key point. Teachers decisions were based on data that demonstrated students' progress, but students had to demonstrate they were extremely behind. Thus, students whose work did not indicate they were behind, at least one or two years, was not sufficient for a special education evaluation. In sum, without evidence, students might not be considered for the possibility of special education services.

Libertad's teachers were primarily responsible for maintaining the evidence that justified students' special education referral candidacy regardless of who initiated the process. Students' homeroom teachers were responsible for tracking student progress and for fulfilling particular steps within MTSS processes. For example, teachers whose students were Tier 2 or 3 participants were required to attend MTSS meetings and report students' progress whether or not they had referred students to the team. Basically, while teachers were not always necessarily the initiator (due to the top-down approach for identifying students), they were still assigned as a spokesperson for students participating in Tiers 2 and 3. The homeroom teacher still represented the students during MTSS meetings and was responsible for filling out an MTSS form. Teachers were responsible for ensuring students participated in interventions (inside and outside the classroom), followed by revisiting the MTSS team every six to eight weeks—this was the path students traveled as they moved along the special education referral trajectory (X. Najera Interview, August 9, 2018; V. Sheeran Interview, July 20, 2018).

Libertad's Tier 2 and 3 Academic Interventions. Tier 2 and 3 interventions used by Libertad's staff varied by grade level. Libertad's MTSS framework to support younger

students' academic struggles was evident by the use of an intervention room for Tiers 2 and 3 instruction. For example, students attended the intervention room for small-group instruction or individual support. In kindergarten through fourth-grade, based on academic benchmark assessment results, Tier 2 students could be sent to an intervention room for small-group or individualized instruction. The intervention room was organized with multiple tables for instructional assistants and the reading coach to store materials and carry out small-group lessons.

As the only school-wide adopted intervention program for Tier 2 literacy support, staff used the district's adopted program, Sonday, identified as a "structured, systematic multi-sensory [intervention] program," using the Orton-Gillingham method. The Orton-Gillingham method was based off Anna Gillingham, a psychologist and educator who worked with children who were failing academically. Influenced by the work of Samuel Orton, Gillingham brought cases of struggling students to Orton in 1931 where they began collaborative work aimed at creating a "sequential system of reading based on itself" (Courtad & Bakken, 2011, p. 64). The intervention program consisted of small-group work, and over time, due to its success, its method has been used to develop other programs for students with and without disabilities (Courtad & Bakken, 2011, p. 65). Over time, the Orton-Gillingham method was developed as a multisensory method to teach reading especially for students with LD, although there is "inconclusive" empirical data about its effectiveness (Ritchney & Goeke, 2006, as cited in Courtad & Bakken, 2011, p. 78). Notably, Libertad has been using the intervention program for the past decade, although one school personnel member mentioned the district would soon do away with the program since it was not "research-based" (Field Notes, May 29, 2019). Using Sonday as an intervention for Tier

2 and 3 students, Libertad's students in kindergarten through fourth-grade attended the intervention room during one of two special-area classes. Rather than go to specials with all non-Tier 2 or 3 participants, Tier 2 and 3 students lined up in a separate line "to go to Sonday" (Field Notes, April 23, 2018). When school personnel determined students' nonresponsiveness, they moved to increasingly intensive tiers, such as Tier 3 when staff determined alternate solutions (e.g., special education evaluation or more intervention).

For older students, there were no school-wide adopted, prepackaged intervention or specific intervention rooms. Similar to younger grades, rather than attending two special-area fine arts classes, fifth- through eighth-grade students in Tier 2 interventions missed one of two of these classes each day to participate in extra intervention time provided by other support staff (e.g., instructional assistants, literacy coaches, or teachers); only there was no intervention room. Since intervention time took place during specials, students attended interventions in an empty classroom because the rest of the students were in special-area classes. After six to eight weeks of targeted instruction, the MTSS team reconvened to discuss students' progress. Students who did not respond to Tier 2 instruction (e.g., small-group instruction, extra instructional time during specials, or after-school tutoring), based on benchmark assessment results and classroom work, might be designated to participate in Tier 3 instruction, such as one-on-one support with the special education teacher. After six to eight weeks, the team, once again, reconvened to discuss student progress. Failure to respond to Tier 3, in turn, merited the possibility of a special education evaluation. Once teams determined evaluation was necessary, depending on student testing outcomes, and once classified as in need of special education services, students were no longer tracked on the MTSS list. In essence, special education classification concluded students' history in the

MTSS Tiers 2 and 3 process; rather, they were tracked on the school's special education list of students with IEPs. Next, I turn to Libertad's MTSS framework aimed at addressing students' behavioral needs.

Behavioral MTSS Support

While I entered the study targeting students' academic struggles, I quickly learned I needed to account for how behavioral and academic expectations within the MTSS process overlapped in "intricate ways" (Artiles, 2015, p. 2). Next, I illustrate Libertad's increasingly tiered interventions targeting student behaviors.

Behavioral Tier 1. Upon walking into most classrooms at Libertad, it was evident there was a school-wide initiative to address students' behaviors. For instance, all classrooms displayed the same posters that explained the expected classroom behaviors and school-wide rules. Notably, posters were created specifically for Libertad's students, evident in displaying school phrases used by the principal every morning during announcements. In other words, the posters were not commercially created by an external source (company); they were created for Libertad's students by Libertad's school personnel.

As a part of Libertad's behavioral MTSS Tier 1, school-wide classroom posters were used to signify expected student behaviors, evidenced by visual images to demonstrate students' learning and personal needs along with teacher response. One aspect of the poster demonstrated the hand symbol students used to indicate the personal or learning need, which did not require talking. The other part of the poster showed the hand symbols teachers used to demonstrate their response. The posters summarized the call and response process in lieu of speaking to demonstrate a personal or learning need, intended to reduce classroom disruptions: a) students showed hand signals to demonstrate a need; and b)

teachers responded with hand signals to give or decline permission. I learned of these behavioral expectations while in the classroom as students asked me for permission, as another adult in the classroom, to address their needs. For instance, when students held their hand up in the air, waving three fingers, they showed the need to drink water. As a response, teachers replied with a thumbs up, thumbs-down, or sideways thumb. A thumbs-up was (affirmative) an indication the student had permission; a thumbs-down represented "You do not have permission," and a side-ways thumb, signified the student was to "wait for further instructions." In sum, rather than speaking or getting up out of their seat, students were expected to show their needs by showing hand symbols; see Table 3 for hand symbols and needs.

Table 3.

Tier 1 Student Expectations Demonstrating Personal and Learning Needs

Personal or learning need	Hand symbol
I need to use the restroom	
I need a new pencil	
I need a drink of water	
I need a tissue	
I need a break	

Further, most classes displayed three signs of expected behaviors in the class, also a part of Libertad's behavioral MTSS, Tier 1. All students were expected to be respectful, indicated by sitting up, listening, asking, and answering questions, as well as nodding to track the speaker (SLANT), raising their hands, and using kind words when speaking to others. Students were also expected to demonstrate they could be responsible by coming to school prepared, keeping the classroom clean, following directions, and reporting dangers to an adult on campus. Last, students at Libertad had to show they were responsible through their actions to "uphold a safe community," by keeping[ing] their "hands, feet, and objects to self," keeping doors and hallways clear, and using materials "properly" (Field Notes, September 6, 2018).

Libertad also implemented a school-wide behavior management process targeting all students in Tier 1, an incentive day at the end of each quarter to reward students who had few warnings or detention days. As a part of the school's PBIS efforts, incentive days were two times a semester and consisted of an activity, such as watching a movie while having snacks. Those with more than a designated number of warnings or "steps" were excluded from participating. Steps were, in a sense, warnings. If a teacher warned a student about unwanted behaviors, the behavior was identified as a step and recorded in the student's school planner. Student planners traveled along with students during their learning day; they were to carry their planner with them to all academic classes and all teachers were onboard about student behavioral expectations. In essence, students could receive steps from any teacher, including staff in the hallway or cafeteria when warning students of unwanted behaviors. Students who did not qualify for the incentive day spent the afternoon with all of

the other students (from all homerooms) who did not qualify for the grade-level incentive due to a number of steps, which surpassed the agreed-upon limit.

Libertad's behavioral Tier 1 also involved the use of student agendas, which served as personal tracking devices. For instance, the student agenda was used to track the number of times students used the restroom in the week. Particularly, it was a method to keep track of students' behaviors or those who abused the restroom right; their actions could easily be tracked, and all teachers had access to the information. In essence, any student who seemed to abuse the restroom right, as a part of MTSS's Tier 1 behavioral framework, might be consequentially assigned to begin Tier 2 interventions, evidenced by closely tracking students' abuse of school-wide behavioral expectations. I never observed the consequences of abusing the restroom privilege; thus, I never learned what the consequences of abusing the restroom privilege might look like. I learned about Libertad's restroom expectations one day as one student desperately raised his hand, motioning with his fingers that he needed something. As I approached him this day since Guadalupe had stepped out of the room, he explained he was trying to tell me he needed to use the restroom. His planner lay out in front of his desk opened to that week's page. He handed me a pencil indicating that I should sign it since he was still within an acceptable number of times for restroom-use. I signed his agenda for the first time. Notably, this process repeated on multiple occasions during my visits to Guadalupe's class, particularly, when she was working with small groups, individual students, or temporarily stepped out of the classroom.

Behavioral Tier 2. Libertad's behavioral Tier 2 involved the use of small-group counseling sessions to assist students with undesirable behaviors. I learned of behavioral Tier 2 interventions one day when a group of students explained they were visiting Ms. Chona,

the school's social worker. Although out of respect for their privacy, I never asked students what the sessions included, I learned students visited her class for counseling (Field Notes, October 13, 2018). Ms. Chona's office was across the hall from Guadalupe's class and was also a place she mentioned to students when they seemed to need time out of her class, such as to calm down when they were upset. In fact, students asked to visit Ms. Chona's class; it was, an apparently, calming place to go. Although I never investigated Ms. Chona's role, it was obvious her position included helping students' with behavior concerns, evidenced by positive expressions and daily reflection displayed outside of her office.

Behavioral Tier 3. Libertad's behavioral Tier 3 included the use of a check-in/check-out system and individualized behavior plans. The individualized behavior report was a way to check in with students at the start and end of each class. Students who were on individual behavior plans traveled to their classes, including special-area classes with a check-in/out behavior sheet. Upon arriving to a new class, teachers could request to see the daily behavior sheet and have an idea of students' performance in other classes. This behavioral sheet was a daily log that documented behaviors each day and that parents were to sign on a daily basis. Each day the process repeated; students received a new behavior sheet to track their behaviors. Further, Libertad's Tier 3 process also included individualized counseling sessions by offering students the possibility of speaking to the school's social worker for one-on-one support when having trouble in class.

From Structures to Practices: Cultural and Institutional Mediators in MTSS Implementation

In the preceding section, I laid out Libertad's MTSS process as a model of instruction to address students' needs and make special education referral decisions. Although the overview centers on institutional processes, due to the cultural-historical nature of human development, Libertad's MTSS activities both shaped and were shaped by individual thoughts, actions, and beliefs (Cole, 1996; Erickson, 2004; Rogoff, 2003). Evidenced by staff's narratives of MTSS and special education processes, the seemingly straight-forward process, up-close was a messy, fragmented process.

To illustrate, I found staff portrayed disjointed visions of the goals of MTSS, which was evidenced by individual thoughts and perceptions of special education processes. Further, staff also reiterated the structural constraints that characterized Libertad's MTSS process as "developing," evident in the lack of resources to provide professional development, to purchase materials for tiered interventions, or the labor force to successfully implement tiered interventions equally across grade levels. In essence, their narratives painted staff's feelings of disempowerment as a result of diminished resources, insufficient training, or the shortage of physical resources to support teachers. Thus, although Libertad's MTSS process clearly delineated how students became Tier 2 and 3 participants, and eventually, special education referral candidates, its structures were colored by individual actions tainted along students' schooling histories.

A Fragmented, Evolving Process

Libertad's staff described the school's MTSS framework as a developing (still missing pieces) process. Multiple staff explained the district's limited MTSS training for teachers provided only once a year, through a "one-day training," which was "very little training" and "just not enough" (N. Castillo Interview, June 25, 2018; X. Najera Interview, August 8, 2018;

G. Varela Interview, August 14, 2018). Suggesting the need for more professional development on the district's MTSS process, Nicholas reiterated MTSS practices as generally positive, pointing out the evolving nature of this work which "needed refinement, a lot of work" but improving over time, "better than five years back" (N. Castillo Interview, June 25, 2018). Next, I illustrate MTSS fragmented and developing processes as characterized by multiple factors, such as missing resources evident in 1) no intervention room for older students; 2) no school-wide intervention program for students in older grades; 3) missing professional development for teachers in assisting them in making special education referral determinations for ELs; and 4) staff's competing perspectives on learning.

Similarly pointing out a Libertad's fragmented MTSS process, staff also illustrated the lack of training for making decisions related to the possibility of LD referrals. Decisions for EL referral decisions were exacerbated the lack of attention or training. As Libertad's former MTSS coordinator, Kimberly explained there was not much support or training for teachers about making EL referral decisions. Notably, Kimberly was a school leader, representing the district's goals of supporting teachers through MTSS coordinators, yet she did not know of any resources.

To address this concern, Nicholas, as the school leader, aimed to invest in improving identification processes. Nicholas was determined to find a more efficient method of identifying academically struggling students: "It was more of a matter of, okay, how do we do this and how do we make this more efficient, for everyone involved?" (N. Castillo Interview, June 25, 2018). To accomplish this, Nicholas explained his recent directive to the school's psychologist (also the school's MTSS coordinator) to put together a guide to help teachers make decisions about which students might benefit from other possibilities (e.g.,

special education referral, gifted/talented programs):

> Our psychologist I put him in charge this summer, okay. Put together like a little profile sheet, you know, like for gifted kids [and] start putting all these different traits or characteristics down for gifted you know. [It doesn't have to be] an exhaustive list or anything, but it's sort of like look-for kind of a deal. OK, well here's a struggling kid look-for, you know, here's like a normal kid, you know, maybe they're just transposing a couple of letters here and there. (N. Castillo Interview, June 25, 2018)

Evidence of Libertad's MTSS as still developing was notable in Nicholas's statement because he was searching for staff to assist in the development of a checklist. A checklist, which would provide a list of behaviors and actions, could help staff figure out which behaviors were of concern. Emphasizing students' struggles as attributed to pathological explanations, Nicholas's statement pointed out Libertad's focus on identifying problems within children. Thus, Libertad's MTSS system of increasing tiers, was intended to fix student's academic or behavioral problems.

Libertad's staff also expressed its academic MTSS processes as more substantive in younger grades. Pointing this out, Nicholas reiterated his belief that if student interventions were intense in younger grades (e.g., more support in reading), there would be fewer struggles in older grades. Expressing frustrations with the lack of support for school personnel and other resources, Vince also shared some of the difficulty in supporting students in older grades. As the current MTSS coordinator and school's psychologist, Vince pointed out it was clear Libertad's MTSS process could benefit from additional resources and professional development for teachers in making special education referral decisions. In older grades, while some MTSS processes in place were similar (e.g., interventions during special area classes), support for fifth- through eighth-grade students was more limited and still needed further development. Vince illustrated this work as demanding and challenged by

trying to fit in multiple, competing duties and responsibilities.

> I think we had a meeting where we talked about what improvements, but if it ever kind of just all boils down, we just don't have the manpower. It's not even that we don't have the resources too, it's just the staff, cause I'm sure [if we could come up with something] different, maybe like a reading program or something, but just the people to implement it, to track it. Especially for me, I am trying to manage the SPED, you know I'm doing all the evaluations for SPED and the reevaluations. I would say, the number one thing we would need is an actual program, tier two program for grades fourth through eighth, like something like Sonday, for the upper grade and just add something more with math, 'cause we really don't have math. Yeah, I just wished we had more interventions. (V. Sheeran Interview, January 17, 2019).

Stressing the need, especially in older grades, Vince illustrated Libertad's MTSS process as one lacking in resources and an insufficient number of staff to handle Tier 2 and 3 interventions for older students. Vince expanded on his view of the MTSS process, offering other limited possibilities:

> There's really not a whole lot, except things that we can kind of try to add in, like after school tutoring. I mean we try to do it with fifth and sixth grade, doing the intervention Wednesdays, but it's just a big undertaking to do something like that. I mean there's no math intervention for like fourth through eighth. I know they do something like that where they do some pull-out at the end of the day and rotate the schedule around where the lowest students are getting more support. But yeah, it just is, there's not a whole lot like after third grade. Yeah. Okay. I mean it's a districtwide. (V. Sheeran Interview, January 17, 2019)

In addition to missing resources, school leaders emphasized particular subjects as more important than others. As with reading interventions for older grades, the district did not have any type of Tier 2 or 3 writing intervention for students. As the writing teacher, this posed multiple challenges for Guadalupe. First, students in older grades did not have any school-wide adopted writing or reading interventions, and additionally, time was taken away from writing to give students extra math interventions during class (X. Najera Interview, August 14, 2018, V. Sheeran, July 20, 2018). Particularly, Guadalupe expressed her concerns

that students had to be ready to pass the state's writing assessment and having no writing intervention was discouraging.

The belief that writing was considered less important than other areas was something Guadalupe was troubled about. Guadalupe's concern about not enough intervention time for writing resonated with Nicholas's explanation about the school's focus on math rather than writing. According to Nicholas, time away from writing to focus on math skills was easier to "make up" (N. Castillo Interview, June 25, 2018). Sadly, as Guadalupe expressed, there was little-to-nothing she could do since the decision to focus on math interventions was a school-wide decision. Nicholas explained the school's focus on math interventions to fill in math learning gaps:

> We identify kids who are really struggling. Math has been an Achilles heel for us for a little while. So last year, what we did is fourth-, fifth-, and sixth-grade, instead of going to a writing class, we gave them a double block of math. So they went to a regular math class and then instead of going to writing, we pulled, you know, a certain number of kids and put them back in math class again. (N. Castillo Interview, June 25, 2018)

Unsure about whether or not the decision was a fruitful one, Nicholas illustrated his quest to determine how students performed as result of double math blocks in older grades,

> I really want to pull the student level data and go, okay, we identified those that had the double math block in fourth-grade, fifth-grade and sixth-grade. How did they do? Did they really do any better? How is their growth? Did it jump? If not, then why? (N. Castillo Interview, June 25, 2018)

Nicholas proceeded with a justification about the decision to focus on math rather than writing. Nicholas articulated his beliefs, which largely contrasted with Guadalupe's views and concerns that writing was a difficult process, and also an area that many students, like Pedro and Sebastian, struggled in. Nicholas justified the choice to focus on math, leaving writing to be integrated into other core subjects:

> It was a hedge bet, and that, as I looked at it, okay, what's easier to make up? You know, what skills are easier to make up? Is it easier to make up writing skills or is it easier to make up math skills as we progress into the years and into older grades? I'm like, well, way easier, writing. You can pick up writing a little bit easier than you can, if you're two years behind in math. You start jumping up into algebra, geometry, those kinds, it's like whoa, now the gap widens harder, versus, okay, I can get you to write a five paragraph essay and you can combine the reading with the writing… you do a lot of writing in the reading class. I did writing in the science and social studies class, so it was there. So it's not like they didn't have writing, they just didn't get the formal, okay, we're writing in one paragraph today and we're going to break this down. And how does this conjugate to this and how does this relate? So they didn't get like the real formal but they were still getting writing, you know. So, and to me, like I said, it seemed like a much easier content to make up any deficiencies then it was for math. (N. Castillo Interview, June 25, 2018)

Nicholas's explanation that writing could be integrated into other disciplines, and easily made up, drew upon theories of writing that emphasized writing could be integrated into every discipline (Hodges, 2017). Stating this position, Nicholas did not recognize the "complex, multidimensional portrait of writing development" (Bazerman et al., 2017). Rather, Nicholas focused on "the data," which aligned with "schooling ideologies and epistemologies which drive testing and implicitly drive school curricular design" that are often "orthogonal to other views of writing and may restrict writing education" (Bazerman, 2016, p. 17). Nicholas's ideologies stood starkly against Guadalupe's thoughts about writing, as a complex process that writing should

> be built on meaning-making and effective communication, and recognize social, linguistic, cognitive, affective, sensorimotor, motivational, and technological dimensions of writing development. Each dimension matures and develops across many experiences, but each writing experience brings all the dimensions together in a unified communicative event. This means while teaching moments may focus attention on aspects of one of the dimensions, all dimensions are always present, and students may find challenges coming from any of them at any time. (Bazerman, 2017, p. 357)

Ironically, through staff's individual perceptions, Libertad represented both perspectives for writing instruction within its institution.

Theories of Underperformance and the Dilemmas of Labeling

Libertad's MTSS process was influenced by multiple and competing beliefs about special education processes. For instance, staff discussed their views of labels as stigmatizing. Also demonstrating the variance in individuals' perspectives on controversial topics, such as special education labels, staff pointed out broader issues, such as the consequences of special education identification. Last, staff's comments highlighted the inextricable nature of individual perspectives on institutional factors, noting that teacher factors also impact special education referral decisions.

Demonstrating his awareness of the policy mandates and his individual perspective about special education labels (which could be both positive and negative), Nicholas, as the school leader, explained his views of labeling, which added to the cultural economy of Libertad's MTSS process. His sentiments were an illustration of the cultural mediators within structural processes, such as MTSS. Nicholas explicated:

> I appreciate the process that we've been going through for years now through RTI, through MTSS, 'cause anytime you start putting labels on you do kind of start peg a kid, you know, no matter what, I mean, good or bad. Because even sometimes you put the gifted label on a kid. Oh Sarah, she's gifted. Well then if you start to struggle in an area, well what's wrong? I thought Sarah was gifted, she should be able to do this. Oh my God you're just being lazy. We want to try and it's like well yeah, but I'm gifted so you know especially not over here. You know I don't get this this is not my area. So you start to stigmatize kids no matter what you can. I'm not saying they have to, but it can either side either with learning disability, gifted whatever that tag is, EL… But I do think when it's warranted it's a good thing. (N. Castillo Interview, June 25, 2018).

Similarly, considering the possibility that students' learning struggles were related to other factors, beyond the possibility of a disability, one of Libertad's MTSS coordinators and reading coach shared her thoughts about waiting too long to evaluate students:

> My frustration is, if you test them too late, and they have educational disadvantage, they could show up as learning disabled, so if they have an average IQ but they have

> low achievement, they could get the label, when in fact, actually, they just have so little exposure to academics at home, or they've been moved 17 times. And don't come to school and that's-- and I think that's-- that bothers me, it's like, are we sure we want to label-- Label someone with a learning disability, when in fact it's just an educational disadvantage? (K. Wade Interview, May 30, 2018)

Nicholas expanded on the idea that at times labels are used to get students extra resources. Rather than legitimizing special education classification for the sake of classification, identification was tied to the resources that came with classification. To Nicholas, regardless of the stigma associated with a label, identification proved to be fruitful because students had extra support that might not be available without a special education classification:

> You know when if you can really break down that there really is something going on because in our society here in America that provides a lot of extra supports… all of a sudden, there's a lot of money, there's extra time, there's extra accountability to make sure that that kid is really getting the support they need to be successful…and so it's not a bad thing (N. Castillo Interview, June 25, 2018).

Spinning the possibility that he did not believe in labeling students, Nicholas's thoughts resonated with others' perspectives on labels. Aligning with Nicholas's views of labels used as a way to get extra resources, Vince offered the possibility that parents advocated for special education services, especially when students were academically struggling, as a way to get extra support. Emphasizing the possibility of no LD, but an interest in more resources, Vince explained:

> So it's really a balancing act, it's delicate, and a lot of times you see teachers like putting a label on them as just getting them more support, which is true in some respects but it's not what the intent of special education is. (V. Sheeran Interview, July 20, 2018)

Adding to the idea that special education identification is tied to the possibility of extra resources, Vince and Nicholas highlighted the need to carefully analyze referral reasons,

which were perhaps not always necessarily tied to the possibility of a disability. To this, Nicholas offered the prospect that special education labels, especially in higher economic schools, were tied to alternate factors and not always a legitimate special education concern,

> In those higher socioeconomic schools, [students might be referred] 'cause, my kid should have straight A's and they don't There must be a learning something. So they'll go to their doctors and I've seen it. We knew, we knew exactly, we got a referral from a doctor, if we saw a certain name. All right, well they paid for this, I guess they're getting special ed because they went and got the referral that they needed. That is—it's legal and sound, and here it is, you know, but it was, we knew what it was. There's nothing wrong with your kid, your kid, just a B kid. (N. Castillo Interview, June 25, 2018)

Nicholas's point about referrals and families' drive to special education identification for particular students illustrated his assumptions about labels. Ironically, he described the case for students in schools with higher economic status, but this was not the case for all students at Libertad since 90% of the student population qualified for free or reduced lunch. Relating the concerns to other broader educational issues, such as over-testing students, Nicholas also offered an alternate explanation for students' academic underperformance. Again, underscoring the notion that special education labels were not necessarily tied to a legitimate classification, he expounded,

> I think it can be tied to a larger issue in education, too. Sometimes it's um, well, to be honest, I think we over-test our kids. So sometimes when you're looking at data, that's really how they perform? It's like, really? You know this was the fourth test in a row for this kid? So the kid just kinda got tired of this and just said forget it and just started filling stuff in. And so we need to look at that, right? It could be an issue. (N. Castillo Interview, June 25, 2018)

Also pointing to alternative reasons for students' underperformance, implying special education labels were not always legitimate, Nicholas also added the possibility of instructional gaps stemming from not following curricula as intended:

> You know, it's not the kid's fault. It's more of a system issue within the school itself because we're not following the curriculum like we should. So we're creating the gaps

> for the kids just because we're not teaching it to them. We're not teaching them what they need to know. You know, we're not providing those experiences that they really need. Right? That's our fault. That wasn't the kids' fault. That was the adults' fault. Cause we just didn't do our jobs. (N. Castillo Interview, June 25, 2018)

Further stressing the notion that labels are not always justifiable, since other factors (e.g., teacher factors) also impact learning, Nicholas added other possibilities for why students struggle in school, explaining the state's (limited) teaching certification requirements:

> I think that's really falling into place a lot now…past few years, at least here in [State], because of the teacher shortage and the willingness to put almost anybody in the classroom, you know, at any point. I mean now, I mean [State Governor] two years ago when he changed the whole certification process where okay, you know, as long as you, you know, if you have a degree you know the similar kind of deal, so if you were an accountant for 20 years and now you want to come teach, okay, you can teach math, you can teach high school math because you know, you have like experience in that field, in the math field. (N. Castillo Interview, June 25, 2018)

As evident in Nicholas's opinions about special education labels, multiple and competing processes and perceptions made special education identification processes a muddled endeavor. While students may have specific learning and behavioral needs, multiple and competing factors may result in unjustified special education referral, and eventually, classifications. Adding a layer of complexity to special education referrals, Vince drew attention to supplemental factors (to be considered) when considering ELs' unique sociocultural and learning needs. Drawing attention to the difficulty of deciphering the reasons for Els' learning struggles, Vince commented on what made EL referral decisions a difficult process to sort out:

> The hardest part of our job because we're always trying to—because on one respect, you have like the teachers that don't want to just let a student keep struggling. But also at the same time you don't want to give them a label of being a learning disabled when they're just really in the process of acquiring a second language. (V. Sheeran Interview, July 20, 2018)

Next, I turn to the paradox that has perplexed the field for decades, untangling Els' learning struggles from L2 factors (Case & Taylor, 2005; Carothers & Parfitt, 2017; Klingner et al., 2006).

Language Perils and Bilingual Education (Im)Possibilities

For ELs at Libertad, as with learners across the state due to restrictive language policies, they had limited L2 support program options. Since Libertad had a DL strand, however, this meant ELs could qualify for bilingual education if they met one of three waiver options.[3] For school leaders, this was a difficult situation since students who did not qualify for one of the three waiver options did not have access to DL education, regardless of their beliefs or program availability. Especially since staff relied on their bilingual skills to decipher students' learning difficulties from L2 factors, DL education was an appealing, although impossible, option for some. Expressing his belief that the DL strand was the best option for ELs, Nicholas recalled a trend in the history of bilingual education before the state's restrictive language policy began targeting ELs,

> We used to have that many years ago, and that's what we would do, monolingual Spanish speaker? Great, put them into the bilingual program, put them in the dual language program, so that we keep the academics up while they're learning English (N. Castillo Interview, June 25, 2018).

Aligning with Nicholas's position that there was not much school personnel could do as a result of the state's restrictive language policies targeting ELs, the school's former MTSS

[3] State policy stipulates ELs are to be enrolled in SEI classes, eliminating the possibility of bilingual education unless they qualify for a waiver. Students qualify for waivers based on one of three conditions: 1) students who "already know English," based on student proficiency in English demonstrated by standardized assessment results, 2) student is 10 years of age or older (regardless of language proficiency in English), or 3) students with special individual needs (State Policy, 2000).

coordinator described the difficulties for ELs who were struggling in their L1, L2, or both. During her interview, Kimberly (MTSS Coordinator 1) illustrated her resentment towards the state's restrictive language policy that separated ELs and did not provide the best instructional practices for ELs:

> I don't think-- I don't think segregating them into a classroom for five hours a day all together is an option or is a best practice. I think that building their vocabulary is a really good instructional approach, like finding ways in every subject area to give them-- you know, to front-load vocabulary is huge, and that needs to be a focus for our English language learners or English learners. Programs structure, so I mean, that can be throughout. I think that can be tightened throughout any area. I think also a lot of opportunities for student-to-student so they're having those interactions with students who are fluent English speakers. I think pairings, having those pairings are really helpful for those students. Providing support for language with sentence stems, and I think those three things-- vocabulary development, student-to-student interaction, and then scaffolding their language for them, when they're writing, speaking, I think is definitely helpful for students and it should be mandatory, I mean, it's non-negotiable, that we need to do that for our English learners. (K. Wade Interview, May 30, 2018).

Drawing upon Libertad's separate classrooms (SEI and DL), Kimberly reiterated the school's language program options for ELs, which they saw as a result of the state's restrictive language policy in which ELs were placed in SEI classrooms with other ELs, who were not proficient English speakers. This emphasized the policy restrictions evident at Libertad, where ironically, the school did have a language support option that could foster their L1 and L2 development as through DL instruction. Describing the school's attempt to support ELs, Kimberly portrayed the need for training teachers to provide ELs with language development support, regardless of the limited resources,

> I don't really hear a lot of discussion about EL kids, you're just really expected to come in and, you know, learn it. I mean there's no special classes for it. I mean we have some pull out, where we take junior high kids who come in and are monolingual, and we put them like in reading intervention, but it's-- they're being put in with second and third grade-- I mean-- It's not-- it's immersion, you're supposed

> to be immersed, and have access to the best of your ability. I mean, I think it's absolutely brutal for them. (K. Wade Interview, May 30, 2018).

Staff's beliefs that bilingual education was the best option for ELs became apparent when they described their strategic moves to provide access to students, whenever possible, especially for struggling students. Being a school with a DL strand, Kimberly Wade (the school's previous MTSS coordinator) shared the possibility that students could be shuffled to a language support program because at 10 years old ELs qualified for a waiver without having to pass the English proficiency requirement; the waiver, in turn, granted ELs entrance into a DL option. Kimberly summarized this move,

> We do that at our school, we've tried to push for that, 'cause we know that if they can't speak any English, at least in the dual language program, they're getting help [in their native language]. So if by fifth-grade, if we have students that are still EL, we can opt them out of the [SEI] program by that age, and they can go into dual language. We can give them a waiver, I mean, they're 10 years, so we try to do that" (K. Wade Interview, May 30, 2018).

Notably, Kimberly was the only staff member who spoke of this possibility, suggesting Libertad had no policy or formalized structural practice to make this possibility come a reality for ELs.

Tying ELs' L2 factors to special education processes, Nicholas's beliefs pointed out an observation that aligned with empirical evidence related to ELs—the possibility that students are misidentified due to the conflation over their learning struggles—and whether their learning difficulties are due to L2 factors or the other learning issues (e.g., cognitive processes). As in Nicholas's case, it was clear he believed in bilingual education as a more favorable option for Els, as well as the possibility that ELs could be misidentified due to their L2 struggles:

> I think the best thing we can do for our EL kids is to be able to put them in a dual language program because most of our kids, like I said, they're smart kids and probably so many of them are misidentified, they are gifted, they really are brilliant kids, but because they don't speak the language, they can't access, they can't show it. If only we can get them into a bilingual program. (N. Castillo Interview, June 25, 2018).

