Guidelines and Resources

Special Education Assessment Process for Culturally and Linguistically Diverse (CLD) Students
2015 Update

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New To the 2015 Update

Cultural Humility Framework

Eclectic-Non-Discriminatory Assessment Framework

Federal and State criteria for SLD identification with CLD students