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RESEARCH ARTICLE



Ableism, gentrification, and the exclusion of multilingual learners with disabilities from bilingual education programs

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ABSTRACT

This mixed-methods study investigates the access of multilingual learners with disabilities (MLwDs) to bilingual education programs in New York City. Despite local policies that establish bilingual education as a right for all multilingual learners, only a small minority of MLwDs are enrolled in bilingual special education programs in city schools, and their access to dual language bilingual education is particularly limited. We found that program placement varies by district and is influenced by district leadership. When bilingual education is available for MLwDs, transitional bilingual education is the favored program model. Qualitative findings reveal that special education compliance often overrides bilingual education mandates, effectively excluding MLwDs from bilingual education. We argue the exclusion stems from policies, programming, practices, and beliefs that are rooted in ableism, and constitutes a form of bilingual education gentrification that marginalizes these students.

The benefits of bilingual education for all multilingual learners (MLLs, also referred to as English language learners) have been well documented (Baker & Wright, 2021; Goldenberg & Wagner, 2015; Steele et al., 2017; Umansky & Reardon, 2014). MLLs in bilingual programs typically outperform their peers enrolled in English monolingual programs and experience a range of academic, linguistic, and socio-emotional benefits (Baker & Wright, 2021; Collier & Thomas, 2017). Bilingual education is found to be particularly beneficial for multilingual learners who have an Individualized Education Plan (IEP) and are entitled to receive special education services in addition to language support services (Brea-Spahn, 2014; Cioè-Peña, 2021; Colón & Alsace, 2022; Padía, 2023), students referred to in this article as multilingual learners with disabilities (MLwDs, per Cioè-Peña et al., 2025).¹ Yet, in spite of research in favor of bilingual education for MLwDs, the vast majority of these students are currently enrolled in English-only programs in U.S. schools (Baker & Wright, 2021; Cioè-Peña, 2021; Colón & Alsace, 2022; Kangas, 2017).

While research indicates that MLwDs in U.S. schools typically do not have access to the bilingual education programs to which they have “an established right” (Colón & Alsace, 2022: p. xvi), the extent of the issue is not well known. Additionally, most prior empirical studies involved qualitative research (Baker & Wright, 2021; Cioè-Peña, 2021; Colón & Alsace, 2022; Kangas, 2017). Our mixed-methods study seeks to address this gap in the research by documenting the access of MLwDs to bilingual education programs on a citywide scale in New York City Public Schools (NYCPS), and by examining school district leaders’ perceptions of the factors that shape their programming decisions for this student population.

Our findings confirm that only a small minority of MLwDs are currently enrolled in bilingual education programs in New York City schools, in spite of local policies that – at least on paper – promote bilingual education. Additionally, we found that MLwDs have extremely limited access to dual language bilingual education programs; when districts provide bilingual special education programs, they are more likely to be transitional bilingual education programs rather than dual language bilingual education programs. In this manuscript, we argue that the systemic exclusion of MLwDs from bilingual education is the result of educational policies, programming, practices, and beliefs that are rooted in ableism, and understand the exclusion of MLwDs from bilingual programs to be a form of dual language bilingual education (DLBE) gentrification (Delavan et al., 2021, 2024; Valdez et al., 2016).

Ableism, the intersectional gap, and limited bilingual education access for multilingual learners with disabilities

By ableism, we mean “the devaluation of disability” (Hehir, 2002, p. 3), which results in a privileging of certain ways of being over others. In so doing, ableism impacts all people, especially those who have diverse bodies and/or engage the world through “divergent” behaviors. As Hehir (2002) asserts:

From an ableist perspective, the devaluation of disability results in societal attitudes that uncritically assert that it is better for a child to walk than roll, speak than sign, read print than read Braille, spell independently than use a spell-check, and hang out with nondisabled kids as opposed to other disabled kids, etc. In short, in the eyes of many educators and society, it is preferable for disabled students to do things in the same manner as nondisabled kids. (p. 3)

When applied to language and linguistic development, many of the behaviors that are understood as markers of “disability” are also devalued in culturally and linguistically diverse body/minds (Henner & Robinson, 2023).

The education of MLwDs is overseen by two major U.S. federal education policies - *Individuals with Disabilities Education Act* (IDEA)² and Title III of the *Every Student Succeeds Act* (ESSA).³ Although both policies stemmed from public demands for educational justice and equity for marginalized learners, they are funded and function separately, overseeing distinct programs and structures (Martínez-Álvarez, 2019; Phuong, 2017). As such, MLwDs – whose educational experiences lie at the nexus of both – often fall through what Cioè-Peña (2017) has framed as “the intersectional gap.” While this gap can seem incidental, it is likely reflective of how deeply ingrained ableism is within education (Hehir, 2002) and language education programs in particular (Cioè-Peña, 2017, 2020; Delavan et al., 2024). Neither policy mandates the provision of bilingual special education for MLwDs, in spite of the research base documenting the importance of bilingual education for multilingual learners with disabilities (Baker & Wright, 2021; Cioè-Peña et al., 2025; Kangas, 2017). Cioè-Peña (2017, 2020) explains how MLwDs face a system that often forces them to choose one identity (multilingual learner or disabled) rather than honoring both, because ableist logics shape how bilingualism/bilingual education is defined and understood. Because school systems are based on normative assumptions, they disproportionately disadvantage students who deviate from those norms – especially at the intersections of race, language, and disability – and MLwDs fall through the policy cracks caused by these logics (Cioè-Peña, 2017).

The narrative of “bilingualism as a superpower,” though well-intentioned and aimed at elevating the linguistic practices of racialized communities, often leads educators and laypeople to view bilingual education – particularly dual language bilingual programs – as a space reserved for high-achieving or high-performing learners (Cioè-Peña, 2017), framing bilingualism as an added cognitive challenge. Research into the relationship between bilingualism and intelligence has persisted for decades. Early psychological studies from the 1950s and 1960s characterized bilingualism as a “complex problem” and a “language handicap” (Darcy, 1963, p. 259). In contrast, more recent studies suggest that the

cognitive processes involved in acquiring a second language may enhance general cognitive abilities (Bialystok, 2017; Woumans et al., 2016).