Unfortunately, for many at Libertad, as with many other students across the state, this was not an option. Rather, special education referral and identification processes have manifested (and continue to manifest) for many ELs across the state, with minimal attention to the reality that many ELs across the state participate in language support programs that are not the most ideal, according to research (e.g., Lillie, Markos, Arias, & Wiley, 2010). Of significance, the state's restrictive language policies have produced inadequate educational opportunities for ELs, an unfortunate circumstance for nearly 20 years (Lillie, Markos, Arias, & Wiley, 2010; Rios-Aguilar et al., 2012). Next, I turn to the staff's perceptions about EL special education referrals.

On Language and Learning. Drawing attention to individual, institutional, and interpersonal processes that mediate EL referral determinations (González et al., 2015), Libertad's personnel also expressed their beliefs about EL special education identification processes. For instance, Libertad's staff spoke of their compliance with policy expectations about disability eligibility and cultural factor considerations. Libertad Elementary school personnel shared their beliefs that in order to comply with federal policy, L2 (cultural factors) had to be ruled out in order to consider special education services.

Complying with federal stipulations about cultural/environmental factors, Libertad's staff drew attention to language factors, a key identity marker for ELs. Most of Libertad's staff commented on the L2/LD quandary when making special education referral

determinations; and all agreed that special education referral determinations were a difficult process to sort out. Nicholas offered an explanation about why it was often complicated to sort out L2 versus LD factors, since cultural factors had to be excluded:

> Yeah, gotta account for that language piece, and is it really there? 'Cause, you know, sometimes you know, oh my God, they're struggling, but then when you get to their academic learning and you get into, and you start asking them things academically in their home language-- "Ohh, okay!" Alright, "Well, you know, write this in Spanish for me, here's what I want you to write, just write it in Spanish right?" OK, and developmentally, oh, they're right, there they're doing fine, look yeah, they missed a couple of things but everyone does, it's a developmental thing, it's not, oh, there's something really struggling or going on different, but we just have to account for the language piece. You know that it's just they just don't know the language that's why you really have to prove that there is a learning disability in there. (N. Castillo Interview, June 25, 2018).

Nicholas's statements pointed out some critical points: 1) the need to separate language and learning difficulties, ruling out language as a factor, due to policy stipulations; and 2) teachers could ask students to perform in Spanish (or their home/native language) to determine if the difficulty was attributed to language. Nicholas's comments also pointed to a much more complicated task—to prove (whether or not) there is a "disability in there"—a point researchers have examined for decades (Mehan, 2000; N. Castillo Interview, June 25, 2018).

While Nicholas's strategy seemed like a logical one (simply asking students to perform in their home language), the reality was much more difficult to sort out. Nicholas's concern over the uncertainty about proving whether or not an LD truly exists within struggling children (Varenne & McDermott, 1995) was blurred by apprehensions over students' intersectional needs, in this case an L2 factor. Nicholas shared his doubts about labeling ELs, which resonated with special education's history of labeling students who do not speak English as a first language, especially within Spanish-speaking communities

(Artiles et al., 2005; Mercer, 1973). He emphasized the need to rule out L2 status was not a factor, regardless of how long it takes to rule it out,

> It's about ruling that out but if they can—even if it can wait as long as we are going to be truly proven that it is not like back in the old days. Oh you must be on an IEP because you do not speak English now because then you get the label puts you on a different track that doesn't need to be. They tried that with my dad and my grandmother said, "Hell no, my boy's smart, he don't need special ed. He doesn't need it. He needs a whooping." (N. Castillo Interview, June 25, 2018).

Nicholas's beliefs about ruling out language differences, waiting "as long as it takes," resonated with staff's expressions about the duration to process EL special education referrals. Nicholas's point aligned with significant observations about Libertad's special education identification processes—the time it took to process EL special education referrals—a factor others reiterated took much longer, in comparison to non-EL students.

Noting marked differences between the number of ELs in SEI versus DL classes, due to the feasibility in parsing out referral decisions for non-ELs, Libertad's staff shared their beliefs that: 1) the number of students labeled as needing special education services in SEI classes were higher than those in DL classes; and 2) it took much longer to identify ELs with special education needs (multiple years), in comparison to non-ELs. Ironically, staff's descriptions of Libertad's MTSS process resonated with the "wait-to-fail" approach, a troubling observation, since MTSS was based on the premise to alleviate this problem (Lyon & Weiser, 2013, p. 137). Guadalupe also stressed this position, that EL referrals were a difficult phenomenon to sort out:

> What I have experienced is that for an EL it's harder for them to be referred because they always think it's language, so it's always seen as, "Oh it's a language issue, it's a language issue," but for ELs, when they get higher up, like fifth and sixth-grade now, the teachers are like, "Oh well, it's not an language issue, it's, you know, a learning issue, and by then the ELs are, you know, 10 11. So it's really important to make sure, "Is it a language issue or is there something else?" …for students who are not ELs, they go through the process much sooner and much faster, and I think that's why, well, there's not a lot of SPED kids in dual language, but it was because of that,

> you know, there's a lot more in the [SEI classes] because they were identified earlier… it's not a language issue, so they were able to move them faster through the process, and now, "Oh, there's like 10, you know, SPED in this classroom," well, I feel like it wasn't equal. (G. Varela Interview, August 14, 2018)

Staff's concerns that EL special education referrals took longer and L2 factors made decisions a complex situation to be sorted out, was a point reiterated by more than one. For example, the school's former MTSS coordinator, Kimberly, pointed out special education referrals took longer,

> the process is slower, they want to give them more time. We have had a couple of students, they weren't sure if, in their native language, so if they were in Mexico or they were in Spain or wherever, would they be a special ed student? So then we will have like an EL teacher or a dual language teacher test them in their native language, because, I've had a couple of students who-- teachers have said, "Okay, dumb as a rock and all this stuff." And I'm like, "Hey wait a minute, this child just got here. Can we not?" And, you know, I've heard people say, "No, even if I speak to them in Spanish, but I ask, how good is your Spanish?" You know, and where was this child Mexico? Like were they in school or were they at home? (K. Wade Interview, May 30, 2018)

While I did not collect data to be able to verify that EL special education referrals took longer to sort out, there was evidence this might be the case for the study student participants. Regardless, there was a time factor for EL versus non-EL special education referrals that needed attention. Kimberly, as a reading coach and MTSS coordinator, also communicated her beliefs about the differences between a referral for a EL, as opposed to an English speaker during her interview, in which a cultural factor would not warrant a special education referral:

> I think because when we look at kids that are struggling academically that are English speakers we can automatically not think that it's like English issue-- like we can eliminate that as possibility or issue. We can eliminate that as a possibility, whereas when they're when they're kid that is still learning English when everything is provided in English for them, we can say well they're still—they're still trying to acquire English. So we have to look at their [English proficiency state test] scores-- we have to think about where they're at in their acquisition of English, like, so like, we have kids in Ms. Najera's classroom that just came here last year, they're struggling, yeah, they're still struggling to learn English, they're doing a great job, I

> mean they're making so much progress, but we're not going or refer them because we know they are still learning in English right? (K. Wade Interview, May 30, 2018

Next, I turn to Libertad's staff's opinions about their strategies to disentangle L2/LD factors, which, according to personnel belief, had highly consequential outcomes. Echoing the complexities in the cultural work of schools, staff summarized special education processes as a convoluted procedure, mediated by multiple and competing factors (Harry et al., 2007; Kozleski & Smith, 2009; McDermott et al., 2006). Summarizing this complexity, Vince's description portrayed the work of EL special education referral determinations as

> Just tough because it's this confusing vortex-- do they have a learning disability or is it their second language? Do teachers just want them to qualify because they want them to get more support? Yeah it's tough. It kind of puts like the psychologist in a tough spot because, like we want to help the kid, but we also have to respect what the true definition of what the definition is about a learning disability. And we don't want to like falsely label a student. But we also don't want them to struggle. So it's this like really complicated-- It's even more-- it's just-- extra complicated for English language learners, whereas an English speaker was who has all these extra factors it's a lot more clear cut, it's not as grey or ambiguous. (V. Sheeran Interview, May 13, 2019)

Summarizing EL referral decisions as a whirling force pointing to the goal of identifying students' problems, Vince's description illustrated how the "constructs of learning, ability, and culture get increasingly intertwined" (Artiles, 2015, p. 1; Artiles et al., 2016). Vince illustrated a non-EL referral as more straightforward, not "ambiguous." Further, he also portrayed staff's beliefs that special education labels were not necessarily tied to actual beliefs that there might actually be a special education need, and rather, the result of other factors (e.g., resources that come from classification). Next, I turn to how staff worked in collaborative and independent ways to address EL special education referrals, a confusing "vortex" (V. Sheeran Interview, May 13, 2019).

Illustrating their strategy to disentangle the L2/LD quandary, Libertad's staff shared their perceived differences between referrals for ELs and non-ELs. In all, the majority of

staff agreed there were stark differences in EL special education identification processes. Five out of six staff agreed special education referral decision-making processes were (and should be) different for ELs. Only one individual, Zachary, a school leader, stated there were no differences in making referral decisions for ELs and non-ELs, "It's not different," and, "The only difference is that the EL kids take the [Oral English State Test] which is only for English measures, and so, other kids wouldn't have access to that test but that, so that's an additional piece, that EL learners have that English speakers don't" (Z. Morgan Interview, May 11, 2018). Zachary's response stood in contrast to another instructional leader, Kimberly, who responded, "There should be differences!" (K. Wade Interview, May 30, 2018), and noted, there were multiple factors to be considered before making a EL special education referral decision.

In the efforts to disentangle the possibility that an EL's struggles were due to L2 factors, rather than from cognitive processes, Libertad's staff were encouraged to use their own expertise, as well as turn to others (N. Castillo Interview, June 25, 2018, V. Sheeran Interview, July 20, 2018). To help sort out the L2/LD quandary, staff either 1) turned to others to help each other make special education referral decisions, or 2) relied on their expertise in L2 development training, bilingual skills, or professional knowledge or backgrounds to decide who might be referred for special education services. Particularly, in all cases, Libertad's staff were aware that an LD concern could not be a result of environmental, cultural, or economic disadvantage, as stipulated by federal policy. Thus, if L2 status could possibly be a factor affecting students' learning outcomes, then a referral would not be warranted.

Disentangling Language from Learning: Staff Strategies. Libertad's staff shared

multiple strategies to help them sort out ELs' learning struggles, characterized by disjointed approaches to decipher a learning struggle from a L2 difficulty. Of six school personnel, only the two teachers spoke of using their language skills (bilingualism) to assist them in sorting out the L2/LD quandary. All other staff spoke of relying on others, either to help them decipher a learning problem, such as going to the special education teacher, or going to bilingual staff to help them rule out the possibility of an L2 factor. Notably, although Nicholas was bilingual, he did not mention the option to use bilingual language skills to help staff disentangle L2/LD factors. Rather, Nicholas encouraged teachers to seek others to help them disentangle the L2/LD quandary. In sum, Libertad's staff relied on a combination of factors, going to others, as well as using their own expertise in the process; see Table 4 for an overview of staff's strategies.

Table 4.

Libertad's Staff's Strategies on the L2/LD Quandary

School personnel role	Language(s) spoken	Strategy to distinguish struggles stemming from L2 factors versus other learning factors
Principal	English and Spanish	Turning to others (special education teacher, speech therapist)
MTSS coordinator 1	English	Turning to bilingual staff
MTSS coordinator 2	English	Turning to bilingual staff
Assistant principal	English	Turning to bilingual staff
Teacher 1	English and Spanish	Turning to others (special education teacher, speech therapist) Using bilingual skills Engaging in conversations with students; asking students in their home language
Teacher 2	English and Spanish	Turning to others (special education teacher, speech therapist) Using bilingual skills Examining student characteristics, behaviors

Expressing the need to draw upon other school personnel's expertise in concluding whether or not a student might need to be referred for a special education evaluation, Vince shared,

> Well, I know like what we'll do is-- that's where we have the speech pathologist heavily involved. She's really important to be able to decipher if, are they struggling in both languages. So we'll do like a lot of screeners with the students and you know-- are they proficient in Spanish and not in English? Is it both? That helps give them more data or more understanding of where they are-- the ELL students. (V. Sheeran Interview, July 20, 2018)

In Vince's case, he turned to others who might be able to offer information about how students performed in their home language. Nicholas shared a similar sentiment, being that school staff relied heavily on bilingual personnel to help make special education referral decisions. Notably, the support bilingual staff could offer was related to assisting with ruling out language factors. In this case, Nicholas relied heavily on the school's bilingual speech therapist since she was able to analyze students' language capabilities in multiple languages:

> I think we've been able to do that and part of that's going to be by staffing and the ability to then really get out you know their ability in their home language and see OK well how they really are struggling here too. That's why Bonnie [bilingual speech pathologist] has been a godsend. You know it's real nice to have her on campus. You know I've had that a couple of times where at a site that was a bilingual psych for a couple campuses … [but here] I was like dude awesome please can you check this kid out? We really think that there's something going on. So she would do a full battery for us, too, and in Spanish and we'll go, yeah they really are missing some things here. There's something going on. We need to look at this or no, they're good, they can do it in Spanish. OK great. (N. Castillo Interview, June 25, 2018)

Besides going to bilingual staff for L2 support to distinguish if language was a factor, school personnel also went to others to help them determine the root cause of students' learning struggles. For example, if they had a question about a struggling student, Nicholas, as the school leader, encouraged staff to go to the special education teacher for ideas about how to

address the student's learning struggles. Notably, the special education teacher was not bilingual, thus, she mostly shared information from her special education training, and it did not include the use of students' home languages. This observation pointed out two key facts: 1) teachers went to others for distinct reasons. If staff believed it was a cognitive concern they went to the special education teacher; and 2) if they were unsure of language as an L2 status, they turned to bilingual staff. Pointing out the need to collapse dualisms (that struggles are attributable to one or the other, not both), this observation emphasized the need to consider intersectional factors at multiple levels (Anthias, 2013; Núñez, 2014). In other words, staff believed problems could be resolved by special education experts or bilingual experts, discounting the possibility that struggles could come from a combination of factors (L2 factor and cognitive processes). In this case, not only would staff need to consider students' intersectional histories, but also organizational, representational, intersubjective, and experiential factors (Anthias, 2013; Núñez, 2014). Next, Guadalupe illustrated how the process worked, going to others for support, evidenced by

> Talking to people in SPED to ask what can I do to help make the student be a bit more successful? I also like to see if someone else is working with them, I like to see how that works, too, to see if somebody else is experiencing that student because maybe they catch something I'm not seeing. (G. Varela Interview, August 14, 2018)

Subtle Fragmentation on the L2/LD Quandary Among Bilingual Experts. Contrary to support staff and leaders, teacher (Guadalupe and Xochitl) strategies stood apart from those shared by instructional leaders. Both teachers shared their views of making special education referral decisions based on personal experience and professional knowledge; and when examining their responses more closely, there were subtle differences. Interestingly, Guadalupe and Xochitl had similar static identity markers (Artiles, 2015). Both were Latinx teachers, had a history of teaching both SEI and DL, had a bilingual endorsement, had been trained in teaching comprehensive literacy approaches, and were bilingual—both spoke of their bilingual skills as beneficial to parse out ELs' learning difficulties. In essence, while Xochitl and Guadalupe had the luxury of speaking Spanish to decipher individual student learning needs, they still pointed out their doubts about what caused students' struggles. Notably, however, even though they could revert to their bilingualism—to help them tease out student struggles—it did not always solve the problem, evidence that teacher's bilingual skills do not solve the L2/LD quandary.

Being that Xochitl and Guadalupe had similar experiences and histories in teaching different L2 support program, I set out to closely examine if there were differences between their beliefs about how they disentangle the L2/LD quandary. And, I found a subtle difference; their beliefs only partially aligned. As the teacher I worked with first, the fourth-grade teacher who identified the pool of study participants, Xochitl, explained how she deciphered between a students' learning struggle related to the possibility of a cognitive struggle versus a L2 factor. Foregrounding language as a possible factor, Xochitl pointed out her strategy to help her tease out the complexity of this process:

> I guess because of the fact that the language is always a question mark, too, is it partially because that's one of the questions when we first select them. Okay, is it a

> language issue? And an understanding-- but when you speak to these students there-- they have enough English access that I mean we're tagging them English language learners because Spanish was spoken, but then, you know, when you speak to these students and I've had a chance to speak with them in Spanish, too, you still might have some doubts. (X. Najera Interview, July 9, 2018)

Providing examples of the three students she recommended for the study (struggling ELs, potential special education referrals), Xochitl explained the process for determining the L2/LD quandary in finalizing which ELs could be study participants. For the pool of students, she had ruled out language was a factor, but there was a possibility of something else:

> I think it's just the whole idea that language an issue for their progress. But to me ultimately, for all three of them, I don't think I don't think it is language, there's something else, and I had already explained that, too. There was something else. It wasn't the fact that their language in Spanish prohibited them from their growth or lack of growth, it was something else. (X. Najera Interview, August 9, 2018)

Xochitl's points stressed two conflicting views. She noted the belief that language was a question mark, but at the same time, stated language was not a factor for the students, which leaves room for doubt. Notably, she stated this, fully aware of their EL status. Underlining her choice of study participants, Xochitl pointed to the possibility of struggles beyond L2 factors, which was her reason for choosing these students. She considered they did not have environmental factors that impacted their learning, such as the insufficient opportunity to learn or absences. Particularly, Xochitl pointed out she knew those students as learners, and was confident in saying their English performance was like other native English speakers,

> I think we knew them as learners, I think it was just them, it's just taking time, just like some students, like some of the ELs, I can say can be very comparable to some of the English-- like the kids are native English speakers who are just on the slow trajectory of learning. (X. Najera Interview, August 9, 2018)

Rather than emphasizing student characteristics, Xochitl pointed out a critical strategy—she knew her students—and thus, was aware of their struggles. Stressing the importance teachers

knowing their students, Xochitl turned to an interpersonal approach she used to help her tease out the L2/LD quandary. Rather than emphasizing student demographic factors, or individual processes (in isolation), Xochitl focused on teacher processes and practices that helped her differentiate between students' cognitive or L2 struggles. For example, Xochitl emphasized the need to differentiate learning for students, a practice she was able to engage in through conferring with students. Xochitl explained differences between strategies for struggling ELs, in comparison to the rest of the class, "It has to be scaffolded; for the whole class one thing, for them steps" (X. Najera Interview, August 9, 2018). With this, Xochitl illustrated the tactic that she used to untangle social, academic, and behavioral factors, which was to scaffold for students through conversation. Xochitl carefully considered students' individual characteristics as she shared information about students' sociocultural identity markers, such as considering cultural-historical factors (Artiles, 2015), but she also illustrated the importance of zooming into interactional processes in the classroom.

Xochitl's perspective pointed out sociocultural factors matter, but what is happening in the classroom also matters. Her perspective rested on the tenet that special education referral decisions rely on situated and layered definitions of culture (beyond static social identity markers), which in this case, zoomed into the interactional processes in "everyday classroom life" (Artiles, 2015, p. 11). While she recognized student family factors might make a difference in students' learning outcomes (e.g., literacy practices at home), she also stressed the importance of examining interactional classroom processes. Explaining her professional practice of engaging in conversations with students, Xochitl stated, "[In comparison to a non-EL student…] it's through conversation, and interviewing [students] on what they really know, you really know what they don't know" (X. Najera Interview,

August 9, 2018). Offering a solution to help decipher L2 factors from the possibility of an LD, Xochitl suggested engaging in practices she had found meaningful in her class, engaging in conversations with students:

> I think just investing the time to be having more conversations in the classrooms that are like authentic and engaging and not so much of a [product]. I mean all students have to have some sort of product to show their work, obviously, but there has to be a lot of rehearsal of language, there has to be a lot of engagement with conversation with students. There just needs to be more hands on deck, adult-to-student contact, that has to do with what they're learning at school, because, you know, if there are no other adults that are in their lives talking to them about school and what they're learning, they're not like cementing their knowledge. And also, I think, for all of our students, not just for the EL, because it speaks to all students, is just finding meaningful learning, things that actually matter, making sure that what we're teaching is relevant, you know. I'm not just writing this book report, over and over and over again, it's actually because, it's maybe it's a book review, you know, where we're staging it, "Oh, we're being book reviewers," you know, it's just like people in the real world are, you know, movie critics, "Oh, we are going to be book critics," you know, the kind of things that we're placing on them for their tasks, and what they're doing, that it's an actual role and it represents something of the real world. (X. Najera Interview, August 9, 2018)

Xochitl's perspective touched on the need for a meaningful and multilayered lens (Artiles, 2015; Garcia & Ortiz, 2008) in planning EL instruction and making instructional decisions. Rather than relying on static markers of difference, such as ethnicity or language in isolation (Artiles, 2015; Garcia & Ortiz, 2008), Xochitl was aware of the need to explore indicators of differences across multiple measures. These measures, as she illustrated, went beyond written work products, such as standardized assessment scores or written classroom work. In her opinion, a fruitful strategy: conversations with students.

On the other hand, sharing her doubts about ELs' L2 factors, Guadalupe illustrated the approach she used to determine EL special education candidates. First, she was fortunate enough to speak Spanish and could determine many of the students struggles, although she added it was still a difficult process:

> I guess I have privilege because I know Spanish, but it is, it is hard because I know-- last, last year, the year before, they didn't want to refer a student-- well they didn't want to refer Pedro because he's, you know, he's an [DLL], but like me in talking to him and going through, "Okay, well what would you think?" and "Let's do this together," and I see all these holes and going back into the Spanish, "Okay, well if you can't say it or do it in English, then tell me in Spanish." (G. Varela Interview, August 14, 2018)

Basically, Guadalupe ruled out language as a factor since she could ask students to perform the task in their first language being that she was bilingual. Guadalupe also shared a perspective that academically struggling ELs have particular characteristics, stressing the need to closely examine student individual factors. These student differences, she elucidated, helped her differentiate between a learning struggle, as related to L2 versus cognitive factors. For example, Guadalupe explained how she deciphered perceived differences in understanding, based on individual sociocultural learning characteristics, "Students have certain characteristics… quiet, work products have learning gaps, like they might write nonsense letters, not have spacing… repeats teacher questions" (G. Varela Interview, July 14, 2018). During a viewing session, Guadalupe recapped this belief, characterizing an LD student by referencing one particular female student with special education needs in her class, suggesting student characteristics might help her identify a possible LD candidate. Guadalupe illustrated:

> **Guadalupe:** I'm noticing cues that may be, social cues that she [or any student] didn't pick up
> **Sarah:** Like an example of what?
> **Guadalupe:** Students were partner talking and somebody said something [that was] a joke or something, and then she was kind of like, "What's going on?" you know, and somebody else had to say, "Explain to her" and they're like, "It's a joke" I don't know-- I see like other monolinguals kind of pick up on verbal, non-verbal cues, or patterns, but it takes more time for her, or other students to pick up on certain things, or we have to make it obvious, like it's this, and she'll be like, "Oh!" finally getting it, but the way she kind of looks at you she's like, "Hm," she looks at me like I'm crazy. (G. Varela Interview, July 14, 2018)

In sum, although Guadalupe drew upon personal knowledge and experiences as a bilingual teacher and was fortunate enough to be able to communicate with her students in their L1, her strategy to decipher students' struggles did not exactly align with Xochitl's approach. While Xochitl focused on conversations to decipher whether or a not an EL's students' struggle is related to learning or L2 factors, Guadalupe's approach focused on examining particular student characteristics. Ironically, Guadalupe's approach, to search for answers within the child, as to diagnose and cure an inner problem, diverged from Xochitl's practices in beliefs, even though both were bilingual teachers. Paradoxically, Guadalupe and Xochitl both used conferring with students to address their learning struggles—something that Xochitl pointed out was a useful strategy—something Guadalupe never acknowledged as a tactic to disentangle students' struggles.

Libertad staff's varying interpretations of how to address ELs' learning struggles and the possibility of special education candidacy were an example of the "intricate ways" (Artiles, 2015, p. 2) in which multiple markers of difference, in this case, cultural and language differences, complicated EL special education referral decisions. While the perspectives Xochitl and Guadalupe shared represented individual factors, they still represented one aspect of the institutional processes by which students' schooling trajectories are determined. At the same time, Xochitl's interpretation offered the possibility of a solution—conversations with students, perhaps through events such as conferring—could be a useful tool to decipher the differences between students' learning struggles and L2 factors. Hypothesizing that a close examination of social interactions, the space where ecologies of students' factors are mutually created by participants (student, teacher, researcher), is a fruitful space to explore. Next, I zoom into the interpersonal processes

which may have shaped decisions about Pedro and Sebastian's candidacy.

CHAPTER 5

FINDINGS

LANGUAGE AND ABILITY DIFFERENCES: INSIGHTS FROM PEDRO AND SEBASTIAN'S TRAJECTORIES

In the previous chapter, I provided an overview of the cultural context in which Pedro and Sebastian's special education candidacy took place. Setting the groundwork for this chapter, I illustrated the institutional context in which special education referrals are not a "transparent, psychological process," but rather, a "socially situated activity accomplished through the deployment of a range of historically constituted discursive practices" (Goodwin, 1994, p. 606). I presented Libertad's MTSS structure through an explanation of Tiers 1 through 3 interventions and the processes that bestow special education referrals or evaluation determinations. As I demonstrated in Chapter Four, from a distance, Libertad's MTSS process is a streamlined, dual-pronged framework, with structured tiers, through which students participate over time to address their individual needs. Evident in boxes and arrows pointing out a logical sequence, as visually displayed in Chapter 4, the MTSS process is relatively easy to follow (see Figure 6, presented in Chapter Four). At the same time, up close, the seemingly streamlined and promising process is a muddled phenomenon—and in both students' cases was tainted with uncertainty—evidence of the cultural and structural mediators within Libertad's MTSS framework.

In Chapter Five, I illustrate Pedro and Sebastian's special education referral decisions as a social phenomenon within a culturally-laden context (Cole, 1996; Rogoff, 2003). Within Libertad's MTSS context, special education referrals are a manifestation of cultural-historical factors, inextricably tied to individuals, as cultural, phylogenetic beings (Cole, 1996; Rogoff,

2003). A cultural-historical lens, thus, centers conversations on individual narratives of the players crafting stories of students' special education candidacy trajectories while recognizing schools are institutional spaces. A cultural approach also ensures interpersonal processes are also known; another part of individuals' behaviors and actions. Using a cultural-historical approach (Cole, 1996; Rogoff, 2003) to document the sociocultural context in which special education identification processes unfolded, I asked, **how did sociocultural influences mediate a teacher's understanding of ELs' competence? How did sociocultural influences mediate whether a teacher referred ELs to special education?**

I determined a pattern of uncertainty surrounded students' special education candidacy. Based on a chronicle of doubt, I found the factors which influenced their referrals were derived from fragmented views of learning, which often contrasted with parent and student perspectives. Also, staff demonstrated limited understandings of behavior as inextricably tied to learning. School personnel referrals also stemmed from limited teacher experience and training to deal with L2 factors and disentangling student struggles from other cognitive processes. Last, referrals were also determined by competing structural forces, which drove students' special education candidacy in divergent ways; LD evaluation for one and retention for the other. At the same time, although students shared key characteristics (e.g., EL status, academically struggling), their personal histories unfolded in different ways due to the interplay of structural and cultural mediators, which determined students' divergent schooling trajectories.

I present each case in two sections. In the first segment, I portray precursors through evidence of students' histories, which supported their special education candidacy before entering fifth-grade. These forerunners were illustrations of the life events, family practices,

teacher beliefs, and narratives shared about each student before the first day of their fifth-grade year (Garcia & Ortiz, 1998, 2008; Gutiérrez & Rogoff, 2003). In the second part, I highlight social interactions, a presentation of global processes interplaying with local factors to portray the school's hidden transcripts often missing in special education identification research. This section is a presentation of the social interfaces, or "local zones," the "underlife" of face-to-face encounters within classrooms, where "everyday life is lived," and an illustration of "what local social actors are doing in their tactics" (Goffman, 1964; Lemert & Branaman, 1997, as cited in Erickson, 2004, pp. 143-146). I also use these local zones as an illustration of the "hidden transcripts" or "offstage" (Scott, 1990, p. xi) exchanges, which took place offline from Libertad's formal processes. In the next section, I introduce the activities which unfolded across time during individual students' fifth-grade year to explain how teachers managed the uncertainty surrounding students' special education candidacy.

Pedro's Story

Pedro's Antecedents

I begin with a presentation of the preliminary evidence I gathered before beginning my interactions with Pedro in Guadalupe's class during his fifth-grade year. These are the antecedents that characterized Pedro's special education candidacy going into fifth-grade before observing him closely in the classroom during the fall semester of his fifth-grade year.

Family Perspectives: Niño Normal y Bilingüe

Pedro was an 11-year old boy, the youngest of several siblings who were in their adolescent years. His mother described him as "Acomedido, inquieto niño normal [Helpful,

restless, normal child]" (Pedro's Mother Interview, July 18, 2018). Pedro was also the child of a single mother, a native of a Central American country. Although Pedro was born in the United States, not all family members were. His mother did not speak English and worked two jobs to support her family. She described Pedro's educational experiences as mostly positive, explaining he enjoyed school, especially when teachers recognized him for good behaviors. At home, he was a "normal" child, who would come home, talk, play, and when asked help with chores (e.g., throwing out the trash), he would get them done. At home, one of Pedro's favorite activities was to play soccer with neighborhood friends.

According to his mother, Pedro was bilingual, and consequentially, a great help to her. For instance, Pedro often helped her translate when she did not understand something written in English or when out in public. Like when out grocery shopping, Pedro's mother often requested that he ask store personnel (in English) for items she could not find, which was of great help to her. Further, Pedro's mother also relied on his accounts of when school would be in session since she at times did not understand documents sent home, especially when they were in English. Notably, during the summer, she relied on Pedro to tell her when the first day of school would be. Doubting school could begin so early, she shared she did not know if Pedro was telling her the truth. Asking me to confirm the date, I assured her he was correct. Pedro's siblings were also bilingual, something I learned from my interactions with Pedro's siblings, who picked him up from school at times over the semester. I also observed their bilingualism from the communication while visiting their home since the young adults courteously greeted me in English, then turned to speak to their mother in Spanish.

Family Views of Behavior. Pedro's mother described his schooling experiences as

generally positive. She described Pedro's teachers as "muy buenos," as always interested in helping students. Pedro also loved school; he was happy with his teachers, and never wanted to switch schools. According to Pedro's mother, he was a helpful child in school, a very "acomedido" child [someone who offers to help without being told]. Pedro's mother had been told by his teachers that when other students struggled in particular areas, Pedro was more successful in, Pedro was quick to offer help. Further, Pedro's mother described him as "un niño normal," but was worried since staff referred to him as hyperactive. She shared her biggest educational concern about Pedro, stemming from staff complaints:

> *Fíjese que antes me preocupaba porque decían que era muy imperativo [hiperactivo] en la escuela. No se está completamente sentado y viéndola, atendiendo a su maestra. No está atendiendo su maestra. A los diez minutos, atendiendo a otro niño, a los 10 minutos ya anda haciendo otra cosa.*
>
> Actually, I used to worry because they used to tell me he was very hyperactive in school. He's not always sitting and watching and attending to his teacher. He's not attending his teacher. Ten minutes later, he's attending another child, and 10 minutes later, he's doing something else. (Pedro's Mother Interview, July 18, 2018)

Implying she had been worried (over time) that there was something wrong with Pedro, "antes me preocupaba," she shared staff often complained about Pedro's behaviors since he was "hyperactive" in school. School personnel also shared he needed to be checked out by a doctor, something that she worried about—the possibility there was something wrong with him—something that was concerning to her. She also shared she heeded to staff's concerns since personnel had advised her to take him to the doctor. Confirming her doubts, the doctor settled what she thought: his behaviors were utterly "normal" (Pedro's Mother Interview, July 18, 2018). Liberating her worry that something was wrong with him, to hear the doctor tell her he was "normal," was much of a relief.

Pedro's mother described his most positive school memories from when teachers

recognized his good behaviors. When coming home from school, he was excited to share his "papelitos" which defined good behaviors in school. On the other hand, the small papers also reported Pedro's negative behaviors in school, something that was unpleasant for Pedro. When she asked him about the undesirable school behaviors, Pedro often explained he was not doing anything wrong, but offered an excuse (e.g., another student was making him laugh).

