

LIMITED ENGLISH PROFICIENT STUDENTS AND SPECIAL EDUCATION

Identification and Service

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Opryland Hotel, Nashville, TN

AFTER THREE YEARS OF
SPECIAL EDUCATION
PLACEMENT, HISPANICS
WHO ARE CLASSIFIED AS
LEARNING DISABLED HAD
ACTUALLY LOST GROUND.

SO...

THESE STUDENTS WERE NOT
SERVED IN THE REGULAR
CLASSROOM. NOW THEY ARE
NOT BEING SERVED IN THE
SPECIAL EDUCATION
CLASSROOM. WHAT ARE WE
MISSING?

WE HAVE NOW ADDED THE
STIGMA OF BEING SPECIAL
EDUCATION TO THE STIGMA OF
BEING ONE OF THOSE
STUDENTS WHO CAN'T SPEAK
ENGLISH WELL.

WHAT HAPPENS TO SELF-
ESTEEM?

§300.345

- The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings of the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

§300.346

With respect to a child with limited English proficiency the IEP team shall consider the language needs of the child as those needs relate to the child's IEP, when

- ✓ the team develops the child's IEP
- ✓ the team conducts a meeting to review and, if appropriate, revise the child's IEP.

IN DEVELOPING AN IEP FOR AN
LEP CHILD WITH A DISABILITY
IT IS PARTICULARLY IMPORTANT
THAT THE IEP TEAM CONSIDER
HOW THE CHILD'S LEVEL OF
ENGLISH PROFICIENCY
AFFECTS THE SPECIAL
EDUCATION AND RELATED
SERVICES THAT THE CHILD
NEEDS.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

School districts are required to provide LEP children with alternative language services:

- ✓ to enable them to acquire proficiency in English
- ✓ to provide them with meaningful access to the content of the educational curriculum available to all students including special education and related services.

WHAT DO WE NEED TO ANALYZE?

- The validity of the referral
- Assessment processes
- Cultural factors
- Quality of instruction
- What has/hasn't been tried at remediation

PRE-REFERRAL

- ◉ **Observation**
- ◉ **Teacher Assistance Teams**
 - Discuss problem in detail
 - Brainstorm
 - Develop an action plan
 - Follow up from action plan

PRE-REFERRAL STEPS

- ⦿ Identify the problems
- ⦿ Identify the source of the problem
- ⦿ Invite the parents to the/a meeting
- ⦿ Involve the student if appropriate
- ⦿ Create a plan of action
- ⦿ Plan a follow up meeting

QUESTIONS TO ASK: FLOWCHART

- 1. IS THE STUDENT EXPERIENCING ACADEMIC DIFFICULTY?*
- 2. IS THE CURRICULUM KNOWN TO BE EFFECTIVE FOR LANGUAGE MINORITY STUDENTS?*

*3. HAS THE STUDENT'S PROBLEM BEEN
VALIDATED?*

*4. IS THERE EVIDENCE OF SYSTEMIC EFFORTS
TO IDENTIFY THE PROBLEM AND TAKE
CORRECTIVE ACTION?*

LOOK AT THE EXPOSURE TO CURRICULUM:

- ◉ Continuity of exposure
- ◉ Domains
- ◉ Scope and sequence
- ◉ Student's entry level
- ◉ Basic skills
- ◉ Higher cognitive skills
- ◉ Mastery
- ◉ Practice

QUESTIONS TO DETERMINE LEARNING DISABILITIES

- ⦿ Has the child's problem persisted over time?
- ⦿ Has the problem resisted normal classroom instruction?
- ⦿ Does the problem interfere with the child's academic progress?
- ⦿ Does the child show a clear pattern of strengths and weaknesses?
- ⦿ Is there an irregular pattern of success?