This ongoing conflation of bilingualism and intelligence highlights how ableism shapes perceptions of the capacity and potential of bilingual individuals, including those seeking access to bilingual education programs, such as MLwDs (Cioè-Peña, 2017, 2020; Kangas, 2014). In the research we present in this article, we show how for bilingual students who are disabled, bilingualism and bilingual education continue to be positioned as sources of added linguistic and cognitive burdens rather than assets to leverage in their learning. Left unaddressed, ableism not only perpetuates but deepens the intersectional gap in bilingual education. It influences the attitudes and actions of teachers, service providers, and policymakers, leading to fragmented approaches and exclusionary policies that deny MLwDs their inherent right to bilingual education based on their participation in special education.

For us, within language education and particularly DLBE, ableism works to position students with disabilities, or any student in need of (specialized) academic support, as academically deficient or, as in the case of MLwDs, both academically and linguistically deficient (Natri et al., 2023; Padía, 2023). Through the enactment of critical, intersectional perspectives (Annamma et al., 2013; Crenshaw, 1991), we are able to understand that this positioning is rooted in the tacit assumption that dis/abled learners are unable to keep up with rigorous academic content. Furthermore, ableism upholds erroneous perceptions that curricular content in two languages create unnecessary additional challenges (Brea-Spahn & Bauler, 2023). Indeed, scholars across the fields of special education and bilingual education have pointed to issues in bilingual education access with particular attention to the exclusion of disabled learners from language learning spaces (Brea-Spahn & Bauler, 2023; Padía, 2023; Phuong et al., 2021; Soto-Boykin et al., 2023). The majority of this scholarship has focused on how students who have been identified as having particular learning needs are not being effectively served by the policies put in place to meet those needs, such as IDEA and Title III of ESSA (Kangas & Schissel, 2021; Ortiz et al., 2020; Schissel & Kangas, 2018; Simon-Cerejido & Gutiérrez-Clellen, 2014; Soto-Boykin et al., 2023).

The gentrification of dual language bilingual education

The growing body of research about DLBE gentrification underscores how the interests of more advantaged students can displace or marginalize MLLs (Delavan et al., 2021, 2024). Valdez et al. (2016) found that students benefiting from White racial, socioeconomic, and/or English language privilege were being actively targeted by Utah's statewide expansion of DLBE, and their analysis of program enrollment data revealed notably lower DLBE access for students lacking these forms of privilege. As examined by Delavan et al. (2021, 2024), this issue is impacting DLBE programs in schools across the U.S. at present.

Neoliberal perspectives on bilingual education, emphasizing the practical benefits of multilingualism and the commodification of languages other than English, have contributed to the gentrification of DLBE (Bernstein et al., 2021; Cervantes-Soon, 2014; Cervantes-Soon et al., 2021). Roda and Menken (2025/2024) found that New York City schools often screened potential students to determine admission into DLBE programs, which contributed to the conflation of DLBE with the city's "gifted and talented programs." Menken et al. (2023) found that school leaders in New York City schools opened DLBE programs "to re-engineer the demographics of their student population by enrolling more White, privileged students in the name of 'school turnaround' – namely, to increase enrollment and popularity in a school choice context and improve performance on accountability measures" (p. 448). Research about bilingual education gentrification shows a movement away from the social justice aims of bilingual education and decentering of multilingual learners.

Bernstein et al. (2021) argue that "this neoliberalization of DLBE has resulted in a concurrent *ideological gentrification*: a shift from providing socially transformative and culturally-affirming education to a focus on providing a profitable tool for students' resumes" (p. 388). Poza (2024) extends the reach of DLBE gentrification ideologies into bilingual

education spaces even when there has been no demographic gentrification and all students are racialized bilinguals. In other words, taken together, these authors assert that gentrification ideologies are being adopted and implemented in bilingual education programs, even in contexts when no other forms of gentrification have occurred. In this article, we link notions of ideological gentrification to the systematic exclusion of MLwDs from enrollment not only in DLBE programs but in bilingual education programs in general, even though bilingual education holds great potential to support both their bi/multilingualism and disability-related needs.

When taking up an intersectional lens (Annamma et al., 2013; Crenshaw, 1991), one can note the role that ableism plays in this issue. To date, much of the discourse on the gentrification of bilingual education centers on enabled (i.e., typically-developing) children, silently reflecting the exclusion of MLwDs from these programs (Cioè-Peña, 2017, 2020). The absence of MLwDs from DLBE programs and discourse embodies how as dually classified learners, MLwDs' linguistic needs are often positioned as secondary to their disability-related needs (Kangas, 2014, 2017), and their linguistic capacities are denied on account of ableist ideologies around language learning (Phuong & Cioè-Peña, 2022). Research to date has neither named nor examined the exclusion of MLwDs from bilingual education spaces as another type of gentrification.

As such, this study highlights the ways that ableism also contributes to the gentrification of bilingual education when MLwDs are excluded from bilingual programs. When language is positioned as a commodity in the global market, that positioning is based on ableist perspectives that view the education of some as an investment (i.e., DLBE) and others as charity (i.e., special education). Thus, when bilingualism is positioned as a commodity that will grow in valuation, it automatically cuts off access to bilingual education for those who are inherently devalued because of their race, ethnicity, socioeconomic status, linguistic practice, and/or ability (Cioè-Peña, 2017, 2020).

The only system-wide data on this issue that was found in our review of the literature about the access of MLwDs to bilingual education was from the Boston Public Schools and reported in an article in the *Hechinger Report* (Mathewson, 2023), which indicated that just six percent of MLwDs in Boston public schools attend one of the district's seven DLBE programs. As the author notes:

Experts and advocates say the disparities stem partly from a staffing issue — there are simply not enough bilingual special education teachers — but are also the result of overt discrimination and cultural misconceptions about whether students with disabilities can handle bilingual education. (Mathewson, 2023. n.p.)