Family Perspectives on Learning and Language. As with his behavior, Pedro's mother portrayed Pedro as a "normal" child who liked school. Particularly, Pedro's mother did not mention his learning struggles. It was not until asked directly; Pedro's mother shared her observations of a few critical historical instances. Notably, she never stated the possibility of any special education services or targeted instruction for Pedro. When asked about Pedro's best and worst school years, Pedro's mother recalled his two worst school years: 1) kindergarten, the year he cried a lot because he did not want to be in school, and 2) third-grade, due to his retention. She associated his retention with "el trauma [the trauma]" of being retained and not being able to go on to the next grade with his friends (Pedro's Mother Interview, July 18, 2018).

At home, Pedro spoke Spanish and English equally. When speaking to his mother, Pedro spoke only in Spanish. When speaking to his siblings, he spoke both English and Spanish. Pedro's mother shared, her limited understanding of English made things difficult for her since, at times, Pedro struggled to express himself in Spanish. Thus, when trying to explain something to her when he could not communicate it in Spanish, he would explain it in English. Consequentially, school-based assignments left Pedro's mother with no other choice but to ask her other children to help her understand what he was trying to explain or

to help him express what he wanted to say. In her opinion, her children were increasingly struggling to express themselves in Spanish, explaining:

> *Porque ya noto que cuando quieren hablar se traban mucho o quieren decirme algo rápido en español, a mí ya no me lo pueden decir ya nomás me dicen, 'Ama, ¿que es esto, cómo se dice?' y ya nomás se quedan callados, y ya no me pueden decir.*
>
> Because now I notice that when they want to talk, they get stuck or when they want to tell me something quickly in Spanish, they can no longer tell me, and they just say to me, 'Mom, what is this, how do you say it?' And they just keep quiet and they can't tell me anymore. (Pedro's Mother Interview, July 18, 2018)

Resonating with discourses of home language loss and inequitable circumstances for ELs in the state with restrictive language policies (Lillie et al., 2010), Pedro's mother described the language struggles which she believed related to learning. For her, unfortunately, there was little she could do, other than reverting to asking her other children how to help Pedro with school assignments. Otherwise, her home language situation impacted Pedro's learning and the help she could offer in addressing his learning struggles.

When asked about Pedro's academic struggles, his mother explained he grappled with particular math skills. Pedro's mother mentioned math was a struggle, sharing it was difficult for her to help him at home since his work was in English, a language she could not speak. As she described what she thought was contributing to his struggles, she mentioned Pedro's L2 status, the conflation of two languages as a possible factor. She explained, "Por que como le digo que cuando yo estoy en casa, aquí yo le explico los números hasta el 100 en español y ya como en el 89 o el 55 ya en el ya no sabe, ya no le puedo ayudar" *["When I am at home, I explain numbers to him up to 100 in Spanish and I see that like number 89 and 55 he does not know them and I cannot help him"]* (Pedro's Mother Interview, July 18, 2018). Since she could not help him, she reverted to other family members, "Mi, la muchacha, su hermana, le explica en ingles, y ya veo que capta un poquito mas" *["My, the girl, his sister, explains in English,*

and I see that he understands a bit more"] (Pedro's Mother Interview, July 18, 2018). Next, I offer narratives of Pedro at school. Notably, she never mentioned his struggles in reading or writing, the areas Pedro mostly struggled with—the basis for classifying him as a candidate for the special education pipeline—his reading and writing struggles.

The Emergence of Uncertainty: Schooling Precursors for Candidacy

Going into fifth-grade, patterns of uncertainty about Pedro's possible LD classification became evident from staff's beliefs, observations of his behaviors, and historical artifacts, which stood in stark contrast to his mother's beliefs about his (in)competency. I begin with narratives of his behavioral and academic outcomes, as illustrated at the end of the fourth-grade year and the summer before the start of fifth-grade.

The Intertwining of Behavioral and Academic struggles. Upon walking into Pedro's fourth-grade class in the last month of school, he could not go unnoticed. As his fourth-grade teacher, Xochitl (who nominated Pedro for as a potential study participant) pointed out, "He's very active, big personality" (X. Varela Interview, August 14, 2018). Pedro's behaviors and actions were evidence that he did not meet expected behavioral norms. He was the first to line up for recess, jumping in front of students, yelling out in celebration of recess time, or talking with anyone who would listen as he walked through the door. As a fourth-grader, his report cards summarized some troubling behaviors, a pattern established over multiple years. For example, from third-grade on, including two years of third grade, every teacher marked Pedro's citizenship as "not following class rules" (Field Notes, August 10, 2018). Similarly, teachers beginning in first-grade marked Pedro's work habits as "restless, inattentive" in class.

As a fourth grader, Pedro's academic struggles were also notable. Pedro stood out

since Libertad's staff pulled him out for small-group intervention as an MTSS Tier 2 student who attended Libertad's intervention room, evidence of his literacy struggles. Pedro was also among those who lined up in a separate line, not attending two specials like all other non-Tier 2 students. Instead, Pedro participated in Tier 2, small-group interventions during his special area time. Tier 2 students were dropped off at the intervention room as teachers escorted non-Tier 2 participants to special area classes, an inequitable situation established for Tier 2 students who did not have two special area classes like the rest of the students.

Xochitl also frequently met with Pedro individually through student-teacher conferences, used as a method to check-in with students. Pedro was on the list of students Xochitl met with more regularly (weekly basis) since he was also academically struggling (X. Najera Interview, August 9, 2018). Further, Pedro's fourth-grade institutional artifacts also documented his academic struggles. Pedro did not pass the state's math or reading annual evaluations. Also, he was a basic speaker of the English language since Kindergarten, a pattern over time, spanning across several years. At the end of fourth-grade, once again, as a basic speaker of English, Pedro did not qualify to participate in the school's DL program, and his report card was also evidence that his reading and math struggles continued over time. Even after repeating third-grade, he did not pass the state's annual examination administered to third graders, a pattern that would happen in the years to come. Calling upon Pedro's schooling history, tainted by his third-grade retention, Xochitl explained,

> I don't know if it was just behavioral and he's probably considered at-risk because he was already retained, and his attention-deficit that he had, so that would probably put him at-risk, as well, because it affected all of his learning in his other classwork, not just in reading. (X. Najera Interview, August 9, 2018)

Pointing to factors outside of the possibility that Pedro's L2 status could be related to his academic struggles, Xochitl's comments over the summer resonated with her conclusions

that Pedro's academic failures were not related to cultural factors (e.g., language). Alternatively, his academic struggles might be attributable to behavioral concerns.

In the second semester of Pedro's fourth-grade year, Xochitl identified him as a special education candidate. Ironically, while Pedro's written artifacts illustrated a stagnant L2 status, Libertad's staff provided evidence that his special education referral was warranted, free from cultural factors. According to Xochitl, he was proficient enough in English; his academic struggles could not relate to a language factor, a point she made during the summer before Pedro began fifth-grade. Ruling out his L2 status was a factor, Xochitl offered the possibility that there seemed to be something else, outside of language, going on (X. Najera Interview, August 9, 2018). Explaining Pedro's fluency in Spanish and extensive exposure to English as an EL, she elucidated her thoughts:

> I mean I would say that Pedro is probably the most fluent in Spanish and I don't know if that plays into him, but does it really? Because he has so much access to English, as well, and it's maybe just a lot of experiences that he's had, like I would say English mind wise, as you know, his experience, but he's still very-- I mean, he can grasp concepts you know once you explain it to him. (X. Najera Interview, August 9, 2018)

Paradoxically, as Xochitl explained Pedro's struggles, which she thought had "a lot of it had to do with his language," she pointed to the possibility of other problems. Xochitl expanded, "if you really pay attention and look at his work, you're like—you see the holes—and a lot of holes, I'm noticing are not having to do with language" (X. Najera Interview, August 9, 2018). Xochitl's concerns echoed an uncertain sound: L2 seemed to be a factor, yet, those beliefs were full of doubts, and there was always the possibility of something else. Next, I zoom into Pedro's fifth-grade historical events, which contributed to the decision to test him for an LD.

Thickening the Plot: L2 factors, Exclusionary Evidence, and Teacher

Knowledge. As a fifth-grader, Pedro was in his seventh year of schooling and a long-term ELL (Menken et al., 2012). Building on fourth-grade evidence, over the summer before beginning Pedro's fifth-grade year, staff shared similar beliefs about Pedro's English proficiency. Guadalupe also believed a special education referral was warranted since she found Pedro's L2 struggles did not interfere with his learning. Paradoxically, her expressions were also tainted with doubt.

Being that Guadalupe was previously Pedro's teacher (she moved up with her students to teach writing), as he began his fifth-grade year, she had a preconceived notion of his work. Guadalupe was concerned about Pedro's work, which she pointed out was at a "surface level," in comparison to other ELs. Paradoxically, in comparison to other ELs, she pointed out his (missing) language, and her attempts to build language for ELs. Guadalupe summarized Pedro's work, who

> would just grasp on kind of like a surface level, where the other ELs, even like my really monolingual Spanish speakers would understand. Thinking about Enrique [the most monolingual Spanish speaker, very recent immigrant from Mexico], you know, he can't speak English, at all, coming into fourth-grade, and, and Pedro was way beyond that-- you know, he could talk up a storm, you know, but Enrique was able to understand things deeper and more than say Pedro, who you would be-- who's already I think a year older than Enrique, but it's more academic, like academically, he couldn't grasp it-- while another student, an EL could. So for him, it's like he's street smart [laughing]. I don't know if that makes any sense. (G. Varela Interview, August 14, 2018)

Describing Pedro as one who could "talk up a storm," yet, was not understanding at more profound levels like other ELs who were less fluent, Guadalupe's comments portrayed the uncertainty of his L2 development. Having been his fourth-grade math teacher, explaining the possibility of language as a factor, Guadalupe expressed her belief,

> We thought it was language at first, so I think that's why we didn't refer to him, before as a team, and then we're seen that, maybe it's not. It could have been first language, but now there may be something more. (G. Varela Interview, August 14,

2018)

Illustrating a critical point, Guadalupe explained Pedro's academic failure, pointing to missing institutional processes—ill-prepared staff to discard the possibility that his struggles were related to an L2 factor—which impacted critical decisions about how to address his academic needs:

> Yeah, so I have that benefit, but I think that's why they waited so long for Pedro, because he didn't have that Spanish teacher two years ago, you know, seeing how behind he is now-- well he got retained so I don't know. In third-grade, he did not have that [a bilingual teacher who spoke any Spanish] so they didn't-- they didn't really push for being referred, where I feel like it should have been like a red light, right off the bat. (G. Varela Interview, August 14, 2018)

Pointing out an institutional downfall, that more should have been done rather than waiting this long (several years), Guadalupe pointed out a few precarious issues. One, it was her understanding staff had done nothing about Pedro's struggles previously, a statement which conflicted with Vince's explanation a few months later. Secondly, Guadalupe also pointed out a time-factor, due to the conflation about the reasons for his struggles related to L2 factors. Because there was the possibility that language was interfering with learning, staff had done very little. Basically, since there were signs of academic struggles and failure over the years, "something" was long overdue. Emphasizing the possibility his L2 status was a factor in the past, Guadalupe based her beliefs on the observation that Pedro's third-grade teacher could not speak Spanish. Therefore, staff did not consider the possibility of evaluating him for an LD. Remarkably, Guadalupe pointed out an institutional gap which may have been easily addressed by Libertad's bilingual staff (e.g., teachers, speech pathologist). There were many bilingual staff on board, even though his third-grade teacher was not bilingual. Unfortunately, there was no evidence of these attempts or possibilities.

Aside from doubts about Pedro's L2 factors impeding his learning, he was among the majority of ELs enrolled in Libertad's SEI strand due to restrictive language policies in the state. Pedro was enrolled in the school's SEI language support program since he did not qualify to participate in DL instruction as might be possible outside of policy stipulations. Staff reported the state's focus on English instruction, focused on structured English. Further, staff indicated Pedro's English proficiency level individualized language learner plan (ILLP) form which "requires schools to teach English," using "materials and instruction" in English, only (Field Notes, August 8, 2018; State Policy, adopted 2014). According to the state's English proficiency examination (intended to monitor student L2 development), Pedro's most current proficiency level indicated he was at a *basic* level (the second of four levels). According to the state's English proficiency evaluation, a basic speaker has

> a limited understanding of academic and social English and produce short phrases and simple sentences with common construction patterns. They have limited ability to decode and comprehend text read independently. These students write simple sentences with limited control of conventions, grammar, and vocabulary. (Field notes, August 10, 2018).

As a basic speaker of the English language, in his seventh year of schooling enrolled in Libertad's SEI language program, these facts pointed to a troubling observation. Pedro's English language development remained stagnant over his entire schooling trajectory, yet, staff did not provide evidence of their efforts to offer an alternate language support option for older ELs. For Pedro, as Libertad's MTSS coordinator had illustrated, there was the possibility to offer him dual language education since he could qualify under the third waiver option (10 years or older), which did not require him to show English proficiency. Unfortunately, the MTSS coordinator who advocated for this no longer worked at Libertad; thus, nobody advocated for bilingual instruction. Rather than address his stagnant L2 status,

Libertad's staff documented his program placement—the English class, SEI—as the instructional program intended to address his English development. This meant, year after year, Libertad placed Pedro in the SEI program where instruction was only in English. Each year, his mother signed a form indicating her awareness and acceptance of his placement in an SEI class intended to address his English development. Thus, in Pedro's seventh-year of schooling, there were seven forms, one signed and filed each year, indicating his mother's knowledge of his continued EL program placement since his English proficiency performance was below grade-level. Pedro was still not proficient, classifying him as a long-term EL with little evidence indicating how staff addressed his language development (Menken, Kleyn, & Chae, 2012).

Demonstrating the uncertainty surrounding Pedro's special education candidacy was also evident in institutional artifacts meant to address his English language development. Ironically, there was little evidence to show how staff had addressed his L2 needs over the years. Illustrating Pedro's L2 status as an ignored factor, there was limited written evidence demonstrating staff's previous attempts to help him develop in English. For example, there were only two forms that summarized staff's efforts to address his L2 and academic needs over seven years. Across seven years, there was one ILLP filed in kindergarten and one in third-grade, a multiple-year gap in documenting how staff addressed Pedro's individualized L2 learning needs and development. For example, Pedro's kindergarten ILLP form indicated he participated in after-school tutoring for L2 development. Tutoring goals aimed to improve on the district's English proficiency evaluation "by one level," which meant students were to improve by one level after specific targeted interventions. Ironically, while his overall goals were to improve the district's English proficiency evaluation by one level,

only one out of four objectives targeted L2 development, specifically to "produce initial and final sounds using accurate articulation" (Field Notes, August 8, 2018). Three out of four goals targeted foundational literacy skills, precisely, letter/sound recognition, high-frequency words, and decoding words "when [a] specific letter is changed, added, or moved" (Field Notes, August 8, 2018). Four years later, Pedro's ILLP third-grade form indicated new goals would target reading, grammar, oral English conversation, and vocabulary. That form indicated staff's goals, evidenced by specific objectives targeting one hour of instruction for each area, the year he repeated third-grade. Other than the two docs, Libertad's staff did not report anything else.

More Candidacy Evidence: Academic Deficiencies. Choosing from among a pool of struggling ELs, Guadalupe agreed with Xochitl's choice of special education candidates. Also aware of Pedro's learning struggles as his fourth-grade teacher the year before, Guadalupe identified Pedro from among a group of students who would be starting fifth-grade and

> Didn't meet last year on the [state assessment] and the [benchmark assessment]. They were like not even "partially proficient," they were minimally proficient. And then this year I'm looking at some of their assessments and their pre-assessments and their personal narrative… they're already lagging way behind for where they should be starting fifth-grade. So I am know, I'm like, okay, what am I going to do? How am I going to scaffold? How am I going to work with them? I feel like I'm going to do some one-on-one because there's like a huge gap already coming to fifth-grade. (G. Varela Interview, August 14, 2018)

As such, Pedro entered Libertad's special education pipeline early in the year for multiple reasons. One, Guadalupe knew his story; she was also his fourth-grade teacher and knew of his academic and behavioral struggles. Two, Pedro was also on the list of students who did not pass the state's ELA assessment in fourth-grade. Third, his L2 status did not impede his

learning outcomes. Thus, his special education candidacy was warranted.

Evidence of the uncertainty of surrounding Pedro's (in)competency, he did not perform poorly in every aspect of his learning experiences at school. Notably, his performance according to structural artifacts could be summarized as one of artistic successes and academic failures. In reviewing Pedro's historical artifacts, it did not take long to learn one pattern stood clear, according to report cards. Pedro performed much more favorably, artistically, than he did academically, beginning in kindergarten up until his most current school year. Libertad was a fine arts magnet public school, and students have both artistic and academic goals and standards. Contrasting with Pedro's academic performance, Libertad's staff documented his artistic successes, adding to doubts about his overall competency. For instance, over the years, Pedro performed at 80% to 90%-- based on staff's assignment of grades in art, drama, dance, physical education—A's and B's as a final grade in all art classes.

In contrast, adding to the uncertainty of his candidacy, institutional documents illustrated Pedro's average to poor performance in all academic areas. For example, as documented on his report cards for the past seven years, Pedro performed at 70% or less in all academic areas, assigning his grades as Cs and Ds, on average, and a several F's as a final grade for academic performance, including the year he repeated third-grade. Similarly, Pedro scored as minimally proficient (the lowest of four levels) in ELA and math in every state assessment result from third-grade on, the first-year students are tested on annual state evaluations. Further, each year, Pedro's scores were lower than school, district, and state averages. Pedro scored as falling far below standards (the lowest of four levels) on the science state assessment in fourth-grade.

As more evidence of the ambiguity surrounding Pedro's special education referral route, according to the Pedro's annual evaluation results, students who score "minimally proficient" have "minimal understanding" and are "highly likely to need support to be ready for ELA in the next grade" (Field Notes, August 10, 2018). Specifically, Pedro scored "below mastery" in "reading for information" and "reading for literature," while performing "at or near mastery" in writing and language. These results meant Pedro had "trouble" with particular English language arts skills when reading for information, such as,

> finding the main idea and supporting details in a text; telling what happened in a text, finding cause/effect or problem/solution connections; telling about information shown in a passage and finding details

and when reading for literature, "trouble with"

> finding the theme and supporting details in a story; telling about characters or events in a story; using clues to find the meaning of new words; understanding the structure of stories; and telling how a picture supports the story (Field Notes, August 10, 2018).

Similarly, other institutional artifacts illustrated Pedro's troubled academic history and staff's perceptions of his cognitive, academic, hearing, social behaviors, or adaptive development. According to Pedro's cumulative file, in kindergarten, six years before his fifth-grade year (counting two years of third-grade), on his 45-day screening form, school personnel marked him as "possible RTI" (Field Notes, August 10, 2018). Unfortunately, there was no written evidence of his participation. Further, staff referenced RTI, rather than specifying whether or not he needed Tier 2 or 3 support. In a sense, RTI was perceived to be a Tier 2 and 3 framework since students who were in need of Tiers 2 or 3 were considered a part of RTI although all students were in reality a part of the school's tiered interventions, beginning with Tier 1 (as general instruction). Further, Pedro's kindergarten teacher noted

areas of concern related to academic work and hearing. Six years before his fifth-grade year, his kindergarten teacher specified cognitive or academic struggles, characterized by "learns very slowly compared to peers," "below grade level in reading, math, writing," "difficulty acquiring, retaining, or manipulating information," and "attention problems (short attention span or focuses on less relevant stimuli)." Further, Pedro's kindergarten teacher also noted possible problems with hearing, indicating he "seems to not pay attention" (Field Notes, August 10, 2018).

By fifth-grade, his behaviors were also a pattern, indicated by teachers marking behaviors as "does not follow classroom rules," a pattern established from his earliest years until the most current grade, as a fifth grader. See Table 5, Pedro's Academic and Linguistic Profile: Seven-Year Overview, for an overview of his academic progress.

Table 5.

Pedro's Academic and Linguistic Profile: Seven-Year Overview

Institutional Artifact (Academic or linguistic)	Kindergarten	First Grade	Second Grade	Third Grade (Year 1)	Third Grade (Year 2)	Fourth Grade	Fifth Grade
Enrollment data and grade	Enrolled at Libertad			Retained due to state retention policy			
Report cards *Average (avg.)*	C average in all academic areas. Satisfactory in special area classes		Ds and Fs on average in all academic areas; As, Bs, Cs in all special area classes				
State test results	N/A	N/A	N/A	ELA & Math: Minimally proficient (MP); below average (BLA); falling far below (FFB)			
45-day screening	Filed in kindergarten, first year of schooling. Areas of concern: Cognitive or academic work; hearing. Notes: "Monitor for possible RTI."						
Home language survey	Filed in kindergarten; form filled out by parent. Home language: Spanish						
State English proficiency results	Pre-emergent/ Emergent (initial) Spring: Basic	Interm ediate	Basic	Basic	Basic	Basic	Basic
EL program placement	Enrolled in SEI or mainstream class during all grades.						
IEP Plan for English language development	NR	NR	NR	Fall 2016: Focus—reported benchmark assessments	NR	NR	NR

Key: Not reported (NR); not available (NA)

Next, I turn to teacher management of the uncertainty which unfolded in Pedro's special education candidacy through two parallel sectors; one based on classroom behaviors and interactions and the other based on MTSS processes, which led straight into an LD

evaluation.

Managing Uncertainty About Pedro's (In)Competency

Coming into fifth-grade Pedro's special education trajectory was characterized by a narrative of uncertainty. Before I began visiting his class near the third week of his fifth-grade year, staff had built a case based on his history of learning struggles justifying the possibility he might need special education services. I borrow the notion of "local zones" defined as the interrelationships and interactions of all participants who contributed to students' stories of special education candidacy (Erickson, 2004, p. 143). I focus on two "local zones" to describe these findings, namely the classroom and Libertad's MTSS processes during Pedro's fifth-grade year, social interactions rarely documented in empirical work. The events in each local zone unfolded in a parallel fashion.

Classroom Local Zone: Troubling Behavior and Learning Narratives

I document in this section, Pedro's performance in the classroom that was fraught with misconceptions, missed opportunities, and contrasting narratives. The findings also shed light on classroom narratives of Pedro's (in)competency and offer narratives that contrasted with parent portrayals of Pedro's behaviors.

Contending and Situated Narratives of Pedro's Behavior. It was clear from the early fall semester that Pedro's undesirable behaviors continued from fourth-grade. While all classes displayed the same posters (class rules and expectations), it was apparent his behavior varied from one class to another, as well as from the majority of the students. For instance, Pedro was less talkative and did not leave his seat in some classes, not displaying behavioral

problems. During science and social studies, I observed Pedro's behaviors aligned with classroom expectations. In his social studies class, Pedro walked in, took out his notebook and did not speak. Notably, the teacher's instructional style was mostly lecture, with some whole group discussion, and students rarely spoke during social studies class unless they were called upon by the teacher for a response during whole-class instruction. The times I observed Pedro during science, requiring students to work on collaborative tasks (e.g., taking group notes), he completed all work, worked as expected, and at times collaborated with other students. Only one time, Pedro interrupted another student who was working by taking her pencil. When the student reacted by yelling out his name, he quickly returned the pencil, smiled, and then went back to his seat. In Pedro's other two classes (math, reading, and writing), his behaviors were similar to Guadalupe's class, where he demonstrated a greater number of disruptions. In other cases, Pedro showed a much larger number of undesirable behaviors (e.g., talking, getting up out of his seat). In sum, across the day, Pedro's reactions were mixed: he threw small objects, worked productively in small groups, talked, and sometimes worked when expected to be working. Pedro demonstrated actions that were both in and out-of-synch with behaviors he was working on as indicated on his behavior plan and overall school expectations (Mehan et al., 1986).

In addition to Pedro's (un)desirable behaviors, adults' reactions to his actions also varied; both student and teacher behaviors and actions were situated. On some days, depending on the specific situation, Guadalupe ignored his interruptions while on other days, she gave him a step in his student agenda. Other times, Guadalupe asked him to hand over his behavioral sheet and added a handwritten comment. For example, during whole-group discussion one day, as Guadalupe provided examples of skillful individuals such as Ed

Sheeran or Larry Fitzgerald, a student asked, "What's skillful?" As Guadalupe attempted to respond, the classroom phone rang. Another student interrupted Guadalupe to tell her the phone was ringing, and Guadalupe continued her lesson, apparently ignoring or not hearing the student. Since Guadalupe proceeded with her lesson, ignoring or not hearing the student who interrupted, Pedro yelled out, "Your phone is ringing!" Caught up in the moment of actually teaching a lesson, Guadalupe ignored Pedro, asking another student (who was closer to the phone) to answer the call (Field Notes, September 24, 2018).

On days when multiple undesirable behaviors accumulated, such as interrupted lessons, or making side comments, which at times resulted in students laughing, Guadalupe asked Pedro to take out his behavior sheet. During one lesson, Guadalupe was explaining the focus question on the topic of environmental issues. As Guadalupe engaged in her lesson, Pedro started doodling while talking to another student, saying, "Oooh, you're going to miss recess." As Guadalupe momentarily ignored Pedro and instructed the students to read the focus question aloud, Pedro was not reading. A few minutes later, Pedro started playing with his water bottle. Several minutes after, he turned his attention to the class video that had just started by looking at the smartboard. Moments later, Pedro turned to a partner, explaining he was going to be eating lunch with another student. Pedro then mumbled something about the videos taking too long, followed by blurting out to the whole class, "I should've brought my phone," proceeded by a burst of laughter from multiple students. Accumulating several interruptions and undesirable behaviors, Guadalupe finally stopped her instruction, asked Pedro to take out his behavior report, marked a warning, and added a comment to the sheet. Pedro's reactions to her requests or actions also varied, depending on the situation. At times, Pedro took it out, quietly, without saying much. On

other days, as in this case, he whined, “Yelling out, nooo, please don’t!” (Field Notes, October 4, 2018). As Guadalupe walked away, Pedro put his head down, and the learning opportunity momentarily lost.

On other occasions, Guadalupe did not mark Pedro’s behavior sheet; she opted for other consequences. During a lesson on writing an expository text on pollution in the ocean, after Guadalupe gave an example of coffee beans and environmental issues, Pedro blurted out, “Beans make you fart!” (Field Notes, October 5, 2018). Consequently, student giggles trickled through the class, and Pedro caught on to Guadalupe’s stare. Her look, while not speaking or saying anything at the moment to Pedro was a reflection of her thoughts that his behaviors did not fall within the acceptable social structure of learning and actions (Mehan et al., 1986). Pedro then proceeded to attempt to engage back in the lesson, yelling out the answer, “The answer to number four is C!” Remarkably, he was correct. In many cases, Pedro attempting to follow along, at times, keeping up with lessons, answering correctly. At other times, Pedro parroted the responses of others. At times, Pedro could keep up with the learning, answering correctly, while making side comments to others or sneaking away to drink water without being caught; on other occasions, he was less successful.

On another occasion, as Guadalupe engaged in her whole-class lesson on environmental issues, Pedro was caught up in deep thoughts about topics unrelated to the classroom lesson (Field Notes, October 18, 2018). On this occasion, Pedro spent a good part of the day’s lesson imagining he was driving a car as Guadalupe conducted a whole-group lesson on the science topic of the Great Pacific Garbage Patch (a scientific term used to describe a marine debris problem in the North Pacific Ocean). On this day, as he appeared to be listening to Guadalupe’s lesson, he also pretended to be driving a car, first

igniting a switch (by the turning of his wrist, along with the sound of a car starting up), then stretching out his arms, as if he was holding a steering wheel. As Pedro imagined he was driving, he made a low-grade sound of switching gears, as if he was driving a car with a manual transmission. Mainly, the low-grade buzzing sounded soft enough so that Guadalupe could not hear him or opted to ignore him. He also pretended to be driving and shaving his head or combing his hair, making a motion with his other hand; he did all this as he smiled. Notably, cars were a popular topic in the past few days since Pedro frequently spoke of the new car his family would be getting with his mother's savings to buy a car, which was going to have "nice rims." Shortly after, he started to fix his desk and proceeded to turn the car ignition back on as he continued with the driving motions. Pedro then proceeded to tilt his chair back as he drove, which resulted in him falling back. It was this moment, his falling to the floor, which caught Guadalupe's attention, consequentially asking Pedro to step out into the hallway. He returned a few minutes later, not looking very happy, but quietly got to work; seemingly, he refocused his attention.

On other days, Pedro seemed to talk aloud, not directing his conversation to anyone. One particular day, as students sat working quietly, upon returning from Tier 3 pull-out intervention time, he came back and seemed extra talkative. On this occasion, as students worked in small groups, there was a low-grade buzz in the class (they were not totally expected to work in complete silence), and as he sat down he announced, "I can't focus," adding he would not be able to play outside that day because there was a kidnapper in his neighborhood. Since I was not exactly next to him, I could not determine who he was addressing in his conversation. During moments like these, Pedro's behaviors went unnoticed. For example, on this day, after making his comment about not being able to

focus, two minutes after, Pedro attempted to get back to work, taking his pencil to write and follow along with Guadalupe's lesson. A minute later turned, Pedro looked directly at me, and said, "I went to a light show," followed by, "I think I need the squishy thing that helps me be more calm" (Field Notes, October 19, 2019). Again, on a day like this one, Pedro's behaviors went unnoticed. Guadalupe did not (understandably) catch all of his conversations, the "underlife" of classrooms (Branaman, 1997; Goffman, 1964, as cited in Erickson, 2004, p. 144), so Pedro often engaged in undesirable behaviors when expected to work. On occasions, he completed work; other days, he had to take work home for completion.

Pedro's behaviors were not limited to talking since he engaged in several unacceptable immoral actions, such as throwing objects (Freebody & Freiberg, 1995, 2002). During one lesson, Pedro took an announcement flyer to be sent home and made a paper airplane. As I saw Pedro start to fold the paper, before I knew it, I saw the tail-end of the paper fly across the room. I missed how the paper plane traveled across the room (who threw the plane). Before I knew it, the paper plane had made its way to the other side of the room, and Pedro walked over to pick it up. This day, Guadalupe did not notice the plane fly across the room but saw Pedro out of his seat, redirecting him to sit down. Notably, Guadalupe also missed the paper plane in his hand. Missing a snippet of the underlife of her class (Branaman, 1997; Erickson, 2004; Goffman, 1964), Guadalupe did not mark anything in his behavior plan; she had missed the aerospace action.

Narratives of uncertainty and Pedro's (in)competence were not limited to what others said about him. Pedro also pointed out his undesirable behaviors through self-depictions of the out-of-synch behaviors he displayed in class. Ironically, these expressions aligned with

what the adults expressed about him as well as what Libertad's historical artifacts documented over time (e.g., restless, not paying attention). For example, Pedro made excuses about his actions or externalizing personal responsibility (Honkasilta et al., 2016). Among these were descriptions of his actions during viewing sessions, where he justified his actions, especially related to not being able to answer a question, such as "I was not listening," or "Pro-ly 'cause I was looking around not paying attention." Finally, his most common justification was, "I'm just hyper"—echoing what he heard other students said about his behaviors.

Pedro's excuses fit the profile of 11-16-year Finnish boys in Honkasilta et al.'s (2016) study. A group of Finnish boys diagnosed with ADHD made self-condemning statements, or moral disclosures of their actions, portrayed as, "I have been diagnosed as having ADHD, [in Pedro's case, identified as hyper], and I should, be accepted as I am based on the informed, knowledge of my impaired condition caused by ADHD [my hyperactivity]." The awareness of his behaviors became evident by the use of the term "hyper" referenced by multiple individuals, including himself, his mother, teachers, and the MTSS coordinator/psychologist. Interestingly, as I describe below, Pedro was diagnosed as having ADHD by the end of the fifth-grade.

On other occasions, Pedro's self-portraits consisted of descriptions which indicated moral self-disclosure, assuming distanced responsibility (Honkasilta et al., 2016). Honkasilta et al. summarize such statements as, "I have been diagnosed with ADHD [in Pedro's case, described as hyper], but I should be accepted as I am for I acknowledge the inappropriateness of my past behavior and can, or strive to, control it" (p. 253) While a doctor had not diagnosed Pedro with ADHD, it was a common term used to describe him.