INSTRUCTION

- Motivate
- Sequence of instruction
 - ✓ Teach prerequisite skills
 - ✓ Pre-teach
 - ✓ Teach
 - ✓ Review and re-teach
- Language of instruction
- Effective teaching behaviors
- Coordination with other programs

STUDENT

- ◉ Experiential background
- ◉ Language proficiency
- ◉ Cultural characteristics
- ◉ Cognitive/learning style
- ◉ Socioeconomic status
- ◉ Locus of control/attribution
- ◉ Modes of communication
- ◉ Self-concept
- ◉ Motivation

EVALUATION OF INSTRUCTION

- ◉ Standards
- ◉ On-going data collection
 - Assessments
 - Grades
- ◉ Modification based on evaluation
- ◉ Staff development

HANDICAPPING CONDITIONS

- ◉ Intellectual disability
- ◉ Hearing and vision impairments
deafness/blindness
- ◉ Emotional disturbance (Post traumatic stress)
- ◉ Physical and health impairments
- ◉ Multiple handicaps
- ◉ Specific learning disabilities

HANDICAPPED IS NOT...

- ◉ Linguistic
- ◉ Cultural
- ◉ Socioeconomic

THE SPECIAL EDUCATION
ASSESSMENT PROCESS MUST
DOCUMENT THAT A STUDENT'S
LEARNING DIFFICULTIES ARE
NOT THE RESULT OF FACTORS
SUCH AS LIMITED KNOWLEDGE
OF ENGLISH OR LACK OF
OPPORTUNITIES TO LEARN.

DO THEY KNOW THE LANGUAGE
EXPECTED IN THE CLASSROOM?
BICS VS. CALP

DO THEY HAVE THE PRE-
REQUISITE KNOWLEDGE FOR THE
CONCEPTS BEING TAUGHT IN THE
CLASS?

INTER- AND INTRA SETTING: IS
THE PROBLEM ACROSS
SETTINGS?

IF POSSIBLE, INTER-TEACHER
AND PARENTAL PERCEPTIONS
SHOULD MATCH.

DO WE HAVE THE SOURCE OF
THE PROBLEM?

IS IT THE TEACHER, THE
PROCEDURE, THE COMFORT
ZONE?

HAS THAT AFFECTIVE FILTER
KICKED IN?

TEACHER'S OFTEN TEACH
BASED ON THEIR OWN
LEARNING STYLE.

LOOK AT WAIT TIME FOR
RESPONSES, ACCESS TO
NEEDED MATERIALS, GENDER
EXPECTATIONS, DISCIPLINE
PROBLEMS.

IS THE STUDENT'S CULTURE
VALUABLE IN THE CLASSROOM?

HAS THE TEACHER STUDIED A
FOREIGN LANGUAGE? LIVED
ABROAD? VISITED THE HOME?

IS THE STUDENT GETTING L1
SUPPORT?

DOES THE TEACHER KNOW WHAT
TO EXPECT FROM AN ESL
LEARNER?

WHAT ARE REASONABLE TIME
FRAMES?

IS IT A CALP PROBLEM?

“...STUDENTS AT GREATEST RISK OF BEING MISDIAGNOSED AS HANDICAPPED ARE THOSE WHO HAVE RECEIVED ESL INSTRUCTION LONG ENOUGH TO ACQUIRE BASIC INTERPERSONAL COMMUNICATION SKILLS, BUT WHO NEED MORE TIME TO DEVELOP ACADEMIC LANGUAGE PROFICIENCY.”

ORTIZ

HOW DOES THE STUDENT'S
CULTURE VIEW A
HANDICAPPING CONDITION?

A GENDER ISSUE?

- ❖ Attendance/mobility
- ❖ Opportunities to learn
- ❖ Quality and length of prior instruction
- ❖ Length of residence in the U.S.
- ❖ Parent's education levels
- ❖ Stress: poverty, lack of emotional support, chores
- ❖ Medical history: vision/hearing, trauma, illness, nutrition

CULTURAL VARIABLES

- ◉ Family size, structure, role, responsibilities, expectations
- ◉ Aspirations
- ◉ Religion
- ◉ Traditions and reason for immigration
- ◉ Standards for acceptable behavior
- ◉ Degree of acculturation/assimilation
- ◉ Multicultural