Our research contributes to existing literature by moving beyond DLBE to examine the access of MLwDs to any form of bilingual education in New York City, which is the largest school system in the U.S. and has over 550 bilingual education programs (New York City Public Schools [NYCPS], 2025).

Context: Language education policies in New York

Before moving into the methods we used, it is first necessary to offer some local context. New York is set apart from much of the U.S. in that state policies actually mandate that bilingual education be provided for all MLLs. Specifically, Commissioner's Regulations (CR) Part 154 require that MLLs receive either English as a new language (ENL – in which instruction is typically monolingual in English), transitional bilingual education (TBE – where some home language instruction is provided), or dual language bilingual education (DLBE, where home language instruction is sustained over time) (New York State Education Department [NYSED], 2014). The policy requires each school district to provide bilingual education (TBE or DLBE) when there are 15 or more MLLs per grade who speak the same home language, including MLwDs (NYSED, 2014).

Under New York State law, all schools are overseen by school district leaders (in New York City, they are called “superintendents”). The NYCPS is a single system overseen by a schools chancellor that is divided into 32 geographical districts and has 45 superintendents. Some superintendents are tied to the city's geographic school districts, some to grade level, and others to the special education

enrollment of their students. NYCPS superintendents oversee school principals, and work with them to determine which program(s) will be provided for multilingual learners. Research by Johnson and Johnson (2015) and Morita-Mullaney (2019) highlight the key role of district leaders in determining bilingual education availability and access, and note the need for further research in this area.

The NYCPS has actively sought to expand the availability of bilingual education programs for MLLs. Since 2012, incentive funding has been provided to schools to open new bilingual education programs or to expand existing programs – particularly DLBE. This funding was most robust from 2012–2018, when the school system distributed about \$1 million per year (as detailed in Menken et al., 2023). Taken together, bilingual education is, at least on paper, being actively promoted statewide and in the city. However, the findings presented below point to a divide between these policies and actual practices, a divide that is widest for MLWDs.

Methods

The findings we present in this article come from a larger research study focused on multilingual learners' access to bilingual education programming in New York City schools. In this manuscript, we focus specifically on MLWDs, as their lack of access to bilingual education programs emerged as a prominent theme in the data we gathered and analyzed. This research was guided by the following two research questions:

- (1) What is the availability of bilingual education programs for MLWDs in New York City public schools?
- (2) What factors influence school district leaders' decisions about bilingual education programs and MLWDs?

For this paper, we combined our analysis of quantitative data with semi-structured interviews of school district leaders and administrators. The study was conducted in two phases sequentially, in accordance with explanatory sequential design in mixed-methods research (Creswell & Plano Clark, 2018; Johnson et al., 2007).

Phase I: During the first phase of our larger study, we conducted quantitative analysis of an NYCPS dataset about students in bilingual programs, which was released to us in response to our formal request.⁴ The raw dataset included 2022 data about each classroom in every bilingual education program, with a total of 556 programs listed at the time. The dataset listed the school, district, and borough of each bilingual program. For each bilingual program listed, it included the bilingual program model(s) (TBE and/or DLBE), whether the program was general education or special education, the model of special education such as integrated co-teaching [ICT] or self-contained (SC), and the number of MLLs in each classroom. The data was cleaned, organized, and initial analyses were conducted following demographic methods (Murdock & Ellis, 2019; Poston & Bouvier, 2016) and using the statistical software STATA, with support from a demographer who served as consultant on this project. Specifically, the initial analysis indicated: a) how many bilingual programs are offered citywide, by borough, and by district; b) the number and percentage of multilingual learners in DLBE programs and transitional bilingual education (TBE) programs citywide, by borough, and by school district; c) the number and percentage of MLWDs in DLBE special education programs and TBE special education programs citywide, by borough, and by school district; d) the number of DLBE, TBE, DLBE special education, and TBE special education programs per district; and, e) the grade levels of available DLBE and TBE programs.

We combined our analysis with descriptive statistical data that is publicly available from the NYCPS and the New York State Education Department (NYSED) about the enrollment of multilingual learners in TBE, DLBE, and ENL general education programs. We compiled available information about the demographics of students in individual geographical districts, including the number of multilingual learners within each district and the languages they

speak. Lastly, starting in 2024, we were able to gather data that had not previously been released that was shared during a presentation by the NYCPS in February, 2025 before a council of parents of children with disabilities and parents of multilingual learners.⁵ Taken together, this data exposed the lack of programming offered for MLwDs in the NYCPS and wide disparities between districts in their bilingual program offerings.

Phase II: Based on our findings from Phase I of this research regarding the variability of bilingual education programming by school district, we decided to focus the second phase of research on school district leaders. Specifically, in Phase II, we used the findings from Phase I to design a semi-structured interview protocol that we then implemented in interviews of district leaders (Creswell & Plano Clark, 2018).

We invited all NYCPS superintendents to participate in a semi-structured interview, and in districts where the superintendent did not participate we invited NYCPS district and school leaders who oversee the education of multilingual learners. In addition, to further contextualize our findings, we interviewed several citywide leaders involved in the education of MLLs. Interviews were usually conducted individually, but some superintendents brought in members of their team who oversee the education of MLLs. We conducted 31 interviews from December 2022–June 2025 with a total of 37 participants. Taken together, the interviewees represented a total of 21 K-8 geographical districts (out of 32) and three high school districts (out of 11). The bulk of the interviews were conducted from January 2023–March 2024, but we added an interview in May 2025 when a leader replied to our invitation from the previous year.⁶

The interviews were conducted in person or virtually, at a time and venue convenient for the participants, and lasted 60–90 minutes. The interviews included questions about each district leader's background and formal preparation, priorities within their district, and their views on the best approaches for educating multilingual learners in general, and MLwDs in specific. During each interview, and in order to triangulate our data for trustworthiness (Stahl & King, 2020), we shared the quantitative data that we had gathered during Phase I about the interviewee's district and facilitated a collective analysis of that data through dialogue and reflection. In the later stages of Phase II, we shared with participants some themes that emerged from our preliminary qualitative data analysis to ensure credibility (Lincoln & Guba, 1985; Stahl & King, 2020). Fieldnotes were taken during the interviews and we wrote short memos for each immediately afterward.