His comments fit the description, evidenced by comments of himself, and justifications about how he could control some of his behaviors, such as "I need the squishy thing to help me be more calm," or "The play-doh helps me be more calm." In these instances, Pedro acknowledged his behaviors were not acceptable but proclaimed his hyperactive tendencies and sought the objects which apparently helped him be calmer (Field Notes, December 18, 2018).

Further, Pedro's explanations also suggested he justified his behaviors as things he had no control over, such as not knowing what Guadalupe meant during particular instances or statements. For example, Pedro shared his feelings/observations on multiple occasions, "I didn't know what that meant," or "She was saying I was 'getting off.'" Next, Pedro also justified his actions, providing an excuse for himself or Guadalupe, or declaring his feelings of remorse in some way, as he stated, "She was telling me to sit down, but I dropped my pencil so I got up," suggesting his action to get out of his seat should have been justified.

Further, Pedro's statements about Guadalupe perceiving him as "getting off" or her reports about his comments also suggested he was aware she misunderstood him. Evidence of Pedro's feelings of embarrassment for producing messy work was also evident in his comment, about feeling embarrassed "cause [his work] was messy," evident in producing a ripped paper and doodling.

Further, Pedro justified Guadalupe's explanations, in this case, questioning why she made a particular statement, asking, "Why is she telling me that; I already knew that. She pro-ly thought I never knew that." Last, Pedro's declarations also suggested he was interested in his self-advocacy and moral perception (Freebody & Freiberg, 2000; Honkasilta et al., 2016). Evident in the decision to go against Libertad's requirement to return his

behavior sheet daily in order to help out his brother, Pedro declared, "I'm going to save my behavior reports until my brother gets out of jail. He wants to see me get good all 2s [maximum number of points for each class]. Here, Pedro was making meaning of his and others' actions during a viewing session related to particular moments in the classroom, creating an understanding of his work and contributing to portraits of his (in)competency and identity (Artiles & Kozleski, 2010; Freebody & Freiberg, 2000; Honkasilta et al., 2016). Not only stressing the need to recognize students' understandings about themselves, the world, and their work, Pedro's behaviors made it clear he, along with others, were aware of his actions as socially unacceptable.

Further pointing out Pedro's (in)competency as not fitting classroom norms and standards, in comparison to other ELs, Guadalupe also expressed her concerns over Pedro's behaviors and social behaviors. To this, Guadalupe pointed out Pedro's age difference and developmental interests, being that he was a year older than the rest of the students in the class. Guadalupe questioned his interest in the most recent gossip concerning romantic relationships, something she had previously referred to him as "un enamorado" (in love or a lover-boy, in Spanish). Markedly, her hunch of him as "un enamorado," aligned with behaviors he displayed in her and other classes. I documented multiple times Pedro watching a female student, smiling at her, or whispering comments to her. Particularly, Guadalupe noted, he could keep track of what was happening socially in the class, wondering why he could not keep track of his academic classwork. Suggesting his social skills were an asset which might be useful in the classroom for learning and hoping he might also use such skills in school, Guadalupe illustrated her thoughts:

> Pedro [chuckles] he has this little thing going on with the kids now. Who likes who and so and so is doing this at recess. So and so is talking to this person and he knows

> every detail and then when he's in the classroom, he wants to see how these things play out, you know? And sometimes he instigates it a little bit and I'm just like, if he's that good at, you know, keeping track of who's with who and who's with, you know, I'm like, why can't you just do it in class too? But no. (Informative Essay TVS, November 14, 2018)

Thus, staff perceived Pedro as situationally competent. In the end, however, Pedro expressed doubts about himself. For example, during a viewing session on the concept of finding the main idea in a text, Pedro pointed out Guadalupe's doubts about whether or not he could identify the main idea. This day, I asked him to confirm he knew the steps to finding the main idea, followed by instructing him to locate the main idea in a text. On this day, our conversation unfolded as follows:

> **Sarah:** Ok, last question. Can you tell me what the main is? How do you find the main idea on something?
> **Pedro:** You can find the main idea in the title
> **Sarah:** M-hm.
> **Pedro:** Or in the first two paragraphs.
> **Sarah:** Okay, what does main idea mean?
> **Pedro:** It's telling us what the text is about.
> **Sarah:** Everything that it's about?
> **Pedro:** No, um, cuz right now I still haven't found the main idea. So it could be in the title, in these two paragraphs [pointing at text].
> **Sarah:** So you don't know what the main idea is in this one right here?
> **Pedro:** Nope. I know what is it about, but I don't know where is it at.
> **Sarah:** But Ms. Varela was telling you you have to say it in your own words. She said she wanted you to make one sentence that says, "The Great Garbage Patch is…"
> **Pedro:** No, I did made it in my own words, over there.
> **Sarah:** So what is it then? What do you think the main idea is of this text right here?
> **Pedro:** People throwing trash in the Garbage Patch. Because that's why they pro-ly [probably] think, um, the Great Perisic [Pacific] Ocean is um the garbage patch and they pro-ly don't take care of it or something.
> **Sarah:** So that's the main idea, you know what the main idea is, why are you saying—why did you just tell me you don't know what the main idea is? You just said it.
> **Pedro:** Oh.
> **Sarah:** You just said that. It sounds like your doubting yourself. You probably know more than you—you're making people think.
> **Pedro:** True [smiling.]
> **Sarah:** So you can't be saying you don't know.

> **Pedro:** Oh [excited].
> **Sarah:** Cuz you do know, does that make sense? Can't be doubting yourself. (October 30, 2018)

Casting doubts on himself, as well as doubts expressed by others, was a narrative that was all too familiar. Next, I illustrate additional troubling narratives of Pedro's (in)competency, based on learning and language discourse.

Ambiguous Narratives about Learning and Language. Also a part of Pedro's local classroom zone, I illustrate interactions and behaviors which contributed to Guadalupe's overall thoughts of Pedro's academic competency (Erickson, 2004). I focus on student-teacher conferences as a window into how Guadalupe understood and addressed Pedro's academic struggles (Branaman, 1997; Erickson, 2004; Goffman, 1964; Scott, 1990). While interactional processes may inform teacher conceptions about student competence, there is no formal structured set of rules or procedures connecting student-teacher conferences and special education referrals.

Focused on the topic of adding supporting details to a personal narrative, I begin with one conference from early in the semester of his fifth-grade year. I illustrate Pedro's conversations as a snapshot of Guadalupe's tactic to address the uncertainty of Pedro's learning. Following the typical pattern of her conferences, she began with an open-ended question, as usual, to probe students' thoughts:

> **Guadalupe:** So can you tell me what you understand about that lesson or that writing strategy?
> **Pedro:** Mmmm. [Long pause]. Umm.
> **Pedro:** I do remember about it, but I don't know how to like explain it.
> **Guadalupe:** Okay, so how about we read your personal narrative. I noticed you did a really good job at your punctuation because it pops out, so what about if we go through the first couple sentences and see if you just say something, versus describing the detail. Remember you want to put me, I wasn't there, I wasn't

> experiencing what you did. So you want to put me in our shoes or experience what you, okay? So do you think we can go step by step?
> **Pedro:** Yeah.
> **Guadalupe:** So let's look at your first sentence and see what you wrote. So one true story is when me and my family and me were going to Flagstaff.
> What do you think about that sentence? Do you think it's okay?
> **Pedro:** Yeah.
> **Guadalupe:** Okay.
> **Pedro:** Well, I think we should change the "me" into "I." (Personal Narrative Conference, August 17, 2018)

Evidence that Pedro was not responding according to how and what Guadalupe expected him to return, which was the concept of revising their writing to add details, she commented on this observation during his viewing session,

> And even with his grammar, we do a language practice every day, and one of the language practices was when to use me versus when to use "I." So at the beginning he was like, "Well, we would use—you know," so I was like, "Okay, stop, we're not doing grammar, we're not doing any of that." I just wanted to make sure he knew that our focus was on the narrative writing, so I had to make sure that his, you know, he wasn't going to veer into, okay, I have to speak correctly because I noticed he was trying to be so perfect and do everything, trying to integrate everything he learned ever, you know… [and] he was right, first, but you know, it was like, okay, let's just circle it (because it really bothered him), just circle it, we'll get back to it later. (Personal Narrative TVS, August 21, 2018)

Guadalupe's correction, abruptly stopping Pedro on this occasion from focusing on grammatical skills rather than revising the writing content, made it clear that Pedro did not respond according to her expectations. Guadalupe confirmed this by explaining Pedro's interest in wanting to speak grammatically correctly, which was not the focus of the lesson. While she recognized they did language practices every day (as a part of the state's mandate to teach four hours of grammar to ELs in her SEI class), she was not interested in his knowledge of grammar at the moment. They were meeting to discuss how they could improve his personal narrative writing through strategies that would help students add more details. Thus, Guadalupe understood his thinking, yet did not want to emphasize that point

for the moment, moving away from SEI policy mandates, to focus extensively on grammar. Notably, during that conference, she did not return to the topic of grammar.

Shifting the topic to the week's focus, personal narrative writing and revising to add details, during this conference, Guadalupe began by asking Pedro what he understood about Small Moment Writing. During this conference, Guadalupe was interested in learning if Pedro understood the concept of adding details to personal narrative writing, indicated by using a strategy known as *Small Moment* writing (Calkins & Oxenhorn, 2005). Calkins and Oxenhorn developed Small Moment writing strategy to assist young writers in developing personal narratives by reflecting on experiences from their life. Helping students focus on smaller bits of information from their own experiences through the small moment writing strategy, Guadalupe used this strategy to assist students in breaking down the writing into a more manageable task (Calkins & Oxenhorn, 2005).

One Small Moment strategy example Guadalupe used was "Expanding the Moment," which included having students take one small moment from a personal narrative story and stretching out the moment to add details to writing. In Pedro's case, since his narrative was about his family's trip to Flagstaff, Guadalupe asked him to focus on one memorable aspect of the trip. Rather than writing all details about his trip over three days, he should focus on the most unforgettable experience. From his family trip to Flagstaff, Pedro chose to focus on the moment when his family crashed. As he narrated the story, Guadalupe instructed Pedro to recall the activities she introduced during her lesson with the whole class, which included focusing on one specific moment. Guadalupe reminded Pedro, students were to write about everything they could remember, including what people were saying during a precise moment. To assist them, students could write what they heard, what they

smelled, or how they felt. To gauge Pedro's understanding of the writing skill, Guadalupe asked Pedro what he understood about the mini-lesson on Expanding the Moment. When Pedro could not respond, evident by his silence, followed by a long "Um," then finally telling her, he knew about it, but could not explain it, Guadalupe back-tracked to have Pedro read what he had written. At this moment, Guadalupe followed-up by pointing him to look for a place where he had simply said "something," rather than describing the detail, about what was happening during his personal experience. Guadalupe then continued to explain that Pedro needed to write in a way that would put the reader in the actual event, "Remember you want to put me there. I wasn't there, I wasn't experiencing what you did, so you want to put me in your shoes or experience what you did, okay? So do you think we can go step by step?" (Small Moment Writing Conference, September 6, 2018).

An indication of the uncertainty characterizing his response, Guadalupe informed Pedro they would take the writing step-by-step, scaffolding the task for Pedro. Guadalupe asked Pedro to read what he had written and then proceeded to stop Pedro after each sentence to ask him what he thought, explaining, "So let's look at your first sentence and see what you wrote." Pedro then began explaining it was a "true" story about when he and his family went to Flagstaff and had an accident. Guadalupe proceeded to ask Pedro what he thought about the sentence. It was when Pedro indicated he should change something about the grammatical structure of the sentence, "Well, I think we should change the "me" into "I," Guadalupe determined he was focused on other writing skills (e.g., grammar), instead of focusing on adding details to the writing, a revision strategy. Guadalupe made this evident when she explained to Pedro,

> So I notice that you're not focusing on-- actually you want to do everything you know about grammar-- everything we-- you learned about language right, 'cause of

> language practice? So let's circle that for right now, "family and me," and if we're going to change it later, let's do it when we do our editing, so let's focus on expanding the moment, first, okay? (Personal Narrative Conference, August 17, 2018)

It was after this moment that Guadalupe realized she would need to step back and support Pedro by having him describe his personal experience, one event at a time, to help him find the details he could add to his writing. Guadalupe proceeded to have Pedro read the second sentence he had written, which explained he and his family were in Flagstaff. She then asked Pedro if he thought the sentence was "just" saying something, versus describing (with details). Recalling another Calkins and Oxenhorn (2005) Small Moment writing strategy, introduced through a mini-lesson called, "Show, don't tell," Guadalupe demonstrated the tactic to describe the activity with details rather than simply stating an action. For instance, rather than just narrating the street was slippery on the icy road to Flagstaff, Pedro would describe what it felt like to be swerving in the car to describe the feeling of a slippery road. Guadalupe then proceeded to explain they would focus on one sentence to find a way to describe, rather than just saying what happened during the trip:

> **Guadalupe:** Do you think you just "said" versus "describing?"
> **Pedro:** Mmm, no.
> **Guadalupe:** Okay, so let's focus on that one…It was slippery, okay, so, I'm going to walk you through the strategy-- so if this was your notebook-- Okay, so flipping through the pages, I want you to write, "the road was slippery" up here, do you think you could do that?
> **Pedro:** Yeah. (Personal Narrative Conference, August 17, 2018)

After Pedro highlighted the sentence Guadalupe wanted to focus on, she zoomed into one part of the sentence to help Pedro figure out how to add details, explaining he would need to think about how he felt during the precise moment, the moments leading up to the accident. Guadalupe explained,

> So the road was slippery. Now we want to expand that so I want you to think of the questions, what happened? How did it happen? So how did-- what did the car do that made you know you were slip-- how did you feel when you-- I want you to just stop and think right now and see if you can remember that moment. (Personal Narrative Conference, August 17, 2018)

Still doubtful about Pedro's response, Guadalupe explained Pedro would need to think about how he felt during the moments leading up to the accident. To do so, she focused on having him think about how he felt, to explain how he knew the road was slippery, telling him he needed to tell (write) how he felt, to which Pedro asked, "So we gotta write like how do I feel?" Confirming he should think about how he felt, Pedro proceeded to answer, "I was scared." Evidence that Pedro's response was not quite what Guadalupe was looking for became apparent in Pedro's viewing session that week. Guadalupe pointed out the uncertainty surrounding his understanding of this particular writing skill, declaring her belief that his writing was

> very skeletal and I knew him, so I know he had a great story in his brain, so I wanted him to just tell me about the story. And he did. And he likes to act things out, so he was going like this and like that [moving arms and hands to motion Pedro's actions during the conference]. So my strategy was expanding or exploding the moment, where they take one sentence and go into detail. They use their senses or stop and close their eyes and step-by-step, tell what happened. So I tried to put words in his mouth, well, not put words in his mouth, but put words to his thoughts. (Personal Narrative TVS, August 21, 2018)

Suggesting Pedro did not have the language to express himself adequately, Guadalupe described her approach to help Pedro by using the five senses to describe his experience. As a strategy to help Pedro produce the language, she began by asking Pedro what the five senses were. As Pedro begin to incorrectly respond that the five sense were "Who [thinking who, what, when, where]," Guadalupe interrupted Pedro, telling him the five senses were related to things we see, touch, feel, hear. Guadalupe continued probing Pedro by focusing on one sense at a time, beginning with having him tell what he saw during the time he was in

the car, during the moments leading up to the accident. When Guadalupe explained they were those things he could see, smell, taste, hear, or touch, it was evident he was familiar with those concepts (smelling, hearing). A more logical explanation was, Pedro had not understood what she meant when she instructed him to tell her what the five senses were. Tying the five senses back to the intent of the lesson, Guadalupe summarized, "All those are senses. So how did you know that the road was slippery? What did you see on the road?" Responding, "I saw, I saw in the road, like wet snow and piles of snow," Guadalupe indicated her contentment with his response, moving on with her goals of probing him about how he felt during this personal experience:

> **Guadalupe:** So can you remember what it felt like in the car?
> **Pedro:** It felt like kind of bumpy-- and it was kind of turny.
> **Guadalupe:** Okay, so it was kind of-- like you were jerking back and forth?
> **Pedro:** No, it was like this [hand/body motion], the car-- was going like there--no, it was going like this [hand/body motion], like it wanted to flip over, which it did, like there was rocks in the road.
> **Guadalupe:** Ok so let's write that.
> **Pedro:** [Writing]. I feel like it was... in the road.
> **Guadalupe:** So it was-- you felt like the car was swerving?
> **Pedro:** Yes, swerving.
> **Guadalupe:** Why don't you write that word down, swerving?
> **Pedro:** [Writing] Swerrrr-viing. (Personal Narrative Conference, August 17, 2018)

The uncertainty about Pedro responses, evidence that did not always follow expected norms and standards was further evident during student-teacher conferences, especially when Guadalupe spent prolonged periods on a particular concept. This day, as Guadalupe continued to entertain the conversation about flipping over, she focused on why it was important that Pedro include information about his mom turning the wheel a particular way when they were going to flip over. Guadalupe made this move by asking Pedro why it was vital for him to explain his mom had moved the steering wheel "like that" [arm and hand motions moving to the side, to mimic his mother jerking the steering wheel to one side], in

her attempts to avoid the accident,

> **Guadalupe:** Mmm, so how did the car flip over? So you felt like a bump?
> **Pedro:** Like if it was-- like it was like that-- and my mom had to go like that for—
> **Guadalupe:** [Interrupting] So what is this called?
> **Pedro:** The steering wheel-- she wanted to be us safe, so she had-ed to like flip over
> **Guadalupe:** So she tried to correct the vehicle?
> **Pedro:** No, she tried to turn into the snow,
> **Guadalupe:** So maybe put that-- my mom
> **Pedro:** [Writing, reading slowly as he writes] My mom was trying to keep us safe so she turned to the snow. She turned no-- and that's how we flipped over, 'cause you know how the snow-- is like pile like that[making hand motion], that pile like made us like flip. (Personal Narrative Conference, August 17, 2018)

Concluding that Pedro's mother was attempting to correct the vehicle as it slid on an icy road, Guadalupe asked Pedro some questions to (dis)confirm her thoughts. When Pedro responded no and explained that his mother wanted to crash into the snow, she turned to question why his mother would want to crash rather than correct the vehicle. Guadalupe's confusion and thoughts about Pedro's explanation as not quite justifying his mother's actions were evident as she enquired during the conference:

> **Guadalupe:** So I don't understand how turning the car was going to keep you safe, and how not to—
> **Pedro:** No, you know how snow is kind of soft, so she wanted to do that—for um, we won't have to go back like--.
> **Guadalupe:** She wanted to do what?
> **Pedro:** She wanted none—nothing like to break from the car, and so she wanted like the car to not break nothing, so she said, better be in the snow than the street. (Personal Narrative Conference, August 17, 2018)

After understanding that Pedro's mother concluded to crash into the snow, rather than the street, Guadalupe caught on to what Pedro was explaining, which served as another option to write another detail in his writing. Further, this example was also evidence that it was through conversation that Guadalupe was able to better understand Pedro's apparently (initially) incoherent explanation.

Also expressing doubts over Pedro's understanding of particular concepts, Guadalupe made this apparent in her comments during a viewing session during the second month of school, explaining, "So that's why I want to conference with him," since it seems like sometimes he "regurgitates what I tell him [chuckles]" (Revising TVS, September 14, 2018). Suggesting perhaps Pedro parroted back a response, she suspected maybe he did not have a good understanding of the learning concept expressed her doubts about Pedro's understanding and application of particular writing skills. During a viewing session, four months into the year, Guadalupe describing her next instructional moves to address her concerns, evidence of her doubts related to his competency:

> our new writing piece, we were going to chunk it every day, we've done annotating, now the web and then, now we're going to be finishing the first paragraph. So I'm gonna see how much he's retained because he's able to articulate what he knows and he's seems to have a good grasp as to what his next steps are, so now I want to see if he can do it pretty much alone or how much of it he can do alone. (Publishing TVS, December 18, 2018)

In addition to sharing her perceived doubts about whether or not Pedro could apply his understanding of particular skills, Guadalupe shared her perceptions about Pedro's linguistic expressions, which did not always fit the synchrony of student responses. For example, during one student-teacher conference, Pedro explained to Guadalupe what he thought about why people throw trash in the ocean, "Ms. G, I found something. Do- y-- you know the people that throw garbage in there? I think they meant to use it as a trash, 'cause they prob-bly don't have bags, like garbage bags." As Guadalupe chuckled and restated Pedro's comments about people using the ocean as a trash can, it became obvious she thought his comments were not quite in-synch with what might be a normal response. In essence, it

seemed insensible that Pedro would justify individuals' actions for using the ocean as a trash can. During his viewing session, he elucidated his thinking, explaining to me:

> **Pedro:** But they do meant to use it as a trash.
> **Sarah:** What do you mean?
> **Pedro:** Because you know how they just throw trash and don't even care about it?
> **Sarah:** So you're saying people use the ocean as a garbage can?
> **Pedro:** Yeah
> **Sarah:** Like a trashcan?
> **Pedro:** Since y- y- you know how they can't afford like cans, no like, you know how they can't afford like garbage, like how those [points to red garbage can in the class], like Ms. Varela has, those red things to throw trash?
> **Sarah:** Oh, they don't have trash cans.
> **Pedro:** Yeah… they don't have like those dumpsters like what alleys have.
> (Publishing SVS, December 14, 2018)

As evident in Pedro's comments about why people throw trash in the ocean, his remarks made it clear perhaps he sensed Guadalupe did not understand what he meant by people using the ocean as a trash can. It also became apparent that Pedro sensed Guadalupe did not believe him, as he affirmed his explanation, "but they *do* [emphasis] meant to use it as a trash can" (Publishing SVS, December 14, 2018). Additionally, his clarifications made it clear he was thinking about why people would throw trash in the ocean, considering that possibility since people might have limited resources (e.g., no garbage cans), due to issues of poverty. Guadalupe confirmed her interpretation of Pedro's response as not fitting classroom expected responses, something which became evident in her explanation:

> I know it's a serious subject, but the way he says it, and his connections are coming together just makes me chuckle [chuckling] and he's like, Oh, they're using it as a trash, a garbage…he's trying to make sense of what are people doing. (Publishing TVS, December 18, 2018)

Notably, Pedro's comment was perceived by Guadalupe as not fitting an expected response, but this perception was not limited to Guadalupe's belief. During this viewing session, Pedro pointed out another student was laughing in the background (a student who was sitting

nearby) and heard his comment about garbage cans. I could not determine if Pedro noticed it for the first time during the viewing session or if he realized it in class during the conference. Regardless, since there was background noise due to the noisy nature of learning, I did not notice the laughter. However, Pedro was adamant the student was laughing at him, although he did not understand why. Unfortunately, because this day Pedro refused to be video-recorded (he requested audio-recording, only), I could not go back and confirm whether he had noticed it during class. I did conclude, though, Pedro was aware that his response was not quite normal. Not only had Ms. Varela chuckled, but another student also laughed, and to Pedro, the student was snickering at his response. As I engaged in discussion with him about why he thought the student was laughing after hearing his comment about people using the ocean as a trash can, he was not able to tell me why he thought the student was laughing at his response, sharing:

> **Pedro:** Because I said it was meant to use as a trash…
> **Sarah:** But why would he [another student] be laughing at that? What's so funny about that?
> **Pedro:** I don't know. (Publishing SVS, December 14, 2018)

In this case, another student's reaction to Pedro's behaviors or discourse portrayed Pedro as out-of-synch with classroom expectations. Something was not quite in-synch with his comment which made another student laugh for no apparent reason to Pedro. Interestingly, although Pedro's perceived his response was something he believed others laughed about, two months later, he finished typing his expository essay on the Great Garbage Patch, on the topic of pollution in the ocean. Remarkably, he still reiterated the possibility that people throw trash in the ocean because they do not have the means to buy garbage cans; he continued in his stance that poverty might be related to this environmental issue. Pedro stood by this possibility, his position, writing about this in his concluding paragraph. See

Figure 9 for Pedro's final draft, authored by Pedro with some support; the first paragraph was collaboratively written by Guadalupe and her students.

Figure 9.

Pedro's Final Draft: Environmental Issue

The Garbage Patch
By Pedro

The Garbage Patch (GP) has trash from all around the world. The GP is located in the Pacific Ocean, it is growing every day, and people are responsible for all of it. This junk floating the ocean causes problems to humans' wild life and our environment.

The GP is humongous, and it is growing every day. It a lot of debris because people keep throwing their trash making people it bigger. The GP is two times the size of Texas and three times the size of France. The GP is 16 times bigger than what scientists first thought. They also found it to more than 700,000 by 500,000 km. Over all, the GP is very large, and it is growing every day.

Did you know people are the one that cause it the GP to grow? Because people litter in the ocean. And it caves for the beach borders. They litter a lot of GP because they litter way too much. Do you know you could help the GP get smaller?

Do you know where is the location? Some trash comes from chain and japes', but it ends in the up in the Pacific Ocean [PO].GPGP is found in the eastern PO. The GPGP is between California and Hawaii [CA, HI]. The GPGP is the biggest fling trash in the PO. A lot of people like to throw trash in the PO. The size of GPGP is twice as Texas. People cased it because they like to throw, and people have no trash cans. The location is in the eastern PO. In conclusion the GP is bad for the environment.

Written as typed by Pedro

Notably, Pedro continued to insist people used the ocean as a trash can since they did not have trash cans.

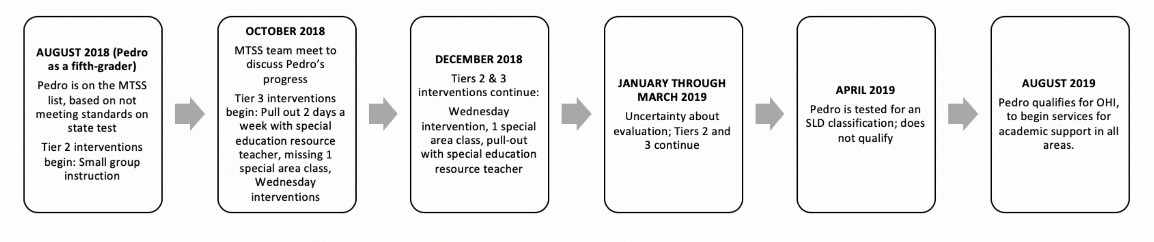
MTSS Local Zones

In this section, I present evidence contributing to the ambiguity surrounding Pedro's special education candidacy through an illustration of the cultural and structural influences evident in Libertad's MTSS process. This local zone includes the events which took place from the start to the end of Pedro's fifth-grade year in Guadalupe's class. This local zone is also evidence marking his cultural-historical footprints in Libertad's special education

candidacy route (Cole, 1996; Rogoff, 2003). See Figure 10, an illustration of all critical historical events in which his special education candidacy unfolded during one academic year.

Figure 10.

Pedro's Special Education Candidacy Chronology



Behavioral MTSS and the Rigid Views of Behavior. Evidence of the uncertainty surrounding Pedro's special education candidacy was also notable in the processes in place to address his behavioral problems. Observing in Pedro's fifth-grade class, made it clear Libertad's staff attempted to address his behavioral struggles through the systems and structural processes in place. At the same time, the data produced were also an indication of Libertad's staff's understanding that learning and behavior were separate dimensions, and therefore should be treated distinctly. Next, I lay out the "hidden transcripts" that occurred in Libertad's "social space in which offstage" (Scott, 1990, p. xi) interactions and exchanges, not documented by official MTSS processes, unfolded during students' fifth-grade year.

From the beginning of the year, it was clear Libertad had established a system to help students behave in ways that would be most productive for learning. For instance, staff used student agendas to track student warnings in the context of Tier 1 work. For example, Guadalupe's direct and subtle daily, oral, and written reminders also made it clear staff

intended for all students to follow school-wide expectations established through the behavioral MTSS process. In her class, it was also evident Guadalupe valued these behavioral expectations being that she pointed out student behavioral reminders in her learning materials. For example, Guadalupe often displayed behaviors students were to demonstrate as reminders within her lesson materials (e.g., PowerPoint presentations). On multiple occasions, Guadalupe's PowerPoint presentations demonstrated a slide with a reminder of student behaviors (e.g., "remember to be kind" or "your desk should look like this," with a photo of a desk). For Pedro, those daily reminders (i.e., being kind), were an additional source of behavioral orchestration.

By the second month of school, it was apparent Libertad's staff believed Tier 1 instruction to address Pedro's behaviors was not working; he was not responding to instruction. Thus, staff assigned Pedro to participate in Libertad's behavioral MTSS, Tier 2. For Pedro, Tier 2 consisted of an individual behavior plan, through a behavioral tracking sheet, which targeted specific behaviors. As such, Pedro walked to all of his classes with this daily behavior log, a "Check-in, check-out form" in his hand, intended to report behavior in all of his classes. I learned about the form process from following him throughout all of his classes during a few occasions in the fall semester. A symbolic and material manifestation of Libertad's cultural artifacts, the behavior tracking sheet was evidence of the school-wide agenda to establish particular behaviors for those most struggling, such as Pedro, and the actions he was to adhere to (Cole & Engeström, 1993). The behavior tracking sheet, a new paper for each day, listed Pedro's targeted behaviors. At the end of each class, teachers assigned a number to the log to indicate his behavior for their particular class. The goal was for Pedro to have a total of 16 points per day, for two purposes: 1) being kind and 2) being

on task. Staff summarized Pedro's behaviors as numerical representations, with a zero indicating he had a "hard time" in class that day; a one stated he did "okay, try again;" and a two represented he did a "great job" in that class (Field Notes, October 22, 2018). The check-in and out form also provided a space for teachers to write comments and a column for Pedro's parents to sign.

By the end of the day, the behavior tracking sheet, which offered Pedro the opportunity to start each day with a clean slate, ended up as a folded and wrinkled artifact with numerical assignments representing his behaviors. Meant to keep Pedro on track, he took the sheet home each day, and his mother signed it indicating she was aware of his behaviors.

While Pedro's behavioral goals were simple, they were also subjective, since it was not clear which actions represented kindness. What was clear was that staff determined Pedro needed to work at being kind and being on task, evidence of the expected classroom synchrony in the ensemble of learning (Mehan et al., 1986). From what I concluded, kindness was represented by following classroom rules, such as indicating their personal needs without talking (e.g., two fingers to indicate the need to use the restroom, evidence from classroom posters), but there were no explicit explanations or definitions of kindness on his behavior plan. For Pedro, it appeared this meant, rather than speaking aloud or interrupting a lesson, he was supposed to show his needs by following school expectations, such as to indicate the need to use the restroom through hand gestures. For Pedro, demonstrating his need was not always a quiet endeavor, as at times, he could not wave his hand in the air quietly. His hand waved in the air frantically as he made sounds with his mouth demonstrating the urgency to show his personal or learning need.

While Pedro's behavioral plan was a private affair, it was evident to all around him (adults and students), that he stood out, behaviorally. Although Pedro carried a backpack, most days, it was apparent he was on a behavior plan. Rather than pulling it out of his backpack, he usually held the folded piece of paper in his hand. Since Pedro's classes were an average of one hour long, rather than carrying and pulling it in and out of his backpack for each class, he tended to leave it laying out on his desk or table. In turn, his individual tracking device became a public display of his behavioral troubles and goals, being that he left it in a visible place. (I did not determine if teachers instructed him to leave it on his desk.) Regardless, leaving it out on his desk, became an easily accessible tracking artifact. The paper remained on his desk until the end of class time, since he was to hand it over at the end of each class for teachers to sign. Pedro's teachers often stood at the door, as students walked out and signed it. That moment was also often the spatial location where teachers quickly summarized Pedro's behaviors to a number. On some days, there was no time to sign it, so Pedro walked away with an incomplete report. On a few occasions, as Pedro lined up with the rest of the class to move to his next class, he handed over his behavior plan, an official account of his behaviors. Unfortunately, due to time constraints, at times (but not always), Pedro was sent to the end of the line since Guadalupe needed to speak to him privately, evidence of her attempts to keep his behaviors as confidential as possible. That is, rather than hold up the line and talk to him in front of students, she reverted to sending him to the end. Notably, although Guadalupe attempted to keep Pedro's admonitions private, the cultural manifestation of his behaviors could not remain unrevealed. In turn, the behavior plan was a classroom display of Pedro's targeted behavioral interventions, adults monitoring his a/synchronous behaviors to gauge Pedro's fit of the professional vision of a competent

student who followed the behavioral norms (Goodwin, 1994; Mehan et al., 1986). Next, I turn to Libertad's efforts to address his academic struggles and the route which led directly to an evaluation decision.