LANGUAGE PROFICIENCY

- ◉ Setting
- ◉ Topics
- ◉ Syntax
- ◉ Vocabulary
- ◉ Phonology
- ◉ Expressive vs. receptive
- ◉ Language for interpersonal communication
- ◉ Language for academic skills
- ◉ Parent's language
- ◉ Television/radio/reading materials
- ◉ Enrichment/remediation

LEARNING STYLES

- ◉ Visual vs. auditory
- ◉ Inductive vs. deductive
- ◉ Teacher vs. student directed
- ◉ Small group vs. large group

MOTIVATION

- ◉ Aspirations
- ◉ Respect for culture and language
- ◉ Experiences in academic and social success
- ◉ Different cultural criteria for success
- ◉ Perception of education by child's community

INSTRUCTION

- Is it relevant?
- Is it interesting?
- How is new material taught?
- Is it contextualized?
- Is learning collaborative?
- Is it research based?
- Are there meta-cognitive strategies in place?

QUESTIONS TO DETERMINE LEARNING DIFFICULTIES

- ◉ Has the child's problem persisted over time? If the child has a language problem, errors in his/her oral language skills will improve over a period of time. If the child has a learning problem, his/her skills will not improve.
- ◉ Has the problem resisted normal classroom instruction? If the child has received explicit instruction in the problem area and still does not improve, it is probably a learning problem.
- ◉ Does the problem interfere with the child's academic progress?
- ◉ Does the child show a clear pattern of strengths and weaknesses?
- ◉ Does the child have good oral skills but poor written skills?
- ◉ Is there an irregular pattern of success? Does the child seem to get it one day and not the next?

DETERMINING LANGUAGE DOMINANCE

- At what age did the child start to speak in L1?
- Did the child go to school in the native country?
- Which language works best when explaining things to your child?
- At what level was the child functioning in school in L1? in L2?
- In which language does your child express wants, needs, and feelings best?
- How well does your child understand L1 speakers?
- Which language does the child use when speaking to other children?

BEFORE THE FINAL DECISION .



- Educational history
- Family history
- Oral samples (in L1 and L2)
- Writing samples (in L1 and L2)
- Standardized language assessment (in L1 and L2)
- Academic assessment
- Psychological assessment (in L1 and L2)
- Teacher narrative on social, emotional, and behavioral issues
- Determination of the student's strengths and weaknesses

5 SCREENING TOOLS:

- ◉ Home language survey
- ◉ Checklist for resiliency
- ◉ Acculturation checklist
- ◉ Sociocultural interaction checklist
- ◉ ESL assessment

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§300.532 (A)

Each public agency must ensure that tests and other evaluation materials used to assess a child under Part B of Idea?

- ✓ are selected and administered so as not to be discriminatory on a racial or cultural bias
- ✓ Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so

continued

AND EACH PUBLIC AGENCY MUST ALSO ENSURE THAT . . .

- ✓ materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education
- ✓ rather than measuring the child's English language skills.

continued

EVEN IN SITUATIONS WHERE IT IS CLEARLY NOT FEASIBLE TO PROVIDE AND ADMINISTER TESTS IN THE CHILD'S NATIVE LANGUAGE OR MODE OF COMMUNICATION FOR A CHILD WITH LIMITED ENGLISH PROFICIENCY, THE PUBLIC AGENCY MUST STILL OBTAIN AND CONSIDER ACCURATE AND RELIABLE INFORMATION THAT WILL ENABLE THE AGENCY TO MAKE AN INFORMED DECISION AS TO WHETHER THE CHILD HAS A DISABILITY, AND THE EFFECTS OF THE DISABILITY ON THE CHILD'S EDUCATIONAL NEEDS.

DETERMINING ELIGIBILITY §300.534

- A child may not be determined to be eligible under Part B if the determinant factor for that eligibility determination is the child's lack of instruction in reading or math or the child's limited English proficiency...
- ...and the child does not otherwise meet the eligibility criteria for a “child with a disability.”

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