The data for this article was collected and analyzed by the authors, all of whom are researchers in bilingual education and academics who live in or are from New York City, and who were public school teachers earlier in their careers. The interviews were transcribed and analyzed using Dedoose. All interviews and memos were coded using inductive codes that emerged from the interviews and interpreted using content and narrative analysis, and codes were combined into main themes and findings (Miles et al., 2019; Riessman, 1993, 2008). In this manuscript, we include the findings specifically related to the themes that came together under the larger category of “special education” in our second coding cycle (Miles et al., 2019). During our analysis, we also cross-referenced interview responses with the quantitative data from the interviewees' districts. Throughout the data collection, analysis, and writing process, we have attempted to ensure trustworthiness (Lincoln & Guba, 1985).

Limitations

In an effort to protect the confidentiality of our participants, we use pseudonyms for school districts and interview participants. As such, it is not possible for the reader to directly connect interview excerpts and the quantitative data. That said, it is still possible from the data we present to observe trends in the availability of bilingual education for MLwDs and consider how those trends are mirrored in school district leaders' beliefs and programming choices.

Findings

Limited access of all multilingual learners to bilingual education

This section examines trends in the program enrollment of multilingual learners as a whole in the NYCPS. In spite of city and state policies that support the provision of bilingual education for MLLs, and concerted efforts at bilingual education expansion in city schools in recent years (Delavan et al., 2024; Menken et al., 2023), the proportion of MLLs enrolled in bilingual education programs in the NYCPS has actually declined over the past 20 years. We gathered program enrollment information from the demographic data reports that the NYCPS has published annually since 2002, and found that the enrollment of MLLs in ENL programs has steadily increased, such that a large majority are currently enrolled in ENL programs in which instruction is typically monolingual in English. Although 53% of all MLLs were enrolled in ENL programs in 2002–03, that increased to 77.29% of all MLLs in 2023–24. By contrast, enrollment of MLLs in TBE programs has declined from 37% of all MLLs in 2002–03 to only 11.6% in 2023–24. Enrollment of MLLs in DLBE programs has increased from 2.3% in 2002–03 to 9.82% in 2023–24. This increase has been modest and has failed to curtail an overall decline in the enrollment of MLLs in bilingual education programs. Taken together, the enrollment of MLLs in some form of bilingual education (TBE or DLBE) declined by more than half from 47% in 2002–03 to only 21.4% in 2022–23. Data about the program enrollment of MLWDs was not publicly available prior to 2022.

Limited access of multilingual learners with disabilities to bilingual special education

Approximately 17% of students enrolled in the NYCPS are identified as MLLs (NYCPS, 2025), and 27% of all MLLs are MLWDs (NYSED, 2024). Table 1 presents the program enrollment of MLWDs in the 2023–24 school year.

As shown in Table 1, the vast majority of MLWDs – 85.41% - are currently enrolled in ENL programs as compared to 77.29% of all MLLs. Just 6.24% of MLWDs are currently enrolled in transitional bilingual education programs as compared to 11.6% of MLLs. An even smaller proportion of MLWDs – 4.94% - are currently enrolled in dual language bilingual education programs, as compared to 9.82% of all MLLs. Overall, only 11.18% of MLWDs attend bilingual programs.

It is worth noting that there has been an increase in bilingual special education programming in the last 10 years, from a total of 95 programs in 2015–16 to 165 programs in 2023–24, yet the data in Table 1 would suggest that this increase remains insufficient to serve the city’s substantial population of MLWDs. In light of the extensive research base on the many benefits of bilingual education for MLLs and particularly for those with disabilities, bilingual education enrollment numbers are far too low. Our data shows that this is happening in New York City, in spite of city and state policies that promote bilingual education for multilingual learners, and research by others suggests that this issue occurs in schools across the U.S (Baker & Wright, 2021; Cioè-Peña et al., 2024; Kangas, 2017; Kangas & Schissel, 2021; Ortiz et al., 2020; Soto-Boykin et al., 2023). Our research thus offers a local example of a pressing national issue.

Our analysis of the 2022 NYCPS enrollment dataset that was released to us indicated a total of 556 bilingual education programs: 267 DLBE and 289 TBE.⁷ Of those, there were 221 DLBE general education programs and 182 TBE general education programs, as compared to 46 DLBE Special Education programs and 107 TBE Special Education programs. This data is presented in Table 2.

Table 1. Program enrollment of multilingual learners with disabilities (sy 2023–2024).

Program Model	MLWDs (n)	MLWDs (%)	All MLLs (n)	All MLLs (%)
DLBE	1,802	4.94%	13,501	9.82%
TBE	2,276	6.24%	15,953	11.60%
ENL	31,168	85.41%	106,287	77.29%
Not Served/Not Reported	1,248	3.42%	1,779	1.29%
	36,494	100.00%	137,520	100.00%

Source: NYCPS Presentation to the Citywide Council on Special Education and the Citywide Council on English Language Learners, 2/13/25.

Table 2. NYCPS bilingual general education and bilingual special education programs (2022).

	DLBE	TBE	Total
General Education	221	182	403
Special Education	46	107	153
Total	267	289	556

For MLwDs, there were only 153 bilingual special education programs to serve 38,198 MLwDs. As shown in Table 2, while the current trend favors DLBE programs for general education students, TBE programs are instead favored for MLwDs. And, as noted in Table 1, most MLwDs attend ENL programs rather than bilingual education programs.

Table 3 offers a more nuanced look at the types of bilingual special education programs that are available, based on our demographic analysis of the 2022 dataset. The numerical sequences such as 12:1 represent the student-to-staff ratio in the classroom, with numbers such as 12:1:4 representing the student to teacher to supplementary school personnel (often a paraprofessional); note that the table uses NYCPS terminology and definitions.⁸ In the NYCPS, Integrated Co-Teaching (ICT) classrooms are those where a general education teacher and a special education teacher co-teach a class containing both students with IEPs and students without IEPs.