Academic MTSS: Uncertainty by Confusion and Subduing Forces. I present in this section the evidence which directly contributed to staff's decision to evaluate Pedro for the possibility of an LD. The decision, I conclude, was driven by overpowering structural forces amidst confusion, which determined the final evaluation decision.

From the first month of school until the end of his fifth-grade year, I found evidence that Pedro participated in Libertad's MTSS structural framework through Tier 2 and 3 academic support. For Pedro, since he was not performing favorably, year after year, this meant staff automatically placed him on the list handed down from the district's data coordinator who sent lists out to the schools with "at-risk" students who did not pass the state assessment. Thus, as a fifth-grader, Pedro started off the year as an MTSS Tier 2 candidate, and it was not his first year to be a part of the MTSS list. As the school psychologist explained, Pedro had been on the "MTSS List long before I'd arrived" (Field Notes, November 13, 2018), which also meant he did not know when other staff added Pedro to the list. Over the months, Pedro participated in small group instruction, Wednesday interventions, missing one special area class a day, one-on-one conferring sessions, as well as other classroom interventions. As spelled out in Libertad's MTSS structural layout, staff reconvened every six to eight weeks to discuss his progress. It was the middle of the year when Guadalupe shared the MTSS team's last attempt to address Pedro's learning needs before coming to the conclusion to evaluate him for special education services. The MTSS team concluded Pedro might work closely with the special education

teacher, who would offer targeted, individualized instruction, as Tier 3 intervention. Guadalupe explained,

> They're going to pull them [Pedro and other ELs] out for like three weeks and kind of get a feeler for where they're at, what their needs are, um, and see if they, they feel they truly need um special ed, um, and then uh, because we already told them all the scaffolding, all the extra stuff that we're doing and their scores and stuff, how they're doing…and then they're going to be pulled out just like Ramiro and Pedro, how they were pulled out and then they're going to do like a final… make a decision. (G. Varela Viewing Session, December 11, 2018)

This mid-year meeting, according to Guadalupe, concluded with the team's decision to begin Tier 3 academic interventions for Pedro in December, in which he would receive more one-on-one support from the special education resource teacher. Beginning without giving Guadalupe any notice, she was taken by surprise to learn Pedro was being pulled out of class two days a week. Guadalupe was surprised intervention support staff pulled Pedro from her class. Since writing was a neglected area, it was not surprising, based on Nicholas' explanation, that writing could be easily made up (see Chapter 4, institutional processes, staff perspectives).

By the middle of the year, after completing data collection in the classroom, it also became clear that there was ambiguity surrounding the decision to evaluate Pedro for an LD. For instance, although Guadalupe agreed with Xochitl's thoughts that Pedro was a special education candidate before the beginning of his fifth-grade year, by the middle of his fifth-grade year, she began to doubt the special education referral decision. For example, although Guadalupe expressed her thoughts about Pedro as an LD candidate during a summer interview, six months later, she was doubtful. Caught between the emphasis on Pedro's L2 status, as a significant, yet ignored factor for special education referral decisions, Guadalupe shared her doubts about an LD classification,

> The more I work with him like 1:1 and the more attention I give him, I don't think it's—I know he's behind, but I don't think he has a learning disability, I think it's more behavioral. I don't know if they're going to service him for behavioral stuff here, I know that they already said that that's kind of hard to do… So I wanna go back—so I'm starting to see that there's not a delay,—there is delay, but I think that it's behavior that's getting in the middle of it, and I think that those beginning years, it was language, so now I'm starting to see, hm, I think—I think he's getting it, I know that in every single class he's failing and then when I talk to the teachers, I listen in, I think it's behavior… I don't think that it's at all a learning disability, so now I'm gonna pull that back. (Publishing TVS, December 18, 2018)

Spinning Pedro's referral decision into question, Guadalupe's thoughts illustrated the importance of using a cultural-historical lens to examine special education processes (Garcia & Ortiz, 2002)

In the months following Guadalupe's explanation of the last attempts (Tier 3) to address Pedro's learning struggles, arriving at a decision to test Pedro for the possibility of an LD made it clear the decision was a confusing one for Guadalupe, and ultimately, out of her hands. First, Guadalupe provided an email update, indicating the last MTSS meeting had "deemed Pedro as not needing SPED entrance" (G. Varela Email Update, March 23, 2019). Guadalupe's comments about Pedro's special education evaluation illustrated her thoughts that Pedro would not be tested, after all. The news that staff would not evaluate Pedro aligned with her statement three months before, during Pedro's last viewing session, in which she informed me the team arrived at a decision not to test him for special education services. Since I did not attend the decision meeting, I do not know how this decision unfolded. Regardless, one thing stood clear: there were conflicting narratives about Pedro's evaluation decision.

Three weeks after her email update, Vince shared, contrary to Guadalupe's final understanding, Pedro would, indeed, be tested for an LD, and would continue in the MTSS

process for behavioral support. Vince explained the evaluation decision, "I agreed to reevaluate or to evaluate Pedro. So I'm actually gonna start that. He was already evaluated though" (V. Sheeran Interview, January 17, 2019). Being that nobody had mentioned this previously, Vince explained this surprising and critical information, reiterating he did not know how Pedro had made it on the MTSS list but was aware of the fact that he had been evaluated for an LD previously. Vince elucidated, "I don't even know cause he wasn't on the actual, somehow he got added to like the list but he was evaluated in third-grade for a learning disability and he didn't qualify" (V. Sheeran Interview, January 17, 2019). Further, emphasizing his frustrations about not being able to do more before agreeing to evaluate him, Vince explained his doubts surrounding Pedro's LD evaluation decision:

> Yeah, I'm not sure, well, like with him I know he's reading like below, but I don't even know if they put him in that extra intervention, like the, the taking away of the specials. Looking back, I wished they would have done that before I agreed to test him. (V. Sheeran Interview, January 17, 2019).

It was January, the final stretch of Pedro's fifth-grade year, as Guadalupe explained, all going "downhill," focused on the state test, and Libertad's staff was perplexed about how to proceed with Pedro's case. First, there was the ambiguity of thoughts regarding Pedro's learning experiences and whether or not staff should evaluate Pedro for an LD classification. Challenging the notion of teacher as primary gatekeeper (Mercer, 1973), the final decisions demonstrated individuals do not act in isolation. Vince explained the decision as not limited to his thoughts, but through the established MTSS system, he depended on a team decision. Vince agreed (to the MTSS team) that he would test Pedro. Still, Vince later expressed his regrets about the possibly premature decision taken after he had accepted to the MTSS team to evaluate Pedro for an LD. Vince shared his desires that staff had implemented more [interventions] before agreeing to test Pedro, pointing out behavior as a conflating variable

to be considered, as well as institutional ambiguity regarding Pedro's decision:

> looking back, I wished they would have done that before I agreed to [test him], but I'll see when I test how-- if there's really a gap 'cause for him, I feel like with him it's so behavior-based. I haven't spent enough time observing him to, to truly know, maybe he, maybe he is performing a lot lower. I mean, on some of the progress monitoring tools he is performing really low so I mean I definitely see the concern. But I just see with him sometimes it's like they [his teachers], they mentioned things like, oh, sometimes he's engaged, and he performs better, and sometimes he's not. That's not really like a learning disability, that's like a student that is not paying attention, not focusing, and not engaged, and therefore falling behind. (V. Sheeran Interview, January 17, 2019)

Tainted with expressions of doubt about an LD label, the canvas on which staff created Pedro's portrait became evidence of the doubts which surrounded his future trajectory. Remarkably, although staff expressed the possibility of other factors, Pedro's path, evidenced by (in)competency, the route towards an LD evaluation continued.

In the last fraction of Pedro's fifth-grade year, Vince's inklings, that Pedro's behaviors were not stemming from an LD classification, were confirmed. In the final month of his fifth-grade year, Pedro's special education candidacy discontinued after his LD evaluation. Ironically, narratives of a special education trajectory continued, and eventually legitimized his candidacy, but in an unexpected way, leaving the possibility of an LD classification behind. Next, I expand on this culminating event.

Completing his evaluation in the final stretch of Pedro's fifth-grade year, Vince shared Pedro's evaluation results in the last month of school: Pedro did not qualify for an LD classification. Pedro was among five students evaluated for the possibility of an LD; two did not qualify. Explaining the district's use of the discrepancy model, a 15-point discrepancy between students' cognitive score, based on the students' intelligence quotient (IQ), and the student's academic achievement scores, the results did not merit an LD classification for Pedro. Pedro did not have a significant discrepancy between cognitive ability and academic

achievement scores. Vince described Pedro's results explaining his

> Cognitive ability score was 72, and his academic scores were in the '70s and '80s, so there was no discrepancy. The idea behind this model is that a student has average or near average intelligence but is performing academically much lower than their cognitive ability level. (V. Sheeran Email Update, May 29, 2019)

Rather than an LD label, Vince concluded a residual category might better serve Pedro, an Other Health Impairment (OHI) classification, since Vince was more convinced Pedro might have attention deficit hyperactive disorder (ADHD). Based on his observations and conclusions of Brief2, which is a measure he used to identify ADHD indicators, Vince concluded:

> Based on all of the data I gathered from the evaluation including teacher and parent input, classroom observations, testing observations, behavior rating scales, I noticed many consistencies; distractibility, struggles to focus and attend to tasks, impulse control, and executive functioning (i.e., planning, organizing, prioritizing, self-monitoring, etc.). All signs suggested that Pedro's academic challenges are more representative of a student who struggles with symptoms related to ADHD and not a learning disability. Therefore, my recommendation would be to qualify [for] OHI for ADHD. (V. Sheeran Email Update, May 29, 2019)

Finally settling Pedro's special education candidacy and induction to special education, it was at the beginning of his sixth-grade Pedro would finally begin specialized services. In the early fall of Pedro's sixth-grade year, Vince reported Pedro qualified for an OHI classification since Pedro's mother had taken him to the doctor over the summer. As opposed to his pediatrician's beliefs who previously did not associate Pedro's behaviors with an ADHD classification, it was over the summer concluding his fifth-grade year when a medical doctor would diagnose Pedro as having ADHD. Notably, Vince explained an ADHD classification would be favorable for Pedro since he would be able to receive additional support in all areas, beyond reading, as possible, with an OHI label. How staff will address his intersectional needs, as a student who now qualifies for special education

services, is yet to be seen.

Sebastian's Story

Sebastian's Antecedents

As a reflection of the antecedents, which took place as a result of Sebastian's schooling history at Libertad, I gathered this data before beginning my interactions with Sebastian in Guadalupe's class during his fifth-grade year. Unlike Pedro, who had many more successful learning experiences, next, I illustrate the behavioral struggles which interfered with Sebastian's learning.

Family Perspectives: Niño Normal and School Troubles

Sebastian was a 10-year-old boy, the middle of several siblings, all elementary and high-school-aged children, who lived with two parents. Sebastian and several family members were born in the United States, although other family members were natives of Mexico. At home, Sebastian enjoyed playing Legos with his brothers and sisters. Sebastian was also a "normal" child, who at times, fought with siblings; in other moments they got along fine. He loved playing with Legos and Hot Wheels, at times, playing with his siblings, at different times, alone.

Family Perspectives on Language. At home, Sebastian's family spoke mostly Spanish since it was their children's first language, and they did not want them to lose their family's language and wanted them to continue to communicate with family members in Mexico. Particularly, the children spoke mostly Spanish to one parent and "Spanglish" to the other, although among siblings, they often spoke English to each other. Among the adults, both parents spoke Spanish to each other, although they addressed their children differently. Notably, Sebastian's parents considered him the most bilingual or fluent in English and

Spanish of their children. Sebastian seemed to have stronger bilingual skills than some of his older siblings.

Family Perspectives on Learning and Inseparable Ties to Behavior. When asked about the favorite part of Sebastian's school day, he mostly enjoyed playing soccer as a part of the school's soccer team. Being that teachers often complained about his behaviors, however, they opted to use his interest as a way to motivate him to change his behaviors. For example, if he demonstrated desirable behaviors in school, he participated in the school's soccer team. If he showed undesirable behaviors, they took away his soccer privilege as a means to motivate him to exhibit positive behaviors. One of Sebastian's worse subjects in school was math. Although he complained when asked to read, they were relieved he knew out to read, although with reluctance. On the other hand, Sebastian complained math was difficult for him to understand. To help him, the family used strategies as if he was in kindergarten, showing him how to solve math problems with sticks or dots. Although Sebastian struggled with math and seemed not to like reading, his parents supposed he was most behind in writing. Comparing him to his younger siblings, Pedro's parents shared the belief that their first-grade child had better writing skills than Sebastian, who was a fourth-grader, chuckling at the fact that their seven-year-old demonstrated stronger writing skills.

According to Sebastian's parents, he attended another school in kindergarten and first-grade, where he struggled with behavior. In kindergarten, he cried during the first few days then adjusted to school. During his first-grade year, they noticed teachers did not have a lot of patience with him. His teacher frequently called home, complaining about his behaviors. Starting school as a second-grader at Libertad, his parents noticed he became

“lazy” as teachers’ grumbles continued. Similar to his previous school, Libertad teachers complained about his behaviors as his struggles persisted. According to his parents, he battled with paying attention and was “disobedient” at school. As a result, they remembered being asked to visit his class, solicited to intervene by observing his behaviors in class. Sebastian’s parents recalled their past experiences with Sebastian’s teachers at Libertad, explaining in Spanish, with a mixture of English words:

> *Batallábamos al diario, nos hablaban casi todos los días para observarlo en la clase y que el nos viera ahí. Los maestros dicen que batallaba para hacer follow directions [seguir las instrucciones], que cuando se iban a la carpeta para sentar todos los niños se acostaba de panza en una silla y no hacia caso.*
>
> We struggled on a daily basis, they would call us almost every day so we could go visit observe him and he could see us there. The teachers say he struggled to follow directions, that when the kids would all go sit at the carpet he would lie on his stomach over a chair and would not listen. (Sebastian’s Parent Interview, May 16, 2018)

Struggling during his first few years at Libertad, where teachers seemed to be much more patient than his first school, fourth-grade was his best year yet. It was in fourth-grade, the year “donde se acomodo [he finally settled in],” since they (his parents) started to take things away from him, such as the tablet or phone, if he did not improve his behaviors at school. Thus, for the first time, as a fourth-grader, they noticed his behaviors were different. Whereas in the past years, they struggled to wake him up since he complained he did not like school or did want to go to school, for the first time in his schooling trajectory, Sebastian awoke on his own. Attributing behavioral changes in school to adjustments at home, such as taking objects or privileges from him, they believed something was different, thanks to their interventions at home. Consequentially, fourth-grade was Sebastian’s best school year since he had better grades, and his teachers complained less, something they were pleased about.

Sebastian's parents described his worse school year as his second-grade year. As a second grader, they were often contacted by his teacher who frequently complained he did not listen in class. The second-grade teacher told them she did not know what else to do with him since he did not follow directions. Attempting to help his teacher, Sebastian's mother recalled sharing a behavioral reward system with the second-grade teacher. His mother indicated, the teacher should look for moments when Sebastian was following directions in class and document positive behaviors with stickers. Sebastian's mother told his teacher she would reward him at home for good behaviors, with the hopes that he would change his actions in school. In fact, Sebastian's mother told his teacher she did not have to reward him with anything—that she, as his mother, would reward him at home for good behaviors—and that all she had to do was track positive behaviors with stickers during his school day. With little success using that system, due to the teacher's resistance, the suggested behavioral plan suggested by parents failed. Over the following year, Sebastian's teachers continued to complain; his undesirable behaviors in school continued.

During his fourth-grade year, he struggled at the beginning since it was the first time he had been in a departmentalized setting where he had to deal with three different teachers. Sebastian's mother recalls their first parent-teacher conference early that year when his fourth-grade teachers all blamed him for his poor behavior. She explained he started another negative school year, once again, but then after meeting with teachers, she saw a difference. During that conference, she shared with teachers that rather than putting all the blame on Sebastian's poor behaviors, they needed to learn to deal with students' differences. Suggesting to teachers the possibility of making contracts with children to deal with undesirable behaviors, she shared her explanation to Libertad's teachers:

> *Y este año empezó igual como que batallaba como que no le tenían paciencia los maestros. Y una vez fui a la conferencia y pues como que quisieron echarle demás a él nada más que él, él, él, y les dije, bueno pues yo que sepa las maestras son maestras que no? Están ahí para ver las diferencias de cada estudiante para tratar de ayudarlos a superar y eso. Y la batalla que más fue es porque el niño fue creado más por mi mamá cuando estaba en kinder y primero, vivía con nosotros pero saliendo de la escuela estaba más con mi mamá. Yo estaba muy enferma en ese entonces y por eso mi mamá se llevaba el niño y fue la batalla más con el.*
>
> And this year started out the same. He struggled as teachers had no patience for him. And once I went to the conference, and, well, they wanted to put all the blame on him, just him, him, him, and I told them, well, I know that teachers are teachers, right? They are there to see the differences of each student to try to help them overcome their struggles. And the struggle was that he was raised more by my mom when he was in kindergarten and first. He lived with us but after school he was more with my mom. I was very sick at the time and that's why my mom took him and it was the thing we most struggled with. (Sebastian's Parent Interview, May 16, 2018)

Opening up the possibility that there were several environmental factors that contributed to Sebastian's behaviors, his parents offered insightful suggestions. Adding to possible explanations about his behaviors, Pedro's mother provided the prospect that Sebastian's undesirable behaviors came from multiple factors. For one, they believed perhaps he acted out seeking attention since he was the middle child. Alternatively, they attributed his struggles to the possibility of changes in the home, such as having a sick mother, and having to spend lots of time with his grandmother. Sebastian had spent a significant part of his earlier years with his grandmother, which made a difference in his behaviors, something school personnel more than likely did not acknowledge or realize. Further, they believed Sebastian was not to blame for all of his undesirable behaviors. They supposed teachers needed to consider his unique learning and behavioral needs, acknowledging students' diverse cultural experiences.

Sebastian's parents were most worried about his motivation. To help him, recently, they continued implementing changes at home to motivate him to do better in school. Whereas in the past, they noticed he did not have a lot of motivation, lately, primarily since

they had implemented strategies at home to motivate him, they saw a difference. They had recently started having lots of conversations with him about his behaviors, explaining that he needed to change his actions and to "echarle ganas," otherwise, he was going to struggle to do well in school. Thus, if he did not do his part, he was going to struggle to find a good job. Implementing a system of rewarding or punishing him for (un)desirable behaviors, they started to notice a difference during the past school year. As they had persisted in taking away certain privileges (e.g., phone or playing video games), they saw a change in his behaviors—changes which were for better—and they hoped would continue into the next year. Notably, although Sebastian's parents described his learning struggles at school, they never mentioned the possibility of special education services. Based on their descriptions, they had some worries but did share any alarming perspectives on his learning. Next, I turn to school narratives about Sebastian at the end of fourth-grade, and before starting fifth-grade, perspectives which resonated and contrasted with parent views of his competency.

The Emergence of Uncertainty: Schooling Precursors for Candidacy

In this section, I illustrate events and narratives documented before Sebastian fifth-grade, which included the last months of fourth-grade and the summer before starting fifth-grade. Basically, before Sebastian could even start his role as a fifth-grade student, a case was already in motion to justify his special education candidacy.

Observing Sebastian over the last two months of his fourth-grade year, teachers could easily miss Sebastian when working alone. In class, Sebastian often sat quietly, (apparently) doing nothing or often put his head down. Conversely, when working with Xochitl, on a one-on-one basis, his demeanor was livelier; he seemed much more attentive. During one-on-one events, Sebastian seemed interested in conversations with Xochitl and

appeared happy to engage in conversations about classroom interactions. When Sebastian was not working with Xochitl, he struggled to complete tasks. Sebastian rarely finished classroom assignments. He sat quietly, distracted with small objects, or like numerous occasions, spent most of his work time trying to find his notebook or used up his time trying to sharpen a pencil. Further, Sebastian often complained he was tired or sleepy. These observations, a pattern notable in only a few weeks, resonated with Sebastian's historical documents, his report cards. From the time he started second-grade, his teachers complained of his trouble to complete tasks, "follow rules," or complaints of "incomplete assignments," "capable of doing better," behavioral descriptions noted on report cards.

Evidence of Sebastian's struggles in his fourth-grade year also stemmed from school processes in place to address his learning difficulties. For example, as with all students who did not pass the state's annual evaluations, by default, Sebastian was assigned as "at-risk," earmarked to participate in Libertad's Tier 2 academic support. Due to poor performance, this meant, starting off the year, Sebastian was among those who did not pass the state test were included in the list of students sent over from the district office by the school's accountability director.

The Intertwining of Behavioral, Learning, and Language

During the spring semester of Sebastian's year, Xochitl identified him as an EL special education candidate, qualifying him as a study participant. As stipulated by law, Sebastian qualified for a special education referral since staff believed cultural or environmental factors were not impeding his learning. During Sebastian's final viewing session during his fourth-grade year, Xochitl summarized her thoughts about his language use and learning difficulties, which were

> Across the board, and probably had to do with his experiences, not so much of his language, you know, Spanish versus English, but just his level of understanding of experiences, which fits into the category of some of the other students, too. And so that's how I see him as well, it's just maybe not words that he's not understanding. I think that's more of what I see first is his, just his habits as a learner. You know, maybe that he can be a bit more distractible, he can be a bit, um, shows that he's inattentive by the things that he says or does. But then, you know, will wind back to understanding or tying in something. I guess for me it's not the fact that English is a second language is what's, um, challenging him in any of his reading. (Grand Canyon TVS, May 7, 2018)

During a summer interview, three months later, Xochitl reaffirmed her thoughts that language was not a factor, "[Just like with other ELs] you see the holes, and a lot of holes, but I'm noticing are not having to do with language. And I think that Sebastian tends to, behaviorally, act up because he doesn't get things, or it takes him time to process" (X. Najera Interview, August 9, 2018). Adding the possibility that Sebastian needed time to process learning, possibly tied to his behavioral problems, cast uncertainty over what was causing Sebastian's struggles. One thing was clear, though: his behavioral outcomes were inextricably tied to learning. Thus, rather than attributing struggles to cultural or environmental factors, academic and behavioral struggles overshadowed his language development. Evident in schooling documents, something which Xochitl pointed out, "followed him all throughout the year" due to his "emotional" slants, overshadowed areas he was successful in:

> With Sebastian because of his emotional inclinations-- he just was so-- he couldn't do it. He couldn't do anything. I can't do this. I can't do that. Anything that had to do with reading, writing, anything-- math so I felt like he was in this place of being stuck because of his emotions, but when I would read with him I mean, he read fluently at the level that he did test at, and he had good comprehension for that level, and so I just wanted to see how, you know, how well he was going to be progressing, just building on those skills. But because of this attitude that he couldn't do anything, I really do think that he had just more of an emotional kind of block there, that was going to be stopping him from progressing. (X. Najera Interview, August 9, 2018)

Casting doubt on the possibility that Sebastian's L2 status was a factor in his learning, in fourth-grade, this did not seem to be the case. As Xochitl offered, there was "something

else" going on with Sebastian did not have to do with his L2 development. Ironically, Sebastian's institutional artifacts, evidence of his schooling history at Libertad bellowed his language struggles as a basic speaker of the English language.

Overshadowing his learning and behavioral struggles, before even beginning fifth-grade, it was evident staff's beliefs, and expectations were blurred by his behaviors, adding uncertainty to the possibility that language was a factor. The summer before fifth-grade year began, Guadalupe summarized her thoughts about Sebastian. Similar to her colleague's position, she believed:

> Sebastian tends to, behaviorally act up because he doesn't get things, or it takes him time to process, so he will fall asleep or he will-- you know, pick a little fight with somebody-- or want to stay in the bathroom for more than, you know, the time we want him to, so that's why I think he wants to hide the fact that he's not understanding stuff in class. (G. Varela Interview, August 14, 2018)

Expanding on her concerns and adding doubt to his learning struggles as connected to cognitive processes, Guadalupe expressed her beliefs about why Sebastian struggled. She believed Sebastian's behaviors were associated with problems of retention, that is, retaining new learning concepts,

> For Sebastian, if I work one-on-one with him, he will retain it-- and then, like five minutes later, it's like he completely forgot. When I do that with another student, if there's something that they can go back and refer to, then they'll retain it a little bit more, but, Sebastian, I feel like I start new every day with him. I don't know how to explain that, where other students… let's look at your notebook or the let's look at work we did yesterday, is there a drawing that we can go back to, or like, cues of some sort? Not. And Sebastian will truly honestly look at you, and he's like I have no idea what you're telling me, you know, so he'll have that-- and sometimes it feels like it's his way of getting away with stuff, but sometimes it seems like he really truly doesn't-- like he didn't pick up the learning concept. (G. Varela Interview, August 14, 2018)

Adding to her overall thoughts of Sebastian's (in)competencies, Guadalupe corroborated her thoughts in comparison to others in the special education process:

> sometimes it seems like he really truly doesn't know, like he didn't pick up-- and I see other students who are right now labeled, already, you know, went through the process of being labeled SPED-- I don't know if it's because they are being pulled out, or some needs are being met, they are a little bit further on than he is-- like he--I don't know, he just seems like he's not producing. (G. Varela Interview, August 14, 2018)

Next, I turn to more of Guadalupe's evidence that Sebastian deemed special education candidacy, based on discourses surrounding the topic of language.

Although Sebastian was classified as an EL, his L2 status was an ignored critical factor, based on beliefs that his English development was not interfering with learning. Standing in stark contrast, however, were the historical documents that tainted his poor L2 development. Not only was he a basic speaker of the English language, he was also struggling academically. For example, his home language survey indicated Spanish was the language mostly spoken at home by the family, it was also his first language, and the language Sebastian spoke most of the time. Secondly, his cumulative file identified him as an EL, evident in multiple documents that targeted his L2 development.

While written documents indicated Sebastian's troubled and stagnant EL status, his linguistic needs in class were less noticeable—could be easily missed—in fact, his L2 status was overlooked. For example, after conversing with Sebastian for a few minutes, it was not readily apparent that he was an EL. He had few to no grammatical mistakes when speaking. As such, the possibility of missing his L2 status became a reality, an unusual event, when Guadalupe shared he was not an EL. Going back to his archival documents to confirm his status, I realized Guadalupe was confused about Sebastian's EL status. Her statement was confusing since I had previously verified his EL status the year before to double-check he qualified to participate in the study. To my surprise, even after working with Sebastian

during his fourth-grade year as his math teacher, in the summer before his fifth-grade year, Guadalupe was not aware of his EL status. After sharing with Guadalupe that his cumulative file documented his EL classification and that she should double-check his status, it was a somewhat awkward moment to learn that she was not aware of his status. Taken by surprise, Guadalupe explained Sebastian was not in her fourth-grade homeroom class, so she had missed his EL status. As I suspected, this missing piece information about his L2 status stemmed from the overload of working with several cohorts, and that in fourth-grade, Sebastian was not on her homeroom list. As Guadalupe explained, in turn, she was only responsible for EL documentation of her homeroom class. As a result of this school-wide decision, in rotating cohorts of students, she was only aware of those listed on her homeroom. This meant each homeroom teacher was responsible for placing EL's tracking forms, L2 evaluation results, and other pertinent EL information in students' cumulative file. Thus, while Xochitl (reading and fourth-grade homeroom teacher) recruited Sebastian as an EL special education candidate in fourth-grade, Guadalupe's thoughts were far from a possible L2 status. Guadalupe summarized her thoughts about Sebastian who "Is not an EL, like [another student]… and has more of a cognitive-type need" (G. Varela Interview, August 14, 2018).

Standing in contrast to his overlooked EL status, was the evidence that pointed back to his L2 classification. First, Sebastian was among the larger number of ELs enrolled in Guadalupe's class as a designated SEI class. Thus, Sebastian was among the pool of ELs who did not qualify for placement in Libertad's DL strand, and the institutional processes in place pointed this out. During the past three years, starting from second-grade, up until fifth-grade, each year, staff filed an EL placement form, indicating his level of proficiency in

English and L2 program placement. As with all students, parents had dutifully signed his EL placement form, which showed they were aware of his placement in an SEI or mainstream English classroom. Because of his L2 status, he did not qualify for placement in Libertad's DL program. For Sebastian, this meant each year his level of English was marked as *intermediate* (in second-grade), regressing to *basic,* a year later, and as a third grader (he performed at a lower level, again). According to the state's English proficiency evaluation, this meant he had

> a limited understanding of academic and social English and produce short phrases and simple sentences with common construction patterns. They have limited ability to decode and comprehend text read independently. These students write simple sentences with limited control of conventions, grammar, and vocabulary. (Field notes, August 10, 2018).

As evidence of his L2 status, these historical artifacts also spoke of structural processes in place to ensure students' English language development, and the irony that his EL status had been overlooked.

This uncertainty also pointed out the institutional gaps in ensuring staff consistently monitored ELs' language development. For instance, there was a limited number of forms to demonstrate how his English proficiency level had evolved over the past three years at Libertad. As the only artifact pointing to institutional processes monitoring his English development, staff filed an ILLP form during his third-grade year. His ILLP progress report stated the recommended course of study to address his English language development, focused on "reading aloud passages from unfamiliar content area text with fluency," "producing sentences using subjects and verbs with subject-verb agreement," and "asking and responding to academic questions in complete sentences," and a writing goal, to "generate and organize ideas to create a prewriting plan using self-selected methods" (Field Notes, August 18, 2018). Notably, while the goals listed on his ILLP progress report in

third-grade focused on reading, speaking, and writing goals, the assessments used to report his progress on those specific goals were focused on other areas of literacy (e.g., number of words he could read per minute). As such, while Sebastian's EL development plan was intended to help him further his language skills in English, and staff included reading, language, and writing goals, there was a clear disconnect between the assessments used to monitor his targeted goals. As a result, it was understandable that within the only ILLP document filed during his entire schooling history at Libertad, staff did not report his progress in reading, language, or writing. Further, staff represented Pedro's academic progress on his ILLP form, and it did not appear his fluency improved during third-grade year since his reading fluency scores went from 67 words during the second semester, regressing to 52 words per minute at the end of the year.

Consequential Evidence: Academic Deficiencies

Before starting fifth-grade, the historical artifacts left by his struggles demonstrated considerable evidence of Libertad's failures to address his learning, language, and behavioral needs. As observed from the last few months of his fourth-grade year, Sebastian rarely completed assignments. Thus, there was little evidence to gauge his learning. As his teachers illustrated, he was struggling with learning and behavior, and it showed. As a consequence, most historical school artifacts pointed this out. Next, I represent the academic evidence, historical artifacts, which demonstrated Sebastian's learning struggles.

As the majority of the students in the state, Sebastian did not pass the ELA portion of the annual assessment. Like many others, Sebastian performed as minimally proficient (the lowest of four levels) in the state assessment in ELA and math from third-grade and beyond. Equally, Sebastian's performance was lower than school, district, and state averages

each year for the state's assessment in math and ELA. In the fourth-grade state science assessment, Sebastian was marked as approaching the standard, although still not considered passing. Similarly, during his four years at Libertad Elementary, Sebastian scored an average of 69% or less on his final grades (Ds and Fs) in all academic areas.

On the other hand, Sebastian performed well across multiple years in all artistic areas, scoring at 80% to 100% in all areas, which included art, physical education, dance, drama, and music. Evidenced by more promising letter grades based on his report grades, the letters (A-F) were a representation of his few successes in school, one which extending learning beyond academic standards.

Other institutional artifacts echoed sentiments of doubt regarding Sebastian's learning outcomes by a pattern of academic deficiencies interlaced with behavioral struggles, more evidence for his special education candidacy. For example, Sebastian's 45-day screening form provided a historical glimpse of Sebastian's academic struggles over the years. For Sebastian, during his first year at Libertad Elementary, as a second grader, school personnel marked areas of concern stemming from social behaviors, academic progress, adaptive development, and hearing. During his first year at Libertad as a second grader, for example, his teacher noted social/behavior areas of concern as "disregards classroom rules, does not complete work, initiates fights, appears inhibited, does not make wants/needs known." Sebastian's academic progress was also marked as an area of concern in every academic area, characterized by "learns very slowly," "below grade level in reading, math, writing," "does not remember concepts taught from day to day." In areas of adaptive development, Sebastian's progress was characterized by "underdeveloped social skills" and "difficulty complying with classroom rules and performing tasks." In hearing, staff marked

an area of concern as “seems not to pay attention” (Field Notes, August 10, 2018).