Table 3 shows that most of the self-contained bilingual special education programs (designed for MLwDs whose IEPs cannot be fully supported in a general education classroom) are TBE programs (93). There are only eight self-contained DLBE special education programs in the entire city. By contrast, there are more DLBE ICT programs (38) than TBE ICT programs (14); as such, DLBE is favored for MLwDs in bilingual ICT programs.

Our analysis of the 2022 dataset also indicated wide variance by school district in bilingual education availability for MLwDs. There were seven NYCPS geographical districts that had no bilingual special education programs at all. There were six districts that have only one bilingual special education program for the entire district (including ICT and self-contained), and 13 NYCPS geographical school districts that did not offer any bilingual self-contained programs for MLwDs. By contrast, one school district offered 20 bilingual special education programs of which 13 were self-contained programs, while another district offered 15 bilingual special education programs of which eight were self-contained programs.

Our analysis of 2024 data from a publicly available NYCPS dataset reveals that there is often no correlation between the number of MLwDs in a district and the availability of bilingual special education programs for MLwDs. For example, Table 4 examines the enrollment of MLwDs in four NYCPS districts. It shows how Districts A and B (pseudonyms) have a similar number of MLwDs, but District A has only two bilingual special education programs while District B offers 13 bilingual special education programs. In contrast, District C has 24 bilingual special education programs for half that number of MLwDs. There is also a clear preference for TBE special education (17) over DLBE special education programs (7) in District C. District D offers no bilingual special education programs at all.

The data presented in this section highlights the extremely limited access of MLwDs to bilingual special education programs, and particularly to dual language bilingual special education programs. It

Table 3. Models of NYCPS bilingual special education programs (2022).

Special Education Model	DLBE Special Education	TBE Special Education	Total
12:1	0	7	7
12:1:1	6	65	71
12:1:4	0	6	6
6:1:1	0	14	14
8:1:1	2	1	3
ICT	38	14	52
Total	46	107	153

Table 4. Comparison of bilingual programs in 4 NYCPS geographical districts.

District	MLwds	DLBE ICT	DLBE SC	TBE ICT	TBE SC	Total Bilingual Special Education Programs
A	2,507	1	0	1	0	2
B	2,253	0	0	7	6	13
C	1,229	6	1	4	13	24
D	832	0	0	0	0	0

Sources: New York City Schools 2023–24 Bilingual Programs List and New York State Education Department, 2023.

also shows a good deal of variability in bilingual special education availability by district, even in districts with similar numbers of MLwDs, suggesting that school district leaders have a certain degree of agency in determining bilingual education opportunities for MLwDs.

Qualitative research findings

In this section, we hear the voices of school district leaders from our interviews. We used the initial findings from Phase I of our research (quantitative) to design the semi-structured interview protocol that we followed during our interviews. The qualitative research findings presented below focus on three main themes that arose most frequently in the interviews. The first pertains to ideological barriers against the provision of DLBE for MLwDs, especially those whose IEPs cannot be fully implemented in a general education classroom. The next theme outlines systemic barriers that prevent more MLwDs from receiving bilingual education, such as the IEP policies and processes for MLwDs and the shortage of bilingual educators. We then draw attention to a minority of interview participants who expressed alternative perspectives, and actively worked to ensure that MLwDs could gain access to bilingual education programs.

Ideological barriers: Favoring transitional bilingual education over dual language bilingual education for multilingual learners with disabilities

Aligned to the quantitative findings presented above, a main finding from the qualitative component of our research is that when school district leaders do offer bilingual special education programming, they typically provide transitional bilingual education (TBE) programs rather than dual language bilingual education (DLBE) programs for MLwDs – especially for MLwDs in self-contained classrooms. In this section, we link the preference for models other than DLBE for MLwDs to ableism and gentrification ideologies.

Our interview with a district leader named Nuria (all names are pseudonyms) offers an example of the preference for TBE special education over DLBE special education programs. The overall number of bilingual education programs in Nuria’s school district had recently increased, and she explained how much of that growth had been in TBE special education programs for MLwDs. As she stated:

When you just look at the total number of bilingual programs, then yes, it has grown. But when you kind of break it down you’re going to see that the numbers that are growing are the numbers that are bilingual special education. Those are the ones that are, “Yeah, we didn’t have [so many] TBE programs before. No, that has doubled.” . . . Most of our special education programs now are TBE. (Nuria, District Leader, interview transcript, 12/13/23)

Nuria’s district serves large numbers of new arrivals, and while they promote bilingual education in general, the leadership favors TBE for MLwDs, while favoring DLBE programs for multilingual learners who do not have disabilities. This district has more DLBE programs than TBE programs for its multilingual learners in general, but for MLwDs it has twice the number of TBE special education programs as DLBE special education programs. Of the TBE special education programs, most are self-contained programs. This exclusion of MLwDs represents a form of DLBE gentrification.

Transitional bilingual special education has historically been and still remains the preferred model for MLwDs in Melinda's district, though her district has few bilingual programs overall. When we asked why TBE special education is preferred over DLBE special education, she explains (note that "SpEd" is shorthand for special education):

So, again, by and large, our bilingual SpEd programs have been TBE, but that's because that's what people are familiar with . . . [I]t's really the decision is yes or no, it's not: Which kind of program do we want to make or which kind do we want to establish? (Melinda, District Leader, interview transcript, 12/12/23)

As Melinda explains in her interview, the preference for transitional bilingual special education over dual language bilingual special education is so deeply ingrained that it is seen as the default approach for MLwDs in her district. Like Nuria's district, most of the TBE special education programs are for MLwDs in self-contained classrooms rather than ICT classrooms.

Some district leaders indicated that they are being encouraged to favor TBE for MLwDs by citywide leadership. Marco, a school leader, explains the following:

I'm opening up more of TBE SpEd programs . . . They're really making an effort to try to open up and support more TBE SpEd programs . . . New York City is trying to push to open up more TBE SpEd programs. (Marco, School Leader, interview transcript, 12/1/22)

In this interview, Marco shared his perception that TBE special education programs are preferred for MLwDs, and he traces this preference to the city's central office leadership.

Some participants connected the preference for TBE special education in the NYCPS to the perception of DLBE programs as enrichment programs for "high performing" students. The following interview excerpt offers an example:

[F]rom what I've seen is typically if you are a special ed ELL, they won't even offer you to be placed in dual language because they will feel like the teacher, and perhaps rightfully so, the teacher is already teaching in two languages. Depending upon the model, the teacher has to teach in English and Spanish or English and Chinese. That's a lot of work [for MLwDs] . . . So from what I've seen, it's not really encouraged. They typically don't want to put special education ELLs in the dual language. (Charles, Citywide Leader, interview transcript, 12/4/23)

In this interview excerpt, Charles takes up gentrification ideologies when he frames DLBE as "a lot of work" for MLwDs, grounded in the belief that MLwDs would not be able to handle the linguistic and academic demands of DLBE programs, which are (mis)perceived to be greater than those of TBE programs. Such ideologies are put into practice when school district leaders make decisions about language education and special education programming. Charles described in his interview how there is a citywide trend not to place MLwDs into DLBE programs.

Returning to the interview with Nuria, when asked why her district favors TBE special education over DLBE special education for MLwDs she likewise explained:

It's like the mandate component and also some misconceptions . . . Like, "Oh, to learn two languages, you need to be at certain capacity." So it is understood that you're going to be challenged even more because you're learning not just one, but two. You're learning how to read, write, do math and everything else in two languages, but if you have a disability, then why am I going to put you through that pain? . . . It's more like, "Okay, it's easier to accommodate these students in a TBE." (Nuria, District Leader, interview transcript, 12/13/23)

In her interview, Nuria explained how transitional bilingual education is (mis)understood to be a less academically and linguistically challenging program than DLBE, and therefore better suited for MLwDs – especially those in self-contained special education programs. These interviews show how MLwDs are being kept out of DLBE programs, exposing a form of DLBE gentrification that is rooted in ableism.

Systemic barriers to providing bilingual special education

There are systemic barriers to providing bilingual education for MLwDs in New York City schools that are fueled by the ableist and gentrification ideologies that were highlighted in the preceding section. The two main barriers noted by participants were: 1) structural divisions and the Individualized

Education Plan (IEP) process, and 2) the shortage of bilingual educators. Participants described how these barriers prevented districts from increasing the enrollment of MLwDs in bilingual special education programs.

Structural divisions and the IEP process: How the intersectional gap plays out at the local level

Participants frequently described the tensions they needed to navigate between mandates and structures for bilingual education and those for special education, creating an either/or representation of MLwDs as either multilingual learners or disabled, and not both. Our participants frequently referred to the fact that there are two separate offices in the NYCPS – the Division of MLLs, which oversees language support services for MLLs, and the Division of Special Education, which oversees the education of all students with an IEP – and describe how these two offices typically work in isolation from one another.⁹ Likewise, at the school district level, specialists in the education of MLLs were typically found to work in isolation from specialists in the education of students with disabilities, and there are few educators or policymakers with expertise in both.

We learned that MLwDs can only be placed into bilingual education programs if doing so is mandated in their IEP, as the IEP was found to supersede CR Part 154, the state's language education policy that mandates the provision of bilingual education for MLLs in New York. This traces back to the divide between two of the federal education policies that oversee the education of MLwDs, the *Individuals with Disabilities Education Act* and Title III of the *Every Student Succeeds Act*. In this way, our findings show how the “intersectional gap” identified by Cioè-Peña (2017) trickles down to the school district level.

The following quotation offers an example:

Only the special education students that have home language instruction per the IEP [receive bilingual education] . . . So every time I do the nuts and bolts of ELL related items for school administrators and coordinators, I have to make that distinction. [T]o be honest with you, the ELL world and the Special Ed world in the New York City Public Schools do not speak to each other, but we have to. (Iris, District Leader, interview transcript, 12/18/23)

In this interview, Iris, who is a district leader and bilingual education advocate, talks about the constraints caused by the fact that MLwDs will only be able to enroll in bilingual education programs if their IEP states that home language instruction is necessary. She also describes in this quotation how educators of multilingual learners rarely interact with special educators. As Iris explained in her interview, she believes that both of these factors have contributed to the low enrollment of MLwDs in bilingual special education programs.

We learned from Gloria, a citywide leader, that about 5000 MLwDs out of a total of 36,000 MLwDs (approximately 14% of all MLwDs) have a “language of instruction: home language” designation in their IEPs, while others all have “language of instruction: English” (Gloria, Citywide Leader, interview transcript, 5/2/25). In other words, in the absence of mandates to the contrary, English-only instruction is what is typically mandated in the IEPs of MLwDs. The data presented in [Table 1](#) above showed that only 11.18% of MLwDs are actually enrolled in bilingual education programs (4.94% in DLBE and 6.24% in TBE). This means that even when bilingual education is mandated in the IEP of MLwDs it is not always provided; and, it means that bilingual education is only mandated in the IEPs of a small minority of MLwDs.

A district leader describes how the IEP process limits the possibilities for growth of bilingual special education programming:

Melinda: It's just very limited to think that you have to have that on your IEP in order to be in the program . . . So there were only three schools that had enough students with a bilingual recommendation of the same language, same student to staff ratio, in the same location where we could justify forming a bilingual program.

Interviewer: But what do you think accounts for the overall low enrollment of multilingual learners with disabilities in bilingual education?

Melinda: That we've been reserving those bilingual seats for kids who have a bilingual recommendation on their IEP. (Melinda, District Leader, interview transcript, 12/12/23)

In this passage, Melinda attributes the low enrollment of MLwDs in bilingual education to the IEP procedure. She explains how special education mandates around student to staff ratio, in combination with the need for enough speakers of the same home language within a school to make a bilingual program viable, constrain the availability of bilingual special education for MLwDs. Moreover, our findings indicated that special education mandates typically took precedence over mandates for language learning for MLwDs, including the provision of bilingual education.