Similarly, Sebastian’s social/behavioral and adaptive skills were also noted as areas of concern, although over the years, teachers either did not report work habits or citizenship. For example, in three of his four years, teachers included personalized comments for Sebastian, noting his refusal to complete work, which resulted in less favorable grades, noting the hopes that he would mature over the summer. In another year, his teacher noted his failure to complete work as consequently reflective of his grades. See Table 6 for an overview of Sebastian’s Academic and Linguistic Profile: Six-Year Overview.

Table 6.

Sebastian's Academic and Linguistic Profile: Six-Year Overview

Institutional Artifact (Academic or linguistic)	Kindergarten & First Grade	Second Grade	Third Grade	Fourth Grade	Fifth Grade
Enrollment data	Attended another school	Enrolled at Libertad			
Report cards	NR	D average: all academic areas; A & B+ average in all special area classes			
State test results	N/A	N/A	ELA & Math: Minimally proficient (MP); below average (BLA); falling far below (FFB)		
45-day screening	NR	Filed in 2nd grade. Areas of concern: social behaviors, academic progress, adaptive development, and hearing			
Home language survey	N/A	Filed in 2nd grade; form filled out by parent. Home language: Spanish			
State English proficiency results	Kindergarten: Basic/Inter. (initial); Inter. (Kindergarten spring); First grade: basic	Pre-emergent/ emergent	Basic	Basic	Basic
EL program placement	Enrolled in SEI or mainstream class during all grades.				
ILLP Plan for English language development	NR for K, 1st, 2nd, 4th, or 5th grade Spring 2017: Focus—foundational literacy skills (e.g., fluency, sentence production)				

Key: Not reported (NR); not available (N/A); Intermediate (Inter.)

Managing Uncertainty About Sebastian's (In)competency

Coming into fifth-grade, Libertad's staff had built a case for his special education candidacy. In this section, I lay out the two local zones which unfolded over Sebastian's fifth-grade year in as an illustration of classroom interactional processes through one literacy

event and staff's portrayals of his (in)competence. Occurring in a parallel manner (not one before another), the local zones were evidence to justify the possibility that Sebastian was a special education candidate. The first local zone focused on classroom discourses on behavior and learning and was based primarily on events, which took place in the classroom during Sebastian's first semester of fifth-grade. The second local zone is based on MTSS processes as an illustration of the behind the scenes work which took place across the entire year in the attempts to support Sebastian, and ultimately, to conclude the final decision about his special education candidacy.

Classroom Local Zone: Troubling Narratives of the Behavioral-Learning Pair

Walking into Sebastian's fifth-grade class, on most days, staff could easily miss Sebastian, a pattern I noticed in the final months of his fourth-grade year. On other days, due to emotional outbursts, he stood out. Emotional outbursts became a new pattern in fifth-grade, being that I did not witness emotive moments during the final stretch of the previous year. Overall, Sebastian continued with troubling behaviors from fourth-grade, described by his fourth-grade teacher as having "low stamina," and being "emotional" often putting his head down, not completing assignments, or refusing to work (X. Najera Interview, August 9, 2018; G. Varela Interview, August 14, 2018)

Emotive Episodes and Missing Learning Evidence. Resonating with Guadalupe's summary of Sebastian, after observing him a few minutes, it was understandable his academic struggles were related (and inextricably tied) to his behaviors. Frequently, Sebastian sat with his head down or stared across the room quietly; he often failed to complete expected work assignments. For instance, on many days, as the class engaged in completing language practices as the daily morning work, Sebastian spent most of

that time slowly settling in, being that it was the first assignment of the day. On many days, he failed to start his daily language practices, and by the time he got to work, it was time to move on to another lesson. Language practices were Guadalupe's "morning work," also known as "bell work," work, which lasted a maximum of 15 minutes daily. Morning work also did not involve Guadalupe's direct instruction. Students came into the class, started working on their own, and then as a class, along with Guadalupe's guidance, they corrected their sentences. Since most days, Sebastian did not come in and work, he spent most of his time preoccupied with preparing or finding materials to work. Since Guadalupe did not check every students' notebook, on many days, his incomplete work went unnoticed. On other days, Guadalupe noticed and told him he would need to finish during recess. Thus, Sebastian spent many of his recess days coming in to finish his work, something which he was "really good" at (Small Moment TVS, September 10, 2018). Sebastian usually remembered on his own that he had to complete an assignment and consequentially came in without complaints. Having to come in during recess was a trend that emerged in the first month of school. It was 30 days into the start of his fifth-grade year, and Sebastian was getting used to coming in from recess to complete assignments. Contrary to Guadalupe's perception, Sebastian shared his thoughts on the matter: he did not like to come in from recess on many days because he wanted to "have fun" (Small Moment SVS, September 10, 2018).

On many days it took Sebastian a long time to start working since he often found something to occupy himself with, such as playing with an object or leisurely taking materials out of his backpack. On many occasions, Sebastian had small toys, new pencils, or other objects he quietly played with, while the majority of students worked. At other moments,

Sebastian kept himself busy doodling in his notebook, playing with pencils or small objects, or fidgeting with something in his backpack. On numerous occasions, Sebastian's failure to work, and a/synchronous behaviors went unnoticed until he was caught by Guadalupe or other students. For instance, one day, he secretly ate Cheetos, holding his backpack on his lap, which preventing him from working until a student yelled out, "Oooh, Sebastian is eating Cheetos!" (Field Notes, September 20, 2018). On this day, Guadalupe asked him to put the Cheetos away. Other days, even though other students complained about other a/synchronous behaviors (e.g., not working, crying), she ignored his behaviors.

Teachers responded to Sebastian's different out-of-synch behaviors with a variety of responses. Understandably, many behaviors went unnoticed, so Guadalupe could not react to those behaviors. For example, on days when his behaviors were quiet and did not draw too much attention, Guadalupe discreetly redirected him to get back to the task at hand. On other days, Guadalupe reacted with more noticeable responses, asking him to put things away, telling him he needed to get to work, or asking him to step out into the hallway where she could have a private conversation with him.

On days Sebastian stood out and caught the attention of most individuals in the room, it was because he had an emotional outburst of crying, yelling, or physically doing something which made him stand out (e.g., throwing himself on the floor or putting his head down). For instance, one day, as students worked quietly, Sebastian suddenly started yelling for students to leave him alone (Field Notes, September 25, 2018). As I walked over to see what was going on since Guadalupe was in the middle of a small-group lesson, I eventually learned students were accusing Sebastian of stealing pencils from another class. After some investigative work, I learned some of the students at his table were quietly saying things to

Sebastian about taking pencils, to which he reacted with an outburst of crying and yelling. I tried to resolve the problem, asking students to leave Sebastian alone, and asking Sebastian what was going on, why the crying and screaming. As Sebastian was adamant that the pencils were from home (something which may have been true since he often brought new pencils or pens to school, along with other small objects), I found it difficult to resolve the problem. There was no way for me to prove whether or not the pencils were his or not and encouraged students to get back to work at the moment since they were expected to be working quietly. One thing stood clear, however; Sebastian could not get over the incident for the rest of the class that day. Instead, Sebastian responded with putting his head down for the majority of the class period, crying, as he sat and did not complete any work this day. On this occasion, as Guadalupe worked with another small group, she did and could not get involved in the incident. Alternatively, Guadalupe ignored his crying and yelling, leaving it up to him, and my help, to resolve his concerns.

Sebastian also reacted with emotional outbursts on days he said other students were calling him names, like "fat," or "crybaby" (Fieldnotes, October 5, 2018). Some days, Guadalupe noticed and addressed the behaviors; other days, the comments were made in passing (e.g., during transitions, from specials or to the next class). Further, during other moments, Sebastian walked from one class to another with his emotive stance, and staff and students reacted in varied ways. Since Sebastian frequently complained, some days, Guadalupe attempted to address the problem, reprimanding students to leave him alone, or having a private conversation with Sebastian or other students. On other days, Sebastian was not aware of other students' comments until somebody pointed them out. For example, one day, as I sat near Sebastian's table, Pedro came up to him and said, "You should have heard

what Noah said about you. He said you were fat, and he wishes you were dead." Since I caught on to Sebastian not hearing him, evident by Sebastian turning and responding, "Huh?" I motioned Pedro to stop his comments and redirected him to go back to his seat. As the only ethical thing I could do at the moment, I expressed my concerns and the incident with Guadalupe. Guadalupe proceeded to explain she sensed there was bullying going on. Students had informed her of others saying mean things to Sebastian, both in front of him and at times, while he was not present. Guadalupe concluded she would need to speak to the entire class while Sebastian was not present.

On this particular occasion, Guadalupe asked for my assistance to work on a project outside in the hallway, along with Sebastian so she could address the class, and he would not be aware that there was a whole class discussion about him. Apparently, during this week, not only were particular students bothering Sebastian, but during a recent absence, a substitute was "roasting" Sebastian, an alarming bit of information I learned. After learning the details of this substitute's unprofessional and unethical behaviors towards Sebastian, I wondered what had transpired while Guadalupe was gone and whether it was a sign of adults' impatience with Sebastian, an adult behavior his mother pointed out. This day, after working with Sebastian outside in the hallway for about 30 minutes, as we returned, having no clue what had happened, students were suddenly extra kind to Sebastian (e.g., student coming up to Sebastian, patting him on the back, saying hi). Ironically, Sebastian walked into the class with a smile on his face. He was happy he participated in a special project helping me. Sebastian had no idea what had just happened.

One occasion, while the rest of the class worked independently to complete an assignment, I observed Sebastian drawing in his notebook (Field Notes, November 12,

2020). This day as he hid his notebook to complete his drawing, when Guadalupe was not looking, on multiple occasions, he took it out to complete his picture. Eventually, Guadalupe caught him and redirected him to get to work. This day, Sebastian responded calmly, without complaining and quietly put his notebook away. I was able to catch a glimpse of his drawing, the head of a bird, which he only got to partially complete when Guadalupe asked him to put his notebook away. Later, when I asked Sebastian if he had completed that day's assignment during his viewing session after school, I was surprised to learn what he had accomplished. When I asked him about his work and mentioned I had seen him drawing something, he pulled out a beautiful and elaborate drawing of a bird, evidence that he had found a way to complete his drawing. While he may have had the entire day to draw it, I suspect it was completed during Guadalupe's class since the notebooks always stayed in her class. One thing was clear, though: Sebastian managed to complete an elaborate drawing in class; notably, he did not complete his writing assignment.

On other days, there were more apparent reactions and consequences related to Sebastian's emotional outbursts. For example, one day Sebastian was putting his work materials away at the end of the day (Field Notes, November 14, 2018). Putting things away typically took him a long time; for this reason, he was usually towards the end of the line. As Sebastian attempted to get in line, he walked toward the front of the line, and as he did, another student yelled out, "Short-cutting!" As Guadalupe directed him to get at the end of the line, Sebastian rushed to the back of the line and threw himself on the floor against the wall and started crying. Sitting on the floor, he started yelling for everyone to leave him alone. This day, Guadalupe calmly instructed the rest of the class to continue walking down the hallway to their next class as Sebastian carried on yelling and crying for the next five

minutes. Sebastian continued, propped up against the wall as his homeroom class left, and the next group came in. As the next class came in, turning to look at Sebastian, he drew more attention to himself, crying loudly. As Guadalupe returned from quickly escorting the rest of the students down the hallway, she calmly told him he had to go to his next class. Sebastian eventually got up and went on to his next class. I could not determine how the rest of his day went since he rotated from class to class.

Disconfirming Discourses on Learning and Behavior. I entered this study interested in examining the social encounters, which led Sebastian's teachers to draw conclusions about his competency, which ultimately shaped his special education referral decision (Mehan et al., 1986). Illustrating the social interactions which shaped and were shaped by such interactions contributed to the uncertainty regarding Sebastian's special education candidacy decision. Next, I present narratives of his interactions in the classroom, which produced accounts about his competency, both by Guadalupe and Sebastian, himself, over his first-semester in fifth-grade.

These narratives reflect oversimplified views of learning and behavior that missed complexities inherent in Sebastian's synchronous behaviors and outward emotional expressions. Also, the narratives offered disconfirming (and surprising) evidence of pre-conceived notions of his competency. Further, the accounts also demonstrated staff's limited attention to Sebastian's physical and emotional needs. I present the data to illustrate staff's thoughts about Sebastian, as well as documenting Sebastian's views of himself that aligned and contrasted with what others thought about him. In all, the interplay of multiple factors pointed to overlooked yet, significant factors which made it difficult to disentangle the root cause of his learning struggles.

Narratives from Sebastian's interactions in the classroom illustrated a puzzling pattern: Sebastian demonstrated out-of-synch physical and emotional behaviors, and they were affecting his learning (Mehan et al., 1986). For Sebastian, his behaviors became a notable dilemma, since in the classroom, he drew attention to himself as a result of his reactions, behaviors, and attitudes to himself and others. Further, because of the emotional tendencies, he was no often not able to complete work. These behaviors, in turn, became the narrative that characterized him as "emotional," "low-stamina," and forgetful. Notably, teachers echoed his parents' sentiments that they were concerned about his motivation since he struggled to work in school, and did not like school, not liking school, and was also forgetful. As evidence of the hidden transcripts which unfold in real-time, during class interactions within classrooms Erickson (2004) illustrates,

> Which particular aspects of identity – or particular combinations of them – will become salient within a given encounter is something that interlocutors point to behaviorally during the course of their interaction together and that others ratify in their reactions to the speaker of the moment (p. 149)

For Sebastian, his behaviors, conversations, and actions all pointed to narratives of puzzling and troubling behaviors, all inseparably tied to his learning, behavioral, and physical needs.

Adding to the uncertainty of Sebastian's struggles, observations in the classroom also pointed to the need to better understand the physiological factors impacting learning, motivation, and overall emotional well-being. I observed, on many occasions, it was difficult for Guadalupe to get Sebastian actively (and visibly) engaged in lessons; there was something about his physiological needs that contributed to his out-of-synch behaviors (Mehan et al., 1986). During one viewing session, Guadalupe summarized what it was like trying to get Sebastian to work, behaviors which related to socio-emotional and motivational needs which impacted his determination to work:

> I don't think it's ability; ability he can, it's more like stamina. It's so hard for him to pick up a pencil. It's so, it's like a physical struggle. Sometimes I see him and it's like physical, looking up, but you know, so it's I don't know if it's an emotional thing, I don't know how to explain it. All I can think of is like a person who is extremely depressed and the normal things that everybody else does is so hard for them. And I think, maybe it's not depression but it's like what's normal for everyone else, for him it's like if I'm asking him to lift 100 pound load. So if I'm sitting there pushing him, pushing him he won't do it; but won't do it without me pushing him. And even that, is a lot of effort on me so I don't know modifying. I keep thinking how am I going to modify? But then I don't want him to become where he needs crutches all the time. You know he's in fifth-grade, he needs to be more autonomous. (Personal Narrative TVS, August 27, 2018)

As Guadalupe explained, Sebastian's complaints connected to his physical and emotional needs, which somehow were affecting his learning and behaviors. For example, Sebastian frequently complained of physical exhaustion, hunger, sleepiness, or backaches, something I informed Guadalupe and his parents about when hearing of his frequent complaints. Since I saw one or both parents, when they picked Sebastian up after school from his viewing session, Sebastian's mother explained there was nothing wrong with him and that he had already been to the doctor. Notably, she added, since she was sick, she suspected some of his behaviors were learned behaviors from hearing her complain of her ailments at home. Evidence of some psychological outcome related to a physical ailment was evident one day as Sebastian explained how food made him feel, pointing out his "funny" look on video during one a viewing session:

> **Sebastian:** I did it again [chuckle].
> **Sarah:** [Laughter]. What's going on with that face?
> **Sebastian:** I'm tired from running outside [pause] on that day.
> **Sarah:** On that day? Okay.
> **Sebastian:** Or it was something I ate.
> **Sarah:** Something you ate?
> **Sebastian:** Yeah something I ate or I was running.
> **Sebastian:** Like [pause] I think it was 'cause I was still hungry or something.
> **Sarah:** Okay, because you're saying you're tired. Does something you eat make you tired?

> **Sebastian:** Yeah, if it's hot—like warm, it makes me feel sleepy. (Essay Writing SVS, November 15, 2018)

Similarly offering a physiological reaction to his emotions, during another conference, on the topic of organization in writing, Sebastian explained why he thought his feet were itchy. This day, as Guadalupe and Sebastian discussed how he might organize his writing after she explained he was going to focus on the big idea in his narrative, she sensed something was wrong by the look of discomfort on his face. After asking him what was going on, he explained his feet were itchy. During his viewing session, Sebastian elucidated me about the feeling of itchy feet, which stemmed from being bored:

> **Sebastian:** That was happening, my shoes were starting to get itchy.
> **Sarah:** Okay, is that something you want to tell me, that you were thinking, wondering, or feeling?
> **Sebastian:** I was feeling like itchy and I was kind of like, kinda like bored.
> **Sarah:** Ooooh.
> **Sebastian:** I felt bored when I was—to—ta—doing that.
> **Sarah:** Feet itchy. Bored of what?
> **Sebastian:** Feeling bored of something, like I forgot something or something you—or that I have to calm me or like keep me good, in a good mood.
> **Sarah:** Do you have something that helps you stay in a good mood or keeps you calm like you said?
> **Sebastian:** It's some type of toy, but, it's not actua—it's actually a toy, but I usually mostly use it like a thing to calm me down.
> **Sarah:** How do you use that? I mean, give me an example like when you use it. Like at home?
> **Sebastian:** No, like at school.
> **Sarah:** Okay, where do you use that at?
> **Sebastian:** At my desk. I like put it right here and like mess around with it, like—
> **Sarah:** Oh, so is it like a stick? Is it—what is it? Do you have it?
> **Sebastian:** No, it's some type of like stick figure, some figure like that almost like a human, but it's something like you can put a white thing right here on the little stick that sticks on walls or windows.
> **Sarah:** And how does that help you? Like what do you mean it makes you calm?
> **Sebastian:** Like if I'm too stressed out, I like get it out of my pocket and start like messing with it and stuff.
> **Sarah:** Were you feeling stressed?
> **Sebastian:** Yeah. (Organization WC, September 14, 2018)

Trying to get to the reason why he may have been feeling stressed, I continued to probe Sebastian about his behaviors and reactions. After asking him if he was feeling stressed during the conference and why he felt that way, he admitted he was feeling "like mad" from specials. Sebastian then explained he gets "annoyed so much" in specials since Santiago, another student, was always bothering him during specials (Organization WC, September 14, 2018).

In addition to Sebastian's physiological needs, Sebastian showed signs of resistance, evident in his statements about not wanting to work. Signs of resistance also resonated with Guadalupe's perception that he wanted to get away with certain behaviors, something she shared the summer after his fourth-grade year. Notably, these signs seemed to be related to physical ailments or expressions of motivation. For instance, during a conference when Guadalupe asked Sebastian about his language practices and reminded him how he needed to read particular parts, he shared his feelings about the assignments:

> **Sebastian:** Uh, I didn't feel like reading that cause—[pause]
> **Sarah:** You didn't feel like reading it?
> **Sebastian:** [Moves head; no, verbal response]
> **Sarah:** Why?
> **Sebastian:** Because I was a little tired that day, that time.

Wondering if he carried through with these signs of resistance, I queried a bit more, asking him if he had actually read the part Guadalupe instructed.

> **Sarah:** So did you read it?
> **Sebastian:** 'Cause if I didn't read it, she'll—I'll be in trouble.

Contemplating the pattern of physical exhaustion, I asked Sebastian why he was tired. He explained he didn't get to sleep very well because he did not have enough of the blanket and

was cold. Asking if he only had one blanket, he explained it was in the wash, so he had to share a blanket with his brother (Paragraph Writing WC, November 9, 2018).

Sebastian showed other signs of resistance or disinterest in working, a pattern established over the weeks. For example, on one occasion, as the class moved into independent work, Sebastian asked if he could finish typing his writing piece (Field Notes, December 10, 2018). I figured Sebastian was especially interested in typing since they had been working on writing out their essays on the computer for several days. Frankly, I was excited for his interest in working, being that most days, he did not seem excited about completing tasks, but using the computer to type his essay seemed more appealing to Sebastian. When Guadalupe responded there would be no time for typing that day, Sebastian reacted with a pouting expression, followed by putting his head down and then refusing to work for the next 10 minutes. This day, as Guadalupe continued to talk to the rest of the class, she walked by Sebastian and rubbed his back, to encourage him to focus on his assignment or the lesson. As Guadalupe walked away, I realized his work time might not be very fruitful; Sebastian would not be able to focus for the rest of the hour in class. Confirming my premonition, it was the case; Sebastian spent the rest of class time with his head down, upset, and not interested in working on anything else. Regardless of my coaching and attempts to coerce him to work, it all failed.

On another occasion, as Sebastian sat and stared at a wall, with his body completely turned away from the board, where he was supposed to be copying his language practices, Guadalupe redirected him to get to work and to write down the focus question. Starting to cry, Sebastian reacted by putting his head down, something which Guadalupe described as "Shutting down" (Field notes, October 18, 2018). This day, Guadalupe walked away, a tactic

she seemed to employ since once Sebastian seemed to shut down, there seemed no way to get him to work. Refusing to work, again, unfortunately, by the time he seemed to calm down, it was time for Sebastian to move on to the next class. Similarly, on another day, as most of the class worked quietly, Sebastian sat, not doing any classwork, staring at his nails. As Guadalupe walked by him, she asked him what was stopping him from working. Rather than responding to her question, he immediately put his head down and started crying. When Guadalupe seemingly ignored him, after about 10 minutes of having his head down, he eventually attempted to get to work. By then, it was almost too late; the next class activity was ready to begin. This day, as the class moved on, Sebastian struggled to keep up with the pace of the rest of the class. It was apparent he had missed the first part of the lesson, and consequentially (and understandably), he would only continue to feel lost.

On one occasion, during a student-teacher conference, Sebastian's behaviors also demonstrated an outward expression of resistance. This day, as Guadalupe helped Sebastian brainstorm about finding a quiet place to work, she told him he would need to work on the carpet alone. Immediately showing his disagreement towards her directions, he responded with, "No, I don't do good on the carpet, I don't even do my work on the carpet." Echoing Sebastian's parents' expressions of his "disobedience" in school, this moment signaled the inextricable ties to emotion and learning. More importantly, Guadalupe's next move pointed out the critical need to understand students' actions and behaviors. As Sebastian's tone and demeanor changed, evidenced by deep breathing and his voice pitch raising, as if he wanted to cry, Guadalupe caught on to his emerging emotional response. Demonstrating her awareness of what her response could escalate to if she insisted on him sitting where she instructed and focusing on his outward denial to sit where she instructed, Guadalupe

responded by asking him where he wanted to work. Sebastian then explained he wanted to sit by Alice. Eventually giving in and allowing Sebastian to work next to Alice, the conversation ended with his agreement to work and not be distracted, seemingly pleased he had an option about where to work. During the viewing session, he elucidated his wishes to work by Alice (who was sitting in a corner of the room), rather than working on the floor alone. Responding to my inquiries, the conversation unfolded as follows:

> **Sarah:** Why did you want to be where Alice was sitting?
> **Sebastian:** 'Cause nobody can be there and I could like be fidgeting around with the stick-bot.
> **Sarah:** Mmm, okay, but I thought you didn't want to sit by yourself?
> **Sebastian:** I did want to sit with someone, but if I sat with someone, I'll be like dah-dah-dah-dah, like messing around too much, and they would say, can you please stop? (Personal Narrative Viewing Session, September 17, 2018)

Demonstrating his awareness that he might be distracting others while working, after a few minutes, Sebastian admitted he did not realize Alice was already sitting in that space. He offered another bit of crucial information, evidence of socio-emotional processes at play, explaining, "I thought nobody was even there. And sometimes, whenever I'm stressed out, I look around the room, and I like think about happy thoughts. Like people be having Fortnite on their phone. I never played Fortnite."

Adding to narratives of uncertainty about Sebastian's behavioral and learning struggles were the narratives which aligned, and conflicted with what participants thought and expressed about each other. That is, Sebastian's perspective of what was taking place often did not align with Guadalupe's thoughts; it also worked the other way around since Sebastian's views did not always align with hers. On one occasion, as Guadalupe and I observed Sebastian painfully sit in silence and not respond to her questions, she shared her thoughts about his non-responsiveness:

> I don't know if he's just like being—or I'm like, are you pulling leg my leg here sometimes, cuz he's like—wait no, I didn't hear you. You know, his answers and comments are like—'cause he's so spot on sometimes and other times he just like, what? I have no clue what you're talking about, you know, I'm thinking, are you pulling my leg just to slide or you're waiting for me just to say, okay, then never mind, just—my—I'm gonna forget about you? Or he is really that confused, you know? Um, I don't know. (Small Moment TVS, September 11, 2018)

Guadalupe's concerns about Sebastian indicated she was puzzled at his failure to explain why he could not complete his work. Further, she went on to assume perhaps he was waiting for her to give her a response, suggesting Sebastian's resistance, inability, or disinterest in responding to her questions. Reacting to this precise instance in the conference, not knowing of Guadalupe's assumptions of possible resistance or the lack of motivation, Sebastian explained,

> **Sebastian:** When she said to read them, I was like—aw, I don't want to read.
> **Sarah:** Why?
> **Sebastian:** Cuz I'm ti—cuz I was tired that day.
> **Sarah:** Okay. Alright. So you were tired that day. Why were you tired if it was in the morning?
> **Sebastian:** I don't know, I just feel tired in the morning every day.
> **Sarah:** Yeah? Did you go to bed late? (Small Moment WC, September 6, 2018)

While he offered the possibility he was simply tired, Sebastian's following comments elucidated his thoughts were far from anything Guadalupe expected. Since Sebastian had been sitting in silence, and Guadalupe thought perhaps he just wanted her help, her next comments, and Sebastian's thoughts about her remarks were evidence of the distance between what both were thinking during a shared moment. This day, Guadalupe told Sebastian she needed to know what he was thinking and needed for him to respond since he sat in silence. The urgency in wanting him to respond was evident as she told him she could not get inside of his head to understand what he was learning. During the conference, this unfolded as follows:

> So if I say, okay, answer your focus question or do the work, those three things that proves to me that you are trying, because I see a bunch of nothing, so how do I know if you're learning? Like I'm not a wizard, I can't open your head and say, "Oh yeah, he's learning," no, right? I need evidence. Can you repeat to me what you understand? (Small Moment WC, September 6, 2018)

Sparking an explosion of thoughts on a wholly disconnected topic, Guadalupe was unaware that her comment triggered Sebastian to think about a seemingly unrelated issue. This day, as she continued the conference, Sebastian smiled during the viewing session telling me his mind had gone to another topic. Instead, Sebastian shared, he thought about the wizard in Harry Potter, of flying through the air, and a magic school (all events from the Harry Potter movie), yet Guadalupe thought he was simply "pulling her leg," waiting for an answer. Sebastian explained his silence:

> **Sebastian:** When she said, "Open my head" and she said, "I'm not like a wizard, it's not like I can open your head," and like sa—and like see —she reminded me of Harry Potter.
> **Sarah:** Okay. You were thinking of—so you were thinking about Harry Potter
> **Sebastian:** I was thinking of Harry Potter, I was thinking about something in my head.
> **Sarah:** Did you tell her?
> **Sebastian:** [Moves head; no]. (Small Moment SVS, September 10, 2018)

Sebastian's expounded on his justification that he was thinking about Harry Potter, which made him think about an entire event from the Harry Potter Movie. Consequentially, since his mind was on another topic, he responded to Guadalupe's question with "Hm?" which suggested he did not hear her. After I asked him why he had not answered and whether it was because he could not hear her, because he had responded with "Hm?" he explained what had taken place that day:

> **Sarah:** You couldn't hear her or is it 'cause you were distracted, your mind went to Harry Potter?

> **Sebastian:** Well, I couldn't hear her and I was distracted.
> **Sarah:** Hm.
> **Sebastian:** So it was both. And I was like feeling good, too, like I was in Harry Potter.
> **Sarah:** You were what [chuckle]? Feeling it? Wow, like you were there? So what were you feeling?
> **Sebastian:** Like I'm on a broomstick with a magic wand, and the Z right here, something like this, and glasses, and I went to this like magic school. (Small Moment SVS, September 10, 2018)

As Sebastian's responses to Guadalupe's questions were frequently silence, on other days, he explained his wandering thoughts were on topics unrelated to the task-at-hand. In another example of Sebastian's non-responsiveness to Guadalupe's questions, she asked him what his overall thoughts were about writing expository texts, asking him, "Stop and think, what have we been doing… in order to write this essay?" After viewing himself sitting and giving her a blank stare, not responding to her question, Sebastian justified his silence. This day, he pointed out, something I had not noticed, he stared directly into the camera, explaining:

> **Sebastian:** I don't if you saw me looking at the camera
> **Sarah:** M-hm
> **Sebastian:** I thought it was a camera that my mom was watching me through.
> **Sarah:** Well, what made you think about?
> **Sebastian:** Don't you remember when I told you like--? That the report cards? It felt like the wh—thing was uh a place or something.
> **Sarah:** Were you worried, Sebastian, or what's going on?
> **Sebastian:** I was worried…Don't you remember when I told you like--?
> **Sarah:** What were you worried about? You said grounded, is there something else? What happens when you get grounded?
> **Sebastian:** I don't get to touch my phone for a month. (Paragraph Writing SVS, November 16, 2018)

While Sebastian's concerns over grades appeared to be an off-topic comment, Guadalupe confirmed he had received all F's on his report card, with the exception of his special area classes. Further, while Sebastian justified his unresponsiveness and seemingly legitimate concerns (to be concerned about being in trouble for "bad" grades) to me, Guadalupe's

confirmed she had no idea what was actually on his mind that day. Instead, Guadalupe shared her thoughts about his actions, again, offering the possibility that he was just waiting for her to give him an answer:

> I think he's waiting for me to tell him, and I didn't want to tell him. You know, if I wanted him to make it up, but's like he doesn't know what to do or how to act, you know, in order to finish in time. So if I say write a sentence, that he actually, at least begun the sentence, you know, so he's like, um, no just tell me what to do. And then sometimes he does it, sometimes he doesn't, but he wants to be constantly told, and I was like, no, you have to, so that was my goal for that. (Paragraph Writing TVS, November 26, 2018)

Echoing her beliefs of Sebastian's a/synchronous behaviors and learning outcomes, her observations pointed to the uncertainty about his struggles and competency.

Guadalupe expressed her frustrations about Sebastian not producing work; she also shared the surprises. This day, she also illustrated her sentiments about his inconsistent behaviors during a viewing session, which at times disruptive the pre-conceived notions she had of his (in)competency. During a viewing, session Guadalupe illustrated:

> He doesn't produce and he will sometimes, like when I'm talking to him, talking and talking. [His response is] I don't know, I don't know, I don't know. And then he gets tired of me and then he'll say like the whole sentence that I was intending. So it's like, you do know it! Then why am I wasting all this time explaining? He's like, okay, shut up now, blah-blah-blah, and then he'll go back. (Essay Writing TVS, November 26, 2018)

While Guadalupe pointed to motivational factors, her statements made it clear she was puzzled and searching for an explanation. Especially in moments when Sebastian seemed to be attentive and engaged in the lesson, then suddenly disinterested, she was especially troubled. During one conference, Guadalupe met with a small group of ELs. They were all struggling with the note-taking and gathering non-fiction information from a <u>video on plastic in the ocean</u>. This day, as students offered responses about the types of pollution that were most damaging to sea life, students offered many replies, all from the video. Notably, the students left out one important object that nobody pointed out—foam—was also a type of plastic killing sea life, yet nobody mentioned it. During his viewing session, Sebastian asked me if I heard the word foam in the recording. Not hearing what he was referring to, I told him I did not catch anyone mention foam. Sebastian then explained that nobody heard him since he was not wearing the microphone, seemingly bothered by that. He then offered

an elaborate response about the information he had gleaned from the video—a much more detailed reply about foam in the ocean—one which elaborated on his quiet response during the small-group conference. Whereas during class, he explained the main idea of the articles was "To save the wildlife," during the viewing session Sebastian offered more than what he had shared in class, tying it to a personal reaction:

> **Sebastian:** If you didn't know, I think I can hear someone saying foam, that was me. It's just 'cause I didn't have the mic.
> **Sarah:** You were saying foam?
> **Sebastian:** Because that's one of the things they eat in the garbage patch.
> **Sarah:** Foam?
> **Sebastian:** Some fishes go to it, like try to bite it and that's what's in some of our fish. Now I'm really never going to be eating fishes.
> **Sarah:** Why?
> **Sebastian:** 'Cause the foam.
> **Sarah:** Oh, and that's how they get sick?
> **Sebastian:** Yeah, that's wh—that's how they die! (Notetaking WC, October 19, 2018).