We found that even when bilingual education is required in a student's IEP, there are ways around it. For instance, several leaders explained to us that if an IEP requires home language instruction but a school does not have a bilingual special education program then the child can be placed into an English monolingual special education program with an "alternate placement paraprofessional," a bilingual paraprofessional who provides support to students. This arrangement is meant to be temporary but participants described how it is often long term.

Soledad discusses further systemic constraints, when describing her failed efforts to open a DLBE ICT program in her school district:

[W]e had one principal who wanted a program . . . They didn't even have the numbers to meet the special ed seats threshold to open that ICT program. So that's the clear difference between the, even though it says bilingual special ed and automatically the assumption is the DML [Division of Multilingual Learners], it has to go directly through the Special Ed Division. (Soledad, District Leader, interview transcript, 7/26/23)

This district leader describes the efforts of one school to open a DLBE ICT program for MLwDs and explains how starting a program would require the collaboration of two different NYCPS offices (the Division of Multilingual Learners and the Division of Special Education), something she described as an extra bureaucratic hurdle. Soledad explained how complying with the staff to student ratio requirements of special education were prioritized over mandates for the provision of bilingual education. Taken together, this data demonstrates how the intersectional gap typically results in English-only programming for MLwDs at the local level, with ableist logics shaping understandings of bilingual education in NYCPS school districts.

The bilingual educator shortage. Another systemic barrier to the provision of bilingual special education for MLwDs that was frequently cited in interviews was the shortage of bilingual special educators. The shortage of bilingual educators in New York City has existed for well over 20 years, but has intensified as city schools have welcomed over 40,000 new arrivals in the past three years. The shortage of bilingual special educators is particularly acute. Bilingual education is at the top of the list of teacher shortage areas and currently listed as one of four high need subjects – along with special education – for which the NYCPS is actively recruiting teachers (NYCPS, 2024). A high school district leader we interviewed, Vy, stated the following when we asked about the reasons high school principals do not offer bilingual education programs:

They don't have the teachers . . . Yeah, they don't have the Spanish-speaking teachers . . . So you put them in a classroom with just a teacher, then you're out of compliance. Nobody likes to be out of compliance. (Vy, District Leader, interview transcript, 4/21/23)

As Vy explains, the shortage of bilingual educators is a primary reason that schools do not open bilingual education programs. As she notes, schools are required to place teachers who are certified in the area they are teaching, and if bilingual education classes are taught by educators who do not hold bilingual teacher licensure then the school will be out of compliance.

Institutional bureaucracy also stands in the way of teachers becoming certified in bilingual special education:

I was tenured under my Special Ed [teaching license], and when I was given this opportunity, I went back and I got certified in bilingual education. But I'm going to be very honest, I didn't want to switch because I would have to be re-tenured and go through that whole process again. (Lucia, District Leader, interview transcript, 1/24/24)

In this interview, Lucia told us that she had teacher certification in special education and took advantage of an opportunity to get bilingual education certification as well. However, she realized she could not accept a bilingual special education position without losing her tenure. This offers an example of how the intersectional gap becomes a barrier that prevents schools from providing bilingual special education.¹⁰

Several participants we interviewed believe that systemic barriers to providing bilingual special education have not been addressed because there is not as much MLL advocacy as there is advocacy for students with disabilities. As one district leader explained:

There's a lot of advocacy. There are advocates that show up and raise hell. "I want my child to get 30 SETTS [Special Education Teacher Support Services] sessions and 2 million OTs [occupational therapists] and everything else," and they fight. We don't get that for MLLs. We don't have that same level of advocacy that we see for students with disabilities. (Rommel, District Leader, interview transcript, 1/24/23)

In this excerpt, Rommel explains that there is far more advocacy for special education than there is for bilingual education, so that draws the attention of district leaders. Moreover, the systemic barriers noted in this section are perceived by participants as standing in the way of bilingual special education expansion.

"Having an IEP doesn't mean that you intellectually have a deficit": Alternative perspectives

It is worth noting that there were some leaders we interviewed who offer alternative perspectives on these discourses and practices. For example, a citywide leader named Shirley described her efforts to promote bilingual special education expansion, including DLBE:

Again, I favor the dual language program for them [MLwDs] as well. Having an IEP doesn't mean that you intellectually have a deficit . . . One of the first things I did is work very closely with the Office[s] of Bilingual Education and Special Education . . . And for the first time, we did cross collaborations where we actually worked with them to provide professional development together to all the teachers and show that students could definitely benefit from being in dual language and transitional bilingual programs. (Shirley, Citywide Leader, interview transcript, 11/28/23)

Shirley, a citywide leader who is knowledgeable about bilingual education, stated in this excerpt that she prefers bilingual special education for MLwDs. She described how she worked to remove barriers by coordinating the work of bilingual education and special education offices within the NYCPS, and thereby increased the access of MLwDs to bilingual education programs – especially DLBE. She also provided professional development for teachers, because she believed that addressing teachers' language ideologies was essential for changing school practices. Shirley's efforts offer an example of how ableism and the intersectional gap can be addressed.

One of the district leaders we interviewed, Kelly, has increased the availability of dual language bilingual special education in her district. As Kelly explained:

Part of the reason why we wanted to really have dual language ICT was because we didn't want a parent to have to choose between Special Ed services and language. (Kelly, District Leader, interview transcript, 11/4/22)

In her interview, Kelly described how she addressed the intersectional gap within the district she leads by opening new DLBE special education programs. Kelly, who has a background and formal preparation in the education of multilingual learners, expanded DLBE special education ICT programming for MLwDs in her district.