Further, during this viewing session, Sebastian highlighted his comment on seagulls, explaining, "When I said the seagulls were dying, I knew it 'cause the mothers got like food for them but they might have got some of the plastic and gave it to them" (Notetaking WC, October 19, 2018). Surprised by Sebastian's responses during the small-group conference, Guadalupe pointed out an assumption she had made about him, "So, Sebastian, it looked like you weren't paying attention but you were; you got pretty good bits of information from the video, something I was paying attention to" (Notetaking WC, October 19, 2018). Offering the possibility that his response disrupted Guadalupe's thoughts of his (in)competency, these observations also contributed to the uncertainty about his learning and behavioral struggles. When I asked Sebastian about how he felt about Guadalupe's acknowledgment, he responded that he felt happy. When I asked him why he felt happy, he

replied, “Because I forgot I knew that,” evidence of the doubts about himself (Notetaking SVS, October 22, 2018).

Adding to the uncertainty which characterized thoughts of Sebastian’s competency was a significant observation. Staff’s perceptions of Sebastian’s a/synchronous behaviors and (in)competency aligned with Sebastian’s thoughts about himself. During one student-teacher conference, Guadalupe asked Sebastian about his missing assignment. As she probed him about where his written response was, Guadalupe flipped through his writing notebook looking for the page where he completed an expected work assignment. Finding no completed work, after asking him where his work was, he answered, “Cause I don’t do my work in class sometimes” (Small Moment WC, August 23, 2018). Notably, it was the third week of school, and Sebastian was making negative statements about himself. As she continued to point out other missing examples, Sebastian’s demeanor seemed to change as his shoulders stooped. When Guadalupe asked him what was stopping him from completing assignments, Sebastian responded, “I don’t know what’s stopping me.” Sensing his low morale, she seemed to change her tone, telling Sebastian she was only trying to help him, and for that reason, she was asking him for his work:

> What I’m trying to say is, I’m trying to figure out and help you so that way when I go through your notebook, the stuff that needs to be in your notebook is in your notebook. So why are the things that need to be in the notebook missing? (Personal Narrative WC, August 23, 2018)

Responding with, “Because I am not paying attention sometimes,” Sebastian’s third response was a reflection of several thoughts about his work. First, he was aware he did not complete assignments. Secondly, he did not know what was stopping him from completing tasks. Third, he was aware he did not pay attention sometimes. Turning to Guadalupe’s thoughts

about his comments, during the viewing session, she summarized her thoughts about Sebastian:

> He's really quick to say negative things about himself. He's like, "Oh, I don't know why I just don't get my work done," or "I'm terrible at whatever it is." He's ready with the negative about himself. So I'm trying to my day goes through with him to feed positive thoughts, "Okay, so what are you going to do now? You did something," maybe even if it was just like a smidgen of what he was supposed to do, so he can actually go onto the next part. I don't know if he's just so used to be like the bad kid or he's so used to being the one that doesn't do anything, that you know. Like when we were talking, he's like "Oh well, I just don't finish my work," and it was like so scripted, I just thought he's so ready with those words that to me are teacher words, you know. (Personal Narrative TVS, August 27, 2018)

Echoing negative remarks about himself, later during the same personal narrative writing conference, Sebastian told Guadalupe he did not know what strategy she was talking about. During his viewing session, Sebastian stopped the video and explained, "When I said I didn't know, I really didn't know," suggesting Guadalupe did not believe him that he did not know or could not remember the strategy. Similarly, during the next student-teacher conference, as they conversed about a revision strategy, to add dialogue to a personal narrative, Sebastian justified his comment. This day, after Guadalupe asked him what dialogue was, he explained, "I really don't know what dialogue is" (Personal Narrative WC, August 23, 2018). Addressing his lack of knowledge about dialogue as a revision strategy, she spent the majority of the conference time helping him find examples of dialogue in texts. Interested in Sebastian's understanding of dialogue and how he might apply it in writing, this day, I revisited the segment on the video to ask him what he understood about dialogue. This day, the conversation between Sebastian and I unfolded as follows:

> **Sarah:** You told me that you thought dialogue was when you fix something that's not right. Are you still thinking that?
> **Sebastian:** Yeah, but I just barely knew that today.
> **Sarah:** You barely knew that today? Okay.
> Sebastian: And I'm still thinking of it. [silence]

Sarah: Okay.
Sebastian: Oh my—why does my back hurt?
Sarah: Okay, anything else you wanna say? (Personal Narrative WC, August 23, 2018)

Hoping he might catch on to his incorrect response after I noticed he did not pick on this and sensing he might shift the topic of conversation by bringing up his back hurting, I chose to tell him the correct answer. Clarifying he was actually paying attention, our conversation continued as he explained, "I was actually paying attention when she was talking about dialogue, too," to which I questioned, "Today? So you were listening when she was talking about dialogue?" Aware that Guadalupe has asked students to tape an explanation into their notebooks on editing and dialogue on for another lesson, I asked Sebastian to get his notebook so I could help clarify the difference. Being that he was getting the terms dialogue and editing confused, I attempted to explain, and our conversations unfolding as follows:

Sarah: What do you—we edit for?
Sebastian: You might make a mistake on your draft. So editing is for when you make a mistake and you can fix it?
Sarah: Yeah. Is that what you were thinking about when I asked you about that?
Sebastian: Yeah, m-hm. No, I thought you were talking about dialogue.
Sarah: So what is dialogue?
Sebastian: When you make a mistake. (Personal Narrative SVS, August 24, 2018)

Observing Sebastian's confusion with the terms, I decided it might be best to share my observations with Guadalupe as I, once again, attempted to clarify for Sebastian the differences between the two. As I shared my comments with Guadalupe during her viewing session, she pointed out her observations, a developing portrait of Sebastian's competency. Understandably, she believed he often did not know since he frequently did not pay attention in class. Notably, for the day's lesson on dialogue, she illustrated what often

happened in class as an explanation about why he usually did not know the responses to answers:

> Sometimes everybody's facing, let's say the center, and he's just kinda, you know, looking in the opposite direction. And it's little things like that that are happening, those little mini episodes where I have to snap him out of it. (Personal Narrative TVS, August 27, 2018)

Resonating with Guadalupe's perceptions of Sebastian's negative depictions of himself, during one conference, it became evident Sebastian had low expectations about himself. This day, Guadalupe summarized the class expectations (to complete work) during a conference on personal narrative writing. She explained she expected him to find a quiet place in the room to work where he could complete his assignment independently. As the conversation unfolded, it was evident Sebastian had doubts about being able to produce the assigned essay on personal narrative writing. This day, Sebastian explained he might be able to work, but doubted it he could accomplish it if he sat next to someone who distracted him:

> **Sebastian:** I could write it next to someone, but it's just that if they're too- they're talking
> too much, I can't do it. So you could put me next to someone that doesn't talk too much.
> **Guadalupe:** Okay, then I will trust that that's what you're going to do, okay?
> **Sebastian:** And if I don't—
> **Guadalupe:** Well let's not go into consequences, yet. I'm gonna trust that you're going to actually do that, okay? Because you're giving me your word, right. So I'm gonna have you start from here to there, okay? I want you to fill in from here to here. So your goal for today is to do your quick write. Okay. So your quick-write is your personal narrative, that small moment we've been talking about. (Small Moment WC, September 10, 2018)

Highlighting Sebastian's low expectations of his ability to work, Guadalupe attempted to emphasize that she believed he could work. Unfortunately, regardless of Guadalupe's aim to be as positive with Sebastian, encouraging him over the weeks, the "underlife" of Sebastian's

fifth-grade experience revealed another story (Goffman, 1964; Lemert & Branaman, 1997, as cited in Erickson, 2004, p. 144). In turn, the culmination of such narratives led to descriptions of his (in)competence, evidence that staff needed to provide far-reaching schooling options to address his learning and behavioral struggles.

Next, I turn to MTSS behavioral narratives of his fifth-grade year, the events that unfolded behind the scenes of what was visible within the classroom. It was these structural decisions and activities which determined Sebastian's special education candidacy no longer continue, at least, momentarily. Instead, staff concluded his academic and behavioral needs might be better addressed by a more drastic measure, repeating fifth-grade.

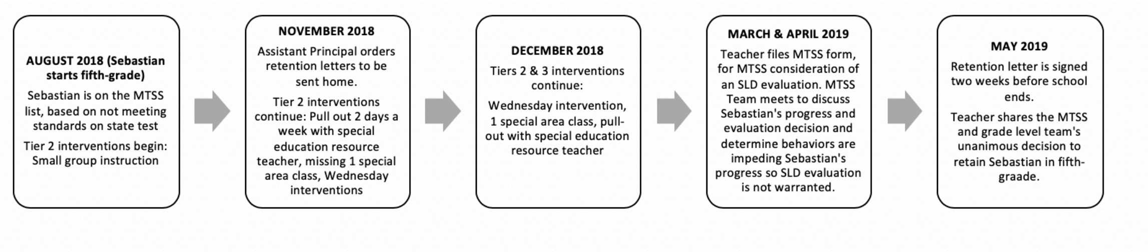
MTSS Local Zones

MTSS Local Zones included evidence of Libertad's behavioral and academic processes, which supported Sebastian's special education candidacy. Based on behaviors, teacher narratives, and interactional processes in the classroom, the data offered evidence which justified an LD evaluation.

I begin with historical artifacts from fifth-grade, which demonstrated how staff addressed Sebastian's behavioral needs through Libertad's schooling and MTSS processes. In this section, I describe the cultural and structural mediators which cast doubts upon his learning and behavioral struggles—that staff could not disentangle learning from his behaviors—evidenced of staff beliefs that behavior and learning are separate. Combined, the influences contributed to the conclusion Sebastian might be best served by retention in fifth-grade, rather than the possibility of an LD classification. See Figure 11 for a six-year overview of Sebastian's fifth-grade MTSS processes and special education candidacy route.

Figure 11.

Sebastian's Special Education Candidacy



Behavioral MTSS: Missed Opportunities

In this section, I illustrate Libertad's structural and cultural mediators, which drove Sebastian's special education candidacy (temporarily) to a halt. This decision came from staff's belief they could better address Sebastian's behavioral and academic needs by having him repeat fifth-grade rather than evaluate him for an LD. Notably, the decision was driven by the belief they could not address his learning struggles without attending his behaviors first, ignoring the inseparable ties of learning and behavior. In this local zone, I demonstrate the institutional failures which clouded Sebastian's special education candidacy. Next, I present Sebastian's behavioral interventions as limited to staff's missed opportunities to address Sebastian's behaviors through Libertad's MTSS framework.

Sebastian's behaviors in the classroom, characterized by emotional outbursts, demonstrated he needed specialized interventions for his behavior. Remarkably, I did not find any evidence of Sebastian's Tier 2 or 3 interventions for behavioral support other than what Guadalupe offered in the classroom and the protocol established for all students (e.g., student planner for warnings). Guadalupe provided extra supports in the classroom, such as delivering one-on-one instruction, providing alternate seating arrangements, assigning a special place to store his materials, and modified class and homework assignments. For example, Guadalupe shared during a viewing session her tiered support which included

reducing the number of responses he had to produce on particular assignments. Each day teachers expected students to complete three sentences for language practice, as a part of the school-wide initiative to adhere to the state's restrictive language policy. Rather than having to complete three, Guadalupe was pleased if he could complete one. What was troubling, however, was that Sebastian's behaviors stood out more than most of the students in his class, yet, he had no individualized plan. There was no check-in/out behavioral plan available for him, although other students had such Tier 3 support, a school-wide practice, according to the district website (Field Notes, September 5, 2019). Regardless of the troubling behaviors which suggested he needed specialized intervention, Sebastian participated in the school-wide tiered intervention framework alongside all other students. Based on positive behavioral interventions and supports (PBIS), Libertad's used a system which incentivizes students for positive behaviors. Ironically, while the school's Tier 1 focuses on positive behaviors, during the first half of his year, positive outcomes were rarely the case. After five months of school, Sebastian did not qualify for an incentive day. Due to Sebastian's out-of-synch behaviors, he did not meet the requirements for participation in the grade-level movie day until the middle of the year since, throughout the semester, he had too many "steps" (or warnings) in his planner.

Ironically, Libertad's attempts aligned with Sebastian's mother's perspective that staff needed to be positive with Sebastian through rewarding him or pointing out positive behaviors. Further, Libertad's staff overlooked the possibility of an individualized plan where positive behaviors might be recognized more frequently. Rather than waiting until the end of one semester to reward students for positive behaviors, more frequent check-ins might have offered Sebastian more opportunities for success. Paradoxically, Libertad's staff

overlooked a possibility Sebastian's mother suggested the summer before his fifth-grade year, sending home a daily report with a sticker to indicate his behaviors for the day where she could incentive him at home for positive behaviors. Evidenced by her example of books she read on dealing with children's actions, she had offered his second-grade teacher the idea of keeping track of wanted behaviors, noting them on a tracking sheet. She did not ask for staff to do anything else; she just asked them to keep track and would take care of rewarding him at home for good behaviors. Unfortunately, it was a failed plan, and Sebastian continued his struggling journey—a missed opportunity to help him deal with a/synchronous behaviors.

Libertad's rigid views of behavior also made it challenging to consider alternate solutions for Sebastian. For example, Sebastian often complained his back ached, and while his mother explained there was nothing wrong with him, Libertad's behavioral expectations suggested there were few options. For example, staff expected students to sit up (SLANT), while others were speaking to them. For Sebastian, it was often the case that he was not sitting up or demonstrating the indicated behaviors required by all students. Also, it was a problem Sebastian did not track the speaker when talking since he often had his head down. To address this concern, I witnessed many times when Guadalupe would provide subtle reminders about the need to listen as she provided direct instruction to the whole class. For example, as Sebastian often sat with his head down, apparently not listening, Guadalupe often walked by him and gently touched his back, making a rubbing motion. Many times, Sebastian would sit up and to listen. During other moments, he continued with his head down. The personalized support she offered to Sebastian, although it was evidence of her noble efforts, was not sufficient. Since Guadalupe's class was one out of five classes

Sebastian attended each day, in addition to one special area class, her interventions were only one (very small) slice of his day. Staff's failure to meet and collaboratively address his behaviors across his learning day through Tier 3 support across all of his classes, was evidence of the institutional shortcomings at Libertad—a missed opportunity—and something Sebastian also desperately needed.

Academic MTSS: Structural Inadequacies and Powers

In this section, I illustrate the uncertainty surrounding Sebastian's academic support through Libertad's MTSS academic framework. I present this MTSS local zone as a demonstration of institutional failures, structural and cultural forces, which drove Sebastian's special education referral to a halt and the decision to retain him in fifth-grade. These institutional gaps and forces, regardless of the inconsistent practices and conflicting beliefs related to Sebastian's learning and behavioral needs, were evidence of the institutional failures which determined his special education candidacy route. Next, I present an overview of Libertad's MTSS efforts to address Sebastian's learning struggles limited to Tier 2 support and what Guadalupe did in class to support him, due to the missing structural supports to address his learning needs.

As with all students not performing at proficient levels on standardized assessments, Sebastian was inducted into Libertad's MTSS Tiers 2 interventions early in the year. For Sebastian, however, there was missing a key piece: Sebastian's Tier 3 support was only visible from what Guadalupe offered in her class, such as through scaffolding, one-on-one instruction in the classroom, modified class and homework assignments. There was no evidence of the structural support available for other students, such as the collaborative and systematic Tier 3 support, such as the possibility of having him attend one-on-one support

with the special education teacher. Instead, Sebastian participated in Tier 2 academic support through the systems established for those who needed small-group instruction, such as missing one special area class for extra support or Tier 2 interventions where teachers grouped students for additional reading or math support on Wednesdays. As school-wide Tier 2 interventions, Sebastian participated in Wednesday intervention day, where he joined others in small-group instruction for math or reading, along with students who performed at similar levels. Further, Sebastian only participated in one special area class each day. Most other students not participating in Tier 2 interventions attended two special area classes four days a week. Missing one special area class most days of the week, Sebastian spent his time participating in small-group instruction provided by instructional support staff (e.g., reading coach or instructional assistants) in other classrooms, alongside other Tier 2 participants. In the classroom, Guadalupe attempted to address Sebastian's needs by scaffolding for him when possible, as she worked with him in small groups or through student-teacher conferring sessions, or the support of peers or other adults.

While there was no evidence of Tier 3 support outside of Guadalupe's classroom, near the middle of the year, it became apparent Libertad's staff held conflicting views of learning and grading students. For example, during one viewing session in late November, Guadalupe expressed her dissatisfaction with the retention chronicles, which recently crept into the school, a recent leadership directive. Whereas Libertad's staff rarely retained students in previous years, this year, there was the possibility failing grades could produce a retention. Guadalupe shared this one day after a grade level meeting when she learned the assistant principal made a declaration that students could no longer receive Fs with no further action. According to the assistant principal, if a teacher assigned an F on a report

card, then the teacher needed to take action to address the F. In this case, since Fs were a signal that the student was failing, then a retention was the most logical response, hoping failing grades would be taken seriously. As opposed to other years where Fs were given out, and then nothing happened with the failing grades, staff would be required to warn parents that teachers could retain their child that year. During a viewing session one day after school, Guadalupe explained the assistant principal's directive to send out retention letters, something she did not agree with,

> We got a notice from Zachary asking me how many students in the whole grade level got F's so I had to ask everybody, did you give so-and-so an F? So I guess this year, Zachary wants us to send a letter of detention, or retention, I don't know what the word is. Retention, to retain them, so like a letter to the parents, if they got multiple F's on a report card. (Essay Writing TVS, November 26, 2018)

Suggesting teacher decisions were subject to global constraints, Guadalupe expounded on her thoughts on retention, evidence of an institutional force mediated by the interplay of cultural and structural influences, taking away from teachers' professional opinions and decisions:

> Yeah, they have to get a letter of retention, which I don't agree with. So hopefully it's just a letter, you know, like come on—so I'm going to meet with Zachary and see what he says. I was like what? This is new to me, but you know that's what she said. Basically, Zachary was just tired of teachers giving F's and then do nothing. (Essay Writing TVS, November 26, 2018)

Guadalupe then concluded, perhaps for Sebastian, it was "A different case, though, but at the same time, well, maybe he needs that," inserting her disagreement with retention. Perhaps, she added, the retention letter was a threat, "I wouldn't retain them, but maybe he needs that scare to be like, hey!" (Essay Writing TVS, November 26, 2018). Suggesting perhaps a scare would help Sebastian realize the severity of school work and grades, Guadalupe chuckled at the thought that maybe it might motivate Sebastian to work.

Sebastian's Tier 2 interventions and the limited Tier 3 support Guadalupe offered in her class continued into the second semester of his fifth-grade year. Sebastian was a Tier 2 participant through tiered supports available to students through school wide-efforts. As her efforts to provide Tier 3 instruction, such as strategies she used in the class, Guadalupe applied tiered intervention supports such as conferring with Sebastian one-on-one or giving him modified homework assignments. Further, there was no evidence of Tier 3 support, such as having Sebastian receive one-on-one instruction by visiting the special education resource teacher's classroom twice a week as other Tier 3 participants benefited.

It was not until March, Guadalupe informed me the MTSS team would meet to discuss his progress. Thus, nearly three-quarters of the year completed, meeting every six to eight weeks to discuss Sebastian's progress finally became a reality for Sebastian. As such, in March, Guadalupe was asked to submit an MTSS form to consider the possibility of an LD evaluation. At the same time, as Sebastian's retention came closer to reality, Libertad's team finally seemed to take action to address the possibility staff could evaluated him for an LD classification due to his academic struggles.

Adding to the uncertainty of Sebastian's learning and behavioral struggles, Libertad's MTSS form, filed for Sebastian during the spring semester of his fifth-grade year, became evidence which cast further doubts on his special education candidacy. Summarizing the tiered support Sebastian received during his fifth-grade year, the form reflected staff's attempts to respond to his academic and behavioral struggles. According to the 2018-2019 MTSS Team Referral Form filled out for Sebastian by Guadalupe, his academic concerns as "not working at grade level in all content areas. Struggles starting and completing tasks… he cannot manage his own focus on a task." Tying academic work to behavior, Guadalupe

explained his behavioral concerns as "Needs constant feedback. He gets excessively frustrated with content or volume of work expected at this grade level (even with modifications). Throws fits and tantrums. Mood fluctuations from day to day." Last, Guadalupe noted reasons for Sebastian's emotional/social concerns as "He gets angry/frustrated easily. Summarizing the behaviors I observed throughout his fall semester, which seemed to escalate over time, Guadalupe documented, "He gets angry/frustrated easily. Lashes out by yelling and throws tantrums. He is naïve and immature gets his feelings hurt easily. He has difficulty making friends." Required to list student strengths, Guadalupe wrote: "Sebastian works very well when tasks are chunked and is able to focus on one task/goal at a time and given extra time to work." Ironically, Guadalupe also described him as "A people person and listens to his classmates' needs and wants" (Field Notes, April 15, 2019).

Casting uncertainty on the root cause of Sebastian's struggles was also evident in personal information provided in his MTSS form. Evidence that Sebastian's behaviors might be related to other factors was notable on Sebastian's MTSS form, something which resonated with other sources of data. Sebastian's MTSS form indicated the parent was "neutral" when receiving information about the students' struggles, and the parent stated she had multiple personality disorder and schizophrenia. Resonating with comments made during the family interview, Sebastian's mother mentioned she was ill when her children were younger, so they spent lots of time with their grandmother. Her comment also echoed with her explanation of Sebastian's physical complaints. One day after a viewing session, I mentioned his complaints to his mother as she picked him up. His mother clarified he had learned behaviors from her since she was ill and suffered from back pain for many years.

Also previously concerned about his physical complaints, she had taken him to the doctor—and there was nothing wrong with him. Markedly, Sebastian's MTSS form also stated he was very "affected" by his mother's depression with no explanation about that statement (Field Notes, April 15, 2019). Notably, nothing was ever mentioned about this by any of Libertad's staff, an indication of ignored sociocultural factors that might be related to Sebastian's behaviors.

Sebastian's MTSS Form was also written documentation of Guadalupe's attempts to address his learning struggles in class. For instance, Guadalupe stated, as a universal intervention or accommodation (given whole group), she gave Sebastian "Extra practice and time, step-by-step directions, partner reading, time away, teacher one-on-one for context clues, scaffolding, modification of assignments, multi-sensory instruction, and one-on-one language experiences," all activities I witnessed on a day-to-day basis. Evident in her descriptions, for every day I observed in her class, I witnessed one or more type of intervention/accommodation, evidence of her attempts to address Sebastian's struggles on a daily or weekly basis (Field Notes, April 15, 2019).

Late in the year (the last month of school), Guadalupe shared the team's decision to retain Sebastian in fifth-grade rather than evaluate him for the possibility of an LD, bringing his special education candidacy to a halt. Thus, Xochitl and Guadalupe's inklings that Sebastian might have an LD due to his academic struggles were no longer pursued. Instead, Sebastian would continue within Libertad's behavioral MTSS Tiers 2 and 3 to help him cope with his emotionally-laden tendencies. The MTSS staff agreed they could best meet Sebastian's needs by having him repeat his grade level since he was not performing at expected grade-level standards in any of his academic courses.

The decision to retain Sebastian and the narratives which surrounded that decision was also an indication staff believed they could not address his academic needs without addressing his behavioral needs first—evidence of the belief that behavior and learning are separate—something which resonated with Libertad's MTSS processes as existing as separate entities. Evident in two separate MTSS teams, one for behavior, and one for learning, this pointed to an institutional gap, the lack of training for staff to understand learning and behavior are inseparable.

Rather than evaluating Sebastian for possible LD, the MTSS team also concluded Sebastian would continue in Libertad's MTSS Tier 2 and 3 support into the next year. According to Guadalupe, the MTSS team attributed Sebastian's struggles to a "maturity thing and learned behaviors," which they could address through modifications and accommodations the teachers (themselves) would provide through "just good teaching." The team determined his struggles were behavioral and could be addressed by the behavioral component of the school's MTSS process (V. Sheeran Interview, January 17, 2019). The team also determined they could meet his immediate needs by attention to his behaviors with the support of other staff. The MTSS team decided Sebastian would work with the school's social worker to control his "over the top emotional stress," which "stops him from production" (Field Notes, March 23, 2019). Also, the team believed the social worker might be able to address bullying concerns since other students "bother/bully him also and feed into his shutdowns" (Field Notes, March 23, 2019). Guadalupe summarized her thoughts about Sebastian's behaviors upon learning of the team's decision not to test him for an LD, and their decision to address his behavioral concerns, "He needs to learn how to

handle/interact with peers, so they quit picking [on him] and taking advantage of him" (Field Notes, March 23, 2019).

The decision to retain Sebastian, however, was not agreed upon by all. Guadalupe disagreed with retention, sharing, "I voted against it [retention], but it was a majority vote" (Field Notes, May 13, 2019). This resonated with her sentiments as expressed in November, that the assistant principal directed staff to send home a retention letter, something she differed on. Ironically, while Guadalupe voted against retention, since she was Sebastian's homeroom teacher, the assistant principal asked her to fill out the district's retention paperwork, an indication of structural forces that undermine teacher's professional decisions. Additionally, this institutional move also suggested Libertad's MTSS framework was not completely bottom-up approach, as portrayed by school staff. Notably, his retention letter was dated the two weeks before the end of the school year signed by Guadalupe, regardless of her thoughts about the retention. Paradoxically, while the retention was a result of multiple Fs, across academic subject areas, it was also a reflection of the structural forces that may have also mediated his academic outcomes. Since the school's move towards departmentalization for the past two years, students rotated to different teachers for different subject areas. Consequentially, all the Fs which tainted his report cards were grading results (opinions) of multiple individuals, yet school leaders asked Guadalupe to fill out and sign his retention. Thus, in the last month of school, Guadalupe documented Sebastian's schooling history indexed by the number of years in attendance in the district, school, the number of times transferred, EL program placement, whether or not he attended kindergarten, and if staff had previously retained him. This retention form, a new piece of historical evidence of Sebastian's schooling troubles, would be a new piece to be added to

his academic learning profile, the school's records. As such, for Sebastian, repeating tiered interventions, grade-level curricula, assessments, instructional practices, among other schooling processes for the second time, might address his learning and behavioral struggles. Whether or not Sebastian's behaviors change and whether he demonstrates the behaviors that will stop others from bothering him, is yet to be seen. The same goes for how he performs (behaviorally and academically) as a fifth grader, for the second time around. Only time will tell.

Cross-Case Analysis

Evident in Pedro and Sebastian's stories, a special education referral decision was not a clear-cut, straight forward path. First, their trajectories took different turns; for Pedro, staff believed special education services through an OHI classification was a beneficial alternative. For Sebastian, his special education classification, if any, will remain in limbo, at least for now. In the meantime, Sebastian would have to repeat fifth-grade, an indication of staff's beliefs that retention would solve his learning struggles.

Reviewing their cases carefully, I noted similarities and a few differences since both had similar schooling histories (e.g., EL status, SEI support classroom, MTSS Tier 2 and 3 participants). Next, I describe the factors which I believe led to their distinct educational trajectories, evidenced by multiple similarities in their histories plus one key difference, which I believe was the impetus to evaluate Pedro for an LD classification.

Similarities

Academic and Linguistic Struggles

As I explained in students' individual cases, their educational trajectories were similar. Both students attended Libertad for multiple years, although Pedro attended since

kindergarten, and both were classified as ELs. At the end of their fifth-grade years, both students demonstrated stagnant L2 status and low academic performance. They both continued in their classification as basic speakers of the English language, according to proficiency evaluations. Further, they both continued to perform in the lowest category of academic performance, known as minimally proficient on annual state standardized assessments. Additionally, after completion of the study, both were still classified as basic speakers of the English language, according to English proficiency evaluation results.

For both, across the years, the historical residue left by their yearly outcome reports (e.g., grades, state assessment results), supported the statement that they were both academically struggling. Both students had similar grades: poor academic grades; promising artistic grades. Similarly, at the end of the year I completed the study, again, both had not passed any portion of the state's annual assessment. Notably, both were among the many ELs in the state who did not pass the annual assessment. They were among the many of students (EL and non-EL) who did not pass the reading state assessment being that less than the state's students passed the assessment at the conclusion of the school year.

Further, both were participants in the school's SEI program for multiple years since they did not qualify for the school's DL strand due to their level of proficiency in English. This meant they were both enrolled in the default DL class where all ELs who did not qualify for a waiver since they were not proficient in English. As with all ELs across the state, neither Sebastian nor Pedro qualified for bilingual instruction as might be possible through a waiver. In both cases, they did not qualify through the state's waiver Option 1, which required them to demonstrate proficiency in English or meeting standards through other forms of assessments. Neither demonstrated proficiency in English or met standards

in all academic areas, which might have granted them a waiver through the first Option. Notably, waiver Option 2, that students were 10 years or older, may have qualified them for DL instruction. Unfortunately, the year they started fifth-grade, the school leader who advocated for DL instruction through this waiver option no longer worked at Libertad. Staff never discussed the third waiver option. According to the state's policy, a third waiver option meant children with "special individual needs" could qualify for waiver (State Policy, 2000). To qualify for a third waiver option, for children with "special individual needs," after a 30-day placement in an SEI classroom, if the student was experiencing "individual physical or psychological needs above and beyond the child's lack of English proficiency," staff could determine an alternate placement such as DL education. This waiver option required a written description of 250 words documenting students' special education needs and required signed written approval from the school district's superintendent and school principal. Notably, the MTSS coordinator shared, this was an option only considered in extreme cases, rarely utilized by the district. Further, neither parent spoke of DL education as an option. DL education was only recognized as a possible program placement by school personnel, to my knowledge, never pursued for either student.

There was also evidence their teachers attempted to provide as much personalized instruction for both. For example, both Xochitl and Guadalupe met with both students more frequently due to their academic struggles, evidenced by their goal to meet with one at least once a week through literacy practices such as conferring. Thus, both Sebastian and Pedro had the unique opportunity to meet with their fourth- and fifth-grade teachers on a one-on-one basis with more frequency than other students.

Behavioral Struggles

Both Pedro and Sebastian's behaviors stood out in the classroom, although for distinct reasons. Pedro was talkative and often disrupted lessons and activities, which interrupted his work. Also, Pedro often could not complete tasks since he was distracted. Similarly, Sebastian stood out because he reacted with some physical or emotional outbursts. For both, their behaviors were not in synchrony with the rest of the class—their behaviors did not follow the expected harmony of the class—resounding with dissonance. If it was not Pedro disrupting the anticipated flow of the class, or not following the classroom expectations (e.g., SLANT, sitting quietly before getting up out of their seats), Sebastian seemed to be engaged in an emotional outburst or sat quietly doing nothing. For both, they stood out; their behaviors pointed to behavioral problems that interlaced with their academic learning outcomes.

Both students also demonstrated an awareness that their behaviors were out-of-synch with class expectations. Both students pointed out their deviances from expected academic and behavioral outcomes, evidence of the a/synchrony of their behaviors. For example, Pedro described himself as hyper; Sebastian often portrayed himself as forgetful or stated he "didn't know." In both cases, although their behaviors were seemingly opposing, there was something which made them stand out—they were out of synchrony with the expected harmony within the classroom—although in different directions most of the time.

Differences

In addition to noting similarities across each case, next, I illustrate two differences between Pedro and Sebastian's individual cases.

Retention

One notable difference between Pedro and Sebastian's educational outcomes was

Pedro's retention due to the state's retention policy. School personnel drew upon the historical residue of retention, something which participants referenced during interviews, informal conversations, email communication, and viewing sessions. For instance, Pedro's mother also spoke of his retention, which was, as she described, his worse school year, something that made him very sad since he did not pass on to fourth-grade to be with his friends. Similarly, Pedro's fourth and fifth-grade teachers spoke of his retention during interviews or viewing sessions. Also calling upon his retention in third-grade, both MTSS coordinators, Vince and Zachary, spoke of his retention as a concern since he was older than his classmates. As such, I hypothesize, since staff had previously retained Pedro, although there were doubts about the possibility that he had an LD, staff pursued an evaluation. Staff could not retain him, again; an evaluation seemed like a better alternative. For Sebastian, this was not the case. He had not been retained before, and since staff could not settle his learning and behavioral struggles, a retention seemed more appealing. Besides, it was evidence of the structural and cultural force which stood above Guadalupe's opinion that he should not be retained.

MTSS Processes

I found evidence of Libertad's inconsistent processes to document students' educational outcomes within this MTSS context. For example, there was no evidence of when Pedro was added to the MTSS list. Further, Pedro did not have an MTSS form documented for this year (fifth-grade), the year he completed Tier 3 interventions, and staff made the decision to evaluate him for an LD classification. Thus, for Pedro, an MTSS form was not required. Staff's oral narratives and written documents were sufficient to justify his evaluation. For Sebastian, MTSS structural processes and requirements functioned

differently. First, although he did have an MTSS form in place, the MTSS team's gathering to discuss his progress did not begin until the spring semester of his fifth-grade year. Secondly, there was no school-wide effort to implement Tier 3 interventions. Thus, even though Guadalupe went through the processes to initiate the possibility of a special education referral and evaluation, that option was overlooked in the end. Instead, Libertad's staff opted for an alternate route: to retain him and not test him for an LD classification. Notably, Guadalupe shared his special education candidacy would continue by his participation in Libertad's MTSS process through Tiers 2 and 3 support. For Pedro, after non-responsiveness to all MTSS Tiers, the alternate was to evaluate him for the possibility of an LD classification. Not qualifying for an LD classification, yet, being diagnosed with an OHI led to another special education route.

CHAPTER 6

DISCUSSION, IMPLICATIONS, LIMITATIONS, AND CONCLUSION

Discussion

The findings from this study illuminated the multiple dimensions that explain special education identification processes within one MTSS context for two ELs. I asked, how did sociocultural influences mediate a teacher's understanding of ELs' competence? I also sought to understand whether teachers, as key gate-keepers (Mercer, 1973), are to blame for those who get through the different gates and make it into special education candidacy (Bocian et al., 1999; Gresham, 2002). As such, I asked, how did sociocultural influences mediate whether a teacher referred ELs to special education services? To answer this question, I followed two ELs who were on the verge of being referred to special education. I entered the study with the goals of gathering insights into the multiple dimensions, which make a difference for students' learning outcomes (González et al., 2015; Klingner et al., 2006). Grounded on theoretical insights that draw attention to ELs' intersectional needs, I investigated the dimensions, which shaped students' individual stories concerning their special education candidacy. Mainly, because teaches are "naturally variable" (Gerber, 2005, p. 517), the use of a wider lens was fruitful in understanding the influences that contributed to students' special education candidacy trajectories (González et al., 2015).

Institutional Mediating Factors: Determining Student Competence

To answer the first research question, I illustrated the cultural-nature of MTSS spaces, challenging the notion of teacher as gate-keeper (in isolation) (Artiles & Kozleski, 2010; Klingner & Edwards, 2006; Waitoller et al., 2010). Evident in Pedro and Sebastian's cases, multiple policies, school practices, and individual beliefs overpowered individual

teacher perspectives about student referrals. Regardless of what Guadalupe thought, the MTSS team determined the final evaluation outcome.

Libertad's MTSS processes and practices also illustrated the structural downfalls which failed to account for Pedro and Sebastian's learning and language needs (Harry & Klingner 2014; Ortiz et al., 2011). For example, I found staff's limited understanding of behavior as inextricably tied to learning and the need for more expansive views of learning. Further, I noted staff used a limited number of strategies to disentangle L2 factors from learning and cognitive processes (Harry et al., 2007; Ortiz et al., 2011).

I also found Libertad's staff ignored Pedro and Sebastian's stagnant L2 status and restrictive language placement (Ortiz et al., 2011; Rios-Aguilar et al., 2011). Pedro and Sebastian's schooling history consisted of placement in the school's SEI strand, English language immersion, with limited L1 support, due to the state's restrictive language policy, not the most beneficial learning situation for ELs (Rios-Aguilar et al., 2011). Especially in places with restrictive language policies that target ELs, often due to policy mandates, there was little to no evidence of how such language placements may have hurt or helped Pedro and Sebastian in learning. One thing was clear, though. Their English language development was stagnant over multiple years, and with little L1 support, Libertad's SEI program did not address their needs.

I also found structural gaps apparent in Libertad's processes in place to make EL special education referral determinations. Unlike previous empirical work where researchers found "excellent" guidelines to support teachers in making EL referral decisions (Harry & Klingner, 2014, p. 122), for Pedro and Sebastian, this was not the case. Similar to Ortiz et al. (2011), I found Libertad's practices failed to attend to ELs' multiple needs, including

language, as well as learning. There were no written guidelines, and although the principal spoke of his goal of having the psychologist create a checklist or some type of document which might describe student LD characteristics, there was no support system to make such determinations.

I found Libertad's staff employed comprehensive literacy approaches, which offered the possibility to investigate classroom interactional processes, such as communication patterns. I designed this study based on the assertion that Mehan et al. (1986) were accurate in their hypothesis that somehow communication patterns contribute to teachers' thoughts about students' competencies, and ultimately, shape referral decisions. To illustrate my findings, it was during interactional events in conferring sessions, a cultural tool that Guadalupe named as a scaffolding tactic that provided insightful information about student thinking. For instance, it was in the conversational moments when Pedro's understanding and learning were confusing for her—when she realized he was stuck—and she could not determine the reason, which prompted her to change conversational strategies. For Guadalupe, this was useful for deciphering learning from language struggles, critical learning moments to disentangle a possible L2/LD quandary.

Recalling one viewing session as Pedro recalled a personal experience, Guadalupe asked him to use his five senses to help him produce words he could write to describe how he felt during a car accident. It was at that precise moment that Guadalupe came across a learning trouble. When Pedro could not respond, she realized the possibility that he did not know the answer, and when he did not respond, she questioned what the five senses were. As Pedro started to respond incorrectly, the five senses were who, what, when, where, Guadalupe interrupted him as she realized he 1) either did not know what the five senses

were (conceptually) or 2) he did not know the term "five senses." Illustrating the power of conversations in learning, these data support the possibility that special education referral processes and investigations may benefit from employing cultural tools to make better informed decisions about students' competencies.

I also learned the methodological decision to include viewing sessions as a reflective piece was productive in portraying alternate narratives of Pedro and Sebastian's learning. For instance, it was during viewing sessions that Guadalupe and I learned new and surprising information about their learning or thinking. For example, I learned it did not matter that both were excelling in areas outside of academics. Both students had excellent grades in the arts, according to report cards. Pedro was well-known for his participation in multiple sports at school, and his love for music was evident in his performances during school-wide programs and superior grades in all special area classes. Similarly, Sebastian's excellent grades in all the art areas aligned with the artistic abilities I witnessed as a result of his secret and elaborate drawings. Yet, this superior performance did not make a difference for their special education referral candidacy. Further, school conceptualizations of Pedro and Sebastian as learners were also limited to what staff thought about them, and less about what parents expressed. For instance, parents viewed their children as normal, commenting on their students' strengths (e.g., bilingual skills), not documented by school staff.

Students also expressed their thoughts during viewing sessions, but they did not always align with teacher conceptions. It was apparent in Guadalupe's conversations, her goals targeted academic learning, pushing students to meet academic and behavioral standards. For the students, they had alternate goals and aspirations. For instance, Pedro desired to quickly get through viewing sessions (at times), to be able to listen to music and

tell stories about the history of a singer or to quickly get home so he could get to his "job," after-school work, cutting neighbors' lawns with friends for extra money he was trying to save for a computer. For Sebastian, sometimes the work seemed boring or made him feel tired, and he wanted to draw or spend time building with Legos. For Guadalupe, her goals were academic learning—and those interests drove her actions.

While these data provided the possibility to document [alternate] stories…about what children can do [and less about]…about what they cannot do," (McDermott & Raley, 2008, p. 380), within Libertad's MTSS setting, unfortunately, it did not matter. Building a case for Pedro and Sebastian's special education referral was more about documenting what they could not do, rather than what they could do (McDermott & Raley, 2008). Equally important, these findings provided evidence that ELs are often caught in a space of uncertainty, or as González et al. (2015) described, in spaces where students like Pedro and Sebastian "do not fit neatly into the standard boxes intended to respond to such learning differences. Emerging bilinguals with disabilities are caught between and betwixt categories that are, in some cases, competing and contradictory" (González et al., 2015, p. 154). Next, I discuss my findings based on their individual referral determinations.

To Refer or Not to Refer? Mediated Decisions Crafting EL Trajectories

Related to the second research question, my findings point out the social nature of special education referrals, which produced divergent results for Pedro and Sebastian (Gerber, 2005; Klingner et al., 2007). In Pedro's case, after learning he did not qualify for an LD; ironically, he was diagnosed as having ADHD a few weeks later, a beneficial move, according to Libertad's staff. For this reason, he qualified for an OHI classification, evidence that staff's goals to have Pedro participate in special education services happened one way or

the other, also resonating with historical trends, with OHI classifications on the rise and LD labels declining (NCES, 2019).

For Sebastian, based on limited understandings of his complex behavioral and learning profile, staff determined retention would be a better solution. Resonating with a pattern in the research base, he would not be referred or evaluated, after all, delaying any possibility for special education services (Goodman & Webb, 2006; Hibel & Jasper, 2012). In closely examining the decision to retain Sebastian, as opposed to testing him for a possible LD, staff used his behaviors as a scapegoat to justify his learning struggles. Staff determined alternate solutions (e.g., working with the social worker) would help address behaviors that contributed to his shut-downs and that continued participation in Libertad's Tier 2 and 3 interventions for behavior and academic support would better suit his needs. For Sebastian, only time will tell how long it takes for Libertad's staff to identify better learning conditions to improve his behavioral and academic needs.

These data also align with prior research, which emphasizes time of classification as a critical factor (Artiles et al., 2005; Hibel & Jasper, 2012; Samson & Lesaux, 2009). For both students, while one will now live within a "local" "construction zone" intended to address his learning needs through special education services, the other will continue to live in a liminal space of uncertainty, as a student in the special education candidacy route (Goffman, 1964; Lemert & Branaman, 1997, as cited in Erickson, 2004, p. 143; Richardson et al., 1986).

Implications

Based on the study findings, I offer research, practice, and policy implications that improve EL special education referral processes.

Research Implications

Investigations of the Interpersonal: Insights into Thinking. Findings from this study provide implications for future research. For instance, my methodological decision to investigate interpersonal processes related to special education referral decisions merits further interrogation. Through more in-depth investigations of the instances when Guadalupe addressed learning struggles during conferences, such data may provide further insights into how conversational tactics may disentangle the L2/LD quandary. In both students' cases, teachers discounted language as a factor. Still, throughout student-teacher conference sessions, I found evidence that (at least one) student struggled with language and learning concepts, simultaneously. As such, in future empirical work, researchers could design studies interrogating the historical L2/LD dilemma through more investigations of classroom conversational patterns (Case & Taylor, 2005; Klingner & Eppolito, 2014). Further, my investigation only included a part of their school year in fifth-grade, and alternate narratives may be possible from following conversational patterns throughout the year, especially when staff made classification or retention. Further, for Pedro and Sebastian, they were among the fortunate students whose teachers were trained in holding conferring sessions, as ways to more strategically and explicitly address their learning needs. As such, future scholarship would benefit from interrogating schools where conferring sessions are taking place, for whom, and for what purpose, and how conferring may improve EL instructional decision-making and special education referral processes.

Investigations to Interrogate Learning Evidence. Findings from this study also demonstrate the need to interrogate what researchers consider as evidence of learning. Due to my methodological choice to employ a reflective strategy, such as student and teacher viewing sessions, this decision also offered the opportunity to break down assumptions

about Pedro and Sebastian. According to staff, Pedro and Sebastian were "at the bottom of the social structure," or who "wind[ed] up at the bottom of their class" (McDermott & Raley, 2008, p. 380). For Pedro and Sebastian, according to written documents, they were among those at the bottom of Guadalupe's class, but in my interactions with them, I did not see them this way. As a researcher interacting with them frequently over 14 weeks, I left the research study with alternate perspectives of their roles as students at Libertad. Notably, my perceptions were not of academic failures. I found evidence of their knowledge in my interactions with them, which was not always considered by school personnel. As such, investigations of classroom cultural tools (e.g., conferring) may provide alternate representations of how researchers (and practitioners) conceptualize student learning (Mehan, 2000).

Practice Implications

Comprehensive and Collaborative MTSS Frameworks. Based on study findings, Libertad's families, students, and staff may benefit from implementing comprehensive behavioral and academic intervention frameworks. First, a clearly defined and comprehensive MTSS framework that addresses the interconnections of students' behavioral, academic, and language factors would be most useful to address ELs' multiple needs. Comprehensive MTSS frameworks may also borrow from existing structures to provide intervention systems, which equally account for learning and behavior across contexts, including the home (Bal, 2018; Garcia & Ortiz, 1988; 2008; Klingner & Edwards, 2006). Secondly, Libertad's staff would also benefit from comprehensive MTSS frameworks that employ collaborative approaches to seek multiple stakeholders' perspectives, grounds for developing culturally responsive MTSS systems (Bal, 2018; Garcia, 1988; 2008).

Libertad's leadership could establish processes to ensure staff fully reflect on students' language status, development, and needs. Considering possible future practices, teachers may find ways to measure literacy development beyond English in isolation, providing more holistic portraits of their progress in multiple languages (Escamilla, 2006; Hopewell & Escamilla, 2014). As a future practice, in implementing a school-wide PBIS behavioral plan, Libertad's staff might also consider parent or community input, or home practices and strategies. Staff could collaboratively create behavioral intervention plans based on information from multiple stakeholders to design and implement culturally-responsive positive behavioral intervention systems (CR-PBIS, Bal, 2018). As Bal illustrated, "Producing knowledge with people," where all stakeholders (families, students, school personnel, researchers, community leaders, custodians, among many others), are also the subject within "a knowledge producing activity" (p. 168). As such, school personnel can design CR-PBIS frameworks that work hand-in-hand with existing MTSS academic frameworks. In Libertad's case, students and staff could benefit from collapsing the MTSS's disparate teams into one.

As a future practice, Libertad's staff might also incorporate family learning profiles to fully consider learning from the perspective of the student and family; an empirical recommendation made decades ago (Garcia & Ortiz, 1988). In both student cases, a family/home learning profile may have provided insights into Sebastian's behavioral struggles stemming from personal factors. Parent input may have revealed Sebastian's mother had a possible intervention solution. As mentioned previously, she had recommended an individual plan to his third-grade teacher, suggesting the teacher track positive behaviors on a sheet she would send from home. In turn, she would reward him for positive behaviors at home. While her intervention recommendation was a noble idea and

based on positive behaviors similar to Libertad's behavioral MTSS, it failed since the third-grade teacher did not follow through with her suggestion. Unfortunately, this was news she shared with me that she did not share with current staff.

Also as a future practice, school personnel could track students' behaviors across spaces, as manifested across contexts (Garcia & Ortiz, 1988). In Pedro's case, tracking behaviors across settings may have provided critical information since, in some classes, he did not speak, while in others, he demonstrated many behavioral troubles. For Sebastian, tracking his behaviors at home, that did not seem to be a problem, may have provided additional information (e.g., from parents) Libertad staff did not have. Drawing from Tucker (1981), Garcia and Ortiz established factors school personnel could consider to more objectively define behaviors that do not meet expected school norms as,

1. Inter- and intra-setting comparisons to measure the extent to which the perceived problem is manifested across different occasions and settings
2. Inter-individual comparisons must also be made to assess whether the perceived problem behaviors differ from those of other students in the class.
3. Inter-teacher perceptions to identify any teacher or setting-specific problems that may exist, as is the case when similar problems fail to be noticed by the students' other teachers.
4. Parental perceptions to determine whether parents confirm the school's perceptions. In such cases it is more likely that a problem exists.
5. Analysis of student work samples and behavior to determine the specific nature of the perceived problem. The problem should be described in precise, measurable terms, rather than using broad, general descriptors such as 'below grade level in math, cannot read well.' Work samples and behavioral analyses can also help develop hypotheses about the source of the difficulty. (p. 5)

Libertad's staff could report students' behaviors across contexts, including the home. For instance, in observing students discussed at MTSS meetings, convening every six to eight weeks, staff could discuss student behaviors in different classes. Finding different behaviors across settings could suggest the need to examine environmental factors more carefully and investigate why student behaviors vary.

Documenting Learning and Time Factors. The findings from this study also have implications for practitioners in the way they track student learning in schools. Documenting students' schooling histories and educational decisions is critical since researchers have found time factors (time of identification) as a crucial dimension in EL special education classification occurrences (Artiles et al., 2005; Hibel & Jasper, 2012). In both students' cases, as children of immigrant parents, and now as fifth graders, their special education placement took longer, evidence pointed out by Libertad's staff. For students as Pedro and Sebastian, as ELs struggling with behavior and learning across the years, it was not sufficient to document special education needs after classification, or even before Tier 2 or 3, during their fifth-grade year. Instead, as an implication for practice, schools could establish processes to document students' learning trajectories over time. While many schools include placement (or enrollment) cards to record students' grade, placement, attendance, those forms could be revised to include information about language program placement, language status, or tiered intervention participation. Alternatively, schools could implement processes in place to update students' 45-day screening forms each year in cases where students are struggling academically or with behavior. For instance, in Pedro's file, there was only one 45-day screening form filed in his seven years of schooling at Libertad. Notably, it was a form filed in kindergarten, which indicated teachers should monitor him for "possible RTI" (Field Notes, August 10, 2018).

In Pedro and Sebastian's cases, documenting their progress over the years may have provided more answers than staff had during students' fifth-grade year. For example, multiple staff shared Pedro's previous LD testing in third-grade for the possibility of LD, but the MTSS coordinator had no record of this information. Further, the MTSS

coordinator did not know when Pedro was added to the MTSS list. As examples for future practice, staff could create student historical timelines or data sets to document and track their L1, L2, behavioral, and academic learning needs. For both students, attention to this information on a schooling timeline may have drawn attention to their stagnant English language level, as basic speakers of the English language for most of their schooling trajectory (5-6 years). This practice would be helpful for staff to consider students' histories, the curriculum, instructional approaches, and a multitude of factors that impact learning. Tracking this information could create student timelines, documentation of the schooling processes, which may (or may not) be related to special education identification over time. This practice could be useful for teachers since each year, they would not have to start all over, gathering information for new students.

Policy Implications

Grappling with Multilayered Policy Contexts. Findings from this study point out the need for praxis (reflection and action, Hoffman-Kipp et al., 2003) in considering the interplay of multiple policies related to ELs' learning. Across the United States, school personnel grapple with multiple policy stipulations targeting different areas, as apparent in Pedro and Sebastian's cases. Notably, multiple policies make instructional decision-making complex phenomenon, due to the need to account for the interplay of numerous policies, as well as following policy stipulations (Kangas, 2014, 2018).

As illustrated in Pedro and Sebastian's cases, staff's decisions were not restricted to individual choices. Actions were driven by local and global policies, challenging the notion of teacher as gate-keeper (Mercer, 1973). In sum, while teachers may still be influential decision-makers, in some instances, local and global processes can overpower their decision-

making abilities. To address the overriding dimensions which undermined Guadalupe's decisions, school leaders could implement local policies to ensure teachers, as key decision-makers, as well as other stakeholders in students' learning trajectories (e.g., parents), equally have a say-so in students' special education referral determinations. In Pedro and Sebastian's case, they had very few language placement options over the years, a problematic stance (Lillie et al., 2010; Rios-Aguilar et al., 2012). But it did not have to be this way when considering alternate options, as may have been possible. Rather than continuing in Libertad's SEI program due to their lack of proficiency in English, year after year, staff may have offered more beneficial language support options. With the establishment of policies and procedures which ensured a meaningful education for ELs, Libertad's staff may have addressed Pedro and Sebastian's needs since they were older ELs. Unfortunately, Libertad's staff failed to account for multiple policies, and as Kangas (2014) portrayed this problematic circumstance, in their case, since special education law, "trump[ed]" attention to language factors. At Libertad, staff predominately attended to LD classification policy stipulations, that indicates referrals cannot stem from cultural or environmental dimension. Notably, I found evidence that staff used critical praxis in the past (Hoffman-Kipp et al., 2003), advocating for bilingual education for students in older grades since the state's language policy provided additional language-support options for older students. Pedro and Sebastian were both at least 10 years old, and it could have been presented to parents as an option since regardless of their lack of proficiency in English, they qualified for bilingual education because of their age. Unfortunately, due to the absence of policies that ensured a more meaningful language-support option and full consideration of all policies, it was not the case for Pedro and Sebastian.

Limitations

I chose not to attend meetings related to the students' special education candidacy decisions. Since I did not want to share my views, I did not plan to participate in the MTSS meetings and declined invitations to be a part of such gatherings. Because I was both an insider and outsider of this research context, I did not want to be a part of this decision since staff often turned to me as a knowledgeable person about ELs' learning and special education processes. I acknowledge this choice was a limitation since my interpretation of the findings does not include the additional data, which may have provided further insights into Pedro and Sebastian's education opportunities at Libertad had I attended MTSS meetings.

Conclusion

I entered this research project with the goals of understanding what processes contributed to teachers' special education referral decisions by focusing on what happens in the general education classroom. I share their stories with caution, as it is one instance of how staff constructed an "identity of ability or 'disability' [as] children whom the regular education system [seemed to find] too difficult to serve", teacher or structural forces, influenced by cultural mediators, or a combination of other factors, all which counted in these special education identification endeavors (Harry & Klingner, 2014, p. 13).

I also share their narratives with thoughtfulness since I do not aim to essentialize who Pedro and Sebastian are as individuals. Their stories are unique—and even though they are both ELs, boys, children of immigrant parents—there is within-group diversity (Rogoff, 2003). Analyzing research related to ELs' intersectional lives characterized by several identity markers and factors related to learning, González et al. (2015) illustrated the possibilities of

> analyses [which] create[d] a mosaic of understandings regarding emergent bilinguals [considered for] special education [which also] require[d] us to untangle the tightly woven braid that history has created between race and disability. Although the braid is heavy and thick, attention to the contours and the fibers begins unraveling the thread of language from this tight construct. Emergent bilinguals serve as a powerful example to the heterogeneity within [minoritized groups] in special education. (p. 148)

As a response, I would hope school leaders and researchers are encouraged to explore further how school personnel can make better-informed decisions for ELs within MTSS contexts.

I also hope these findings highlight new possibilities in special education identification research, especially within MTSS spaces. As Artiles (2015) summarized, investigations of MTSS spaces with a dynamic understanding of culture can provide new opportunities to understand the classroom cultures which "emerge out of the everyday interactions among people that share an institutional space," and a framework to document the "rules [that] are formulated and set (resisted or negotiated), [how] expectations are communicated and challenged, [the ways] goals are set and redefined, and [how] activities get completed or boycotted" (p. 16). In essence, through dynamic cultural-historical investigations of MTSS spaces, staff may discover ways to create culturally-aware, comprehensive, and responsive MTSS frameworks. In this way, researchers and school personnel may provide more expansive views of students and learning, "defy[ing] stereotypical renditions of what students bring to schools from the ethnic, linguistic, social class and other communities in which they are immersed" (Artiles, 2015, p. 16).

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APPENDIX A

PARENT INTERVIEW PROTOCOL

Adapted parent interview protocol used in Richardson and colleagues (1986), Kaveh (2017), and Kinney (2014). Kinney (2014) acknowledges the work of Luis Moll in her work stating the protocol was "adapted from protocol provided by Luis Moll," personal communication, 6/8/2011 (as cited in Kinney, 2014, pp. 148-149).

Introductions

Part 1: Student academic successes and challenges

1. When and where did... start school? Can you remember his or her first days of school?

    Probe: parents own feelings about those days and about school and teachers.

2. What is your opinion about...'s school experience? Probe: what does a child say at home about school? How much has parent learn firsthand?

3. Of the three years or four years... has been in school, which would you say was his or her best and worst year? Why? Probe: was there a special [or especially disliked] teacher or activity?

4. What would you say her or she most likes or dislikes about school? Probe: try to get at social as well as academic activities

5. How do the teachers and principal at the school communicate with you? Is this communication helpful? Probe: does parent visit the school? How often? What are parent's perceptions about information shared by people? Is communication two-way or only one-way?

6. What is...like around the house, with family members? What are some of his or her favorite things to do? With whom does he or she do these things?

7. Do you ever worry about your child's education? If so, what is your biggest concern? Have you tried to do something about this problem? Probe: try to get it both social

and academic concerns.

8. What would you like... to be like as a grown-up? What kind of work would you like him or her to do?

9. Are there any other things you'd like to tell me about your child and or his or her school experience?

10. Do you have any questions to ask me?

Part II: Language use (to be completed at a different time or if the parent is comfortable with a break and to continue, in one sitting)

1. What languages do you speak at home?

   Probe for dynamics of language use: parent–parent, parent–child, child–child

   a. What language do you speak to your child?
   b. What languages do you speak to the other adults in your home?
   c. What languages does your child speak to other children in the home?

2. And what language does s/he speak to you?
3. What language do you use the majority of the time?

Probe whether one was used more than another or both were used equally.

4. Do you use the language(s) for different things or activities?

   a. Probe: Are there certain subjects they/you usually talk about in your native language and certain ones for which you switch to English? (If they aren't sure how to answer give options such as talking daily routine, school stuff, behavioral and cultural issues, etc.)

b. Probe: why?

5. Do you find it challenging to speak two languages at home/one language at home and one outside home?
6. What language(s) do you speak at work?
7. Does your child have books at home? What kind and in what language? Do you go to the library with your child?
8. How comfortable do you feel speaking English? Which language are you more comfortable speaking?
9. Do you ever mix languages? Do you feel it is appropriate or okay to do so? Are there times when you speak only English? Only Spanish?
10. When you started school, did you speak English?
11. What language do you think in?
12. Do you praise and/or scold your child in English or Spanish?
13. Were your child's first words in English or Spanish?
14. To whom does your child speak Spanish? English?
15. Do you want your child to speak Spanish well? Why?
16. Do you tell your child stories in English or Spanish?
17. Does your child translate for anyone in the family?
18. Are there other languages spoken in the home?
19. Do you enjoy reading? Do you subscribe to newspapers or magazines? What language are they in?

20. How much access do/did your child have to __(language)__speakers now/when growing up? __(language)__-speaking friends and family members living in the U.S.?

    Probe: is/was there a community of __(language)-speakers___ around them here?

    If parent responds positive to the previous probe ask: did/do those communities have cultural activities you would attend with your kids?

21. Did going to school affect native language use at your home?

    a. If yes, Probe: how so? And how did that impact your kids' proficiency in Spanish?

    b. If they say it had a negative impact on kids' ___(language), probe if they did anything in reaction.

22. When your child is struggling with a concept, topic, or skill, how can you tell if it's related to speaking two languages or something else?

    a. If something else, what do you think?

23. Do you ever wonder if your child's strengths or struggles are related to language factors (English/Spanish)?

APPENDIX B

TEACHER AND PRINCIPAL/SCHOOL LEADER INTERVIEW PROTOCOLS

Protocol adapted from protocol used in Richardson and colleagues (1986) study

Teacher Protocol

Greetings, friendly situated questions

1. Please tell me about the students you have chosen for this study. How did you choose them? Do you consider these students to be ‘at-risk’? If yes, what does ‘at-risk’ mean to you? What is the difference between these students and native English speakers not chosen for the study? How about ELs not chosen for the study?
2. What is the difference between academically struggling student who is EL and one who is a native English speaker? Why?
3. What do you think could help these academically struggling students not be struggling the way they are now? Probe for resources. Any other children?
4. Are there any students who are academically struggling, but you didn’t choose for this study? Why didn’t you choose them?
5. Describe a student who is not academically struggling?
6. What do you believe justifies a special education referral?
7. What do you believe contributes to ________’s learning struggles?
8. Is there a difference between special education referral for EL students and native English speakers? If yes, how. If not, why not?
9. Do you believe all students labeled with LD are labeled as academically struggling?
10. Since struggling EL students have L2 factors to deal with when it comes to learning, how can teachers tell the difference between a struggle related to language versus the possibility of something else (e.g., the possibility of a learning disability)?

Principal/Instructional Leader Interview Protocol

Protocol adapted from protocol used in Richardson and colleagues (1986) study

This protocol will be used for both principal and assistant principal (or administrative academic support staff, i.e., reading coaches, if principal or assistant principal is not available)

- Their background – years of experience
- Philosophy at the school

  * The school and other schools?

  * Community/neighborhoods?

- How would you describe the students here?
- Feelings about kids academically struggling or 'at-risk'
- Causes
- How does your faculty view 'at-risk'? Marginal? Or gray area?
- Does everybody have the same criteria to identify an academically struggling student?

  How is a native English speaker who is academically struggling different to an academically struggling EL student?

- What do you hear about academically struggling from the district? What about ELs?
- What would you like to see for academically struggling students? What about ELs?
- How do you compare lower elementary and upper elementary academically struggling?

  What about ELs?

- Would you say that most ELs are academically struggling?
- How would you describe an academically struggling EL student? How would you describe

  their family life?

- What about this designation of learning disabled? What can you say about an LD

designation for an EL?

- Are all LD students at-risk?
- Can you tell me a little bit about your thoughts about best instructional approaches for ELs? (e.g., program structure)

Questions about referrals:

- What support system is in place to help teachers decide which criteria to use for special education referrals? Is there a difference for ELs?
- Would you say your school is a high or low-referring school? How does it compare to schools across the district? Across the valley? State? Nationally?
- Do you think special education referrals are connected to larger issues?

APPENDIX C

STUDENT VIEWING SESSIONS PROTOCOL

Script [to be read to the student]

Hello, I'm Mrs. Diaz, as you know me. My research team and I are studying how teachers can help students learn reading and writing tricks. To help us learn about this, as you know, we recorded you and Ms. Vega talking about ________________ during your reading or writing conference. Today I want to show you the conference you did with your teacher on [date]. We won't watch the whole meeting. I'll only show you a few moments and we'll talk about them. I want to know what you were feeling, wondering, or thinking during those moments.

Probes:

- Why did you pick that part?
- What did you think was happening there?
- Can you tell me why you felt that way?
- What do you think Ms. _______ was thinking there?
- Tell me more.
- "I felt/thought/wondered about that because…"

APPENDIX D

TEACHER VIEWING SESSIONS PROTOCOL

This protocol will be used to assist me in the process of collecting viewing sessions data. An overall goal is to document what you were thinking or feeling during the IRWCs that might be able to tell us how such interactional data could serve to make important instructional decision-making processes, which could lead to special education referral decisions, but not necessarily always the case. We will go about by first having you 1) view the video data and 2) stopping the recording at moments you may find interesting or you would like to comment on. Interesting moments could include situations where you were struggling to understand what the student was referring to, or cases where you notice the student was struggling with a particular topic, concept, or skill, using the following protocol instructions (adapted from Mehan et al., 1986 viewing sessions protocol):

1. Press play and watch the video data
2. You will stop the recording when you see something interesting, such as when
    a) You or the child … is doing something, saying, or thinking something about which you would like to comment;
    b) when you see or listen to an action or speech act related to the formation of an overall conception of the child's behaviors or actions, in comparison to [other] students [who are not academically struggling ELs],
    c) when you see a comparison between behavior and/or ability of the student; and
    d) when you see some behavior on the tape that could serve to justify [your instructional decision-making processes, or ultimately the possibility to refer (or not refer) the child exists.

Please keep in mind, you will also have the opportunity to erase the recording or any segment of the recording if you are not comfortable with the recording.

Probes:

- Can you elaborate on…?
- Why did you decide to spend more time on…?
- How does … relate to L2 factors (and how do you know that)?
- What were you wondering about right there?
- Why did you stop the recording at this point? What caught your attention?
- Why is this an important moment/point/issue?
- Did you make a decision immediately before, during or immediately after this exchange?
- How is this exchange related to previous experiences with this student?
- Does that connect to struggles from other grades?
- Did you notice anything as we discussed this exchange that you might have missed during the conference?