We also interviewed a principal in New York City, Elizabeth, who opened DLBE ICT classrooms for MLwDs in each grade at her school. When we asked Elizabeth why she thinks there are so few DLBE special education programs citywide, she explained:

... I sometimes think that people see dual language as having to be strong kids in there, or children that don't have any learning disabilities, or are even advanced in this other way to challenge them ... So, I think that difference in stance and understanding of what dual language can do and how people bring it into their buildings for different reasons, without that commitment to the multilingual learners, then I think that's how they're not as inclusive of kids with learning differences, which I think is very unfair. (Elizabeth, School Leader, interview transcript, 3/5/24)

During her interview, Elizabeth shared data from her school showing a range of benefits of DLBE for MLwDs. In spite of working within a system where there are many ideological and systemic barriers against doing so, Elizabeth's school ensures that MLwDs are also able to benefit from bilingual education. And, in her interview, she passionately argued that it is these students who most need access to bilingual education, and particularly to developmental programs like DLBE where students' home languages are sustained in instruction over time. Taken together, these district and school leaders offer alternative perspectives that highlight the possibilities for bilingual education programs to serve MLwDs.

Conclusion and suggestions for ways forward

This research study exposes how multilingual learners with disabilities in New York City are foreclosed from the opportunity to receive bilingual education, a right to which they are entitled by local law. Our research shows how the vast majority of MLwDs attend English monolingual programs, in spite of the urgent necessity for them to receive bilingual education. MLwDs whose IEP entitles them to receive services in self-contained settings are the most likely to be foreclosed from the opportunity to attend a bilingual education program, and especially to enroll in a DLBE program. The quantitative data we presented examines New York City as a whole, and shows how this occurs on a wide scale.

Ableism promulgates the “intersectional gap” (Cioè-Peña, 2017) – the failure to holistically recognize dually identified students who are both multilingual learners and students with disabilities – resulting in their placement into English monolingual special education classrooms. When bilingual education is available for MLwDs, it is more likely to be transitional bilingual education rather than dual language bilingual education, especially for MLwDs in self-contained programs. Ableism converges with gentrification ideologies to frame DLBE as both more cognitively demanding and a type of educational enrichment. This brings to light a form of DLBE gentrification not previously identified in research, wherein disability becomes a justification for excluding MLwDs from DLBE programs.

This research found that gentrification ideologies are pervasive and extend beyond DLBE programs alone, impacting how educators and administrators understand bilingual education in general. School leaders' ideologies surfaced as a barrier preventing MLwDs, and particularly those in self-contained classrooms, from being provided with bilingual education. In this way, beliefs about disabilities result in exclusionary policies and practices that keep MLwDs out of bilingual education programs, contributing to their gentrification.

School district leaders also highlighted how structural divisions in the IEP process create a significant barrier to their provision of bilingual special education for MLwDs. They explained that most MLwDs are enrolled in English-only programs because home language instruction has to be mandated in a student's IEP in order for bilingual education to be provided. However, because IEP processes are overseen by special education mandates wherein language is not necessarily a consideration, bilingual education is rarely required. We trace this intersectional gap at the local level back to two separate federal education policies – IDEA and Title III – and show how this approach has led to fragmented policies and exclusionary practices that deny MLwDs their inherent right to bilingual education based on their disability classification and/or participation in special

education. District leaders also identified the shortage of bilingual educators as a barrier that prevents them from providing bilingual special education programs, in the absence of coherent, systemic solutions.

We found that the availability of bilingual special education programs for MLwDs also varies by school district. District leaders hold differing views on bilingual education and the education of MLwDs, which impacts the language education policies they promote within their district and the access of MLwDs to bilingual special education programs. For instance, while district leaders often do not consider DLBE for MLwDs, a small group of leaders who we interviewed actively promote dual language bilingual special education. These leaders were able to successfully navigate the same systemic barriers to sustain and even expand bilingual special education programming, offering important counter examples to the dominant narrative. The fact that there are district and school leaders focused on increasing the access of MLwDs is a promising finding, and one to be built upon in efforts to address this issue in the future.

In light of these findings, we recommend the following:

- Increase the enrollment of MLwDs in bilingual education programs, including in DLBE programs
- Ensure that MLwDs have at least the same access to bilingual education as multilingual learners who do not have disabilities
- Structure the IDEA and Title III to work in tandem for MLwDs and address the intersectional gap at the local level through coordinated efforts in school districts and schools
- Increase national data collection and further documentation about MLwDs
- Revise the IEP process to offer a clear structure for requiring bilingual education
- Mandate that school district leaders, special educators, and all educators of multilingual learners receive preparation in the education of MLwDs
- Address the bilingual educator shortage – particularly the shortage of educators who are dually certified in both special education and bilingual education
- Identify and address ableism, particularly in policy creation, interpretation, navigation, and implementation as well as in the beliefs of school and district leaders
- Increase supports for district and school leaders who are offering bilingual special education for MLwDs

Moreover, it is important to strengthen the social justice roots of bilingual education, and ensure that all multilingual learners have the opportunity to enroll in bilingual programs where their needs are centered. Taken together, these recommendations offer pathways toward better serving multilingual learners with disabilities.

Notes

1. The terms multilingual learners (MLLs) and English language learners (ELLs) are both used in New York, but we will use solely the former in this paper to refer to all MLL students. When speaking about multilingual learners with disabilities specifically, we will use MLwDs following the work of Cioè-Peña et al. (2025).
2. The Individuals with Disabilities Education Act is federal legislation that ensures eligible children with disabilities are provided with free appropriate public education and related services that are tailored to their individual needs.
3. ESSA is a federal law passed in December 2015 that governs the United States K–12 public education policy. It replaced the previous version of the law, the No Child Left Behind (NCLB) Act of 2002.
4. This data was released to us with privacy protection under the Family Educational Rights and Privacy Act (FERPA).
5. These previously unpublished datasets have since become publicly available.
6. It is worth noting that district leaders are very busy and difficult to schedule.
7. According to the NYCPS website, the total number of bilingual education programs in the 2024–25 school year is 566 (10 more programs than in 2022).

8. NYCPS offers an overview of programming for students with disabilities at <https://www.schools.nyc.gov/learning/special-education/school-settings/district-schools>
9. It is worth noting that these offices were recently moved into the same division of NYCPS, the Division of Inclusive and Accessible Learning, offering the potential for greater collaboration.
10. It is worth noting that the restriction on tenure that Lucia faced was recently lifted for bilingual educators, which will hopefully begin to alleviate the bilingual educator shortage in the future.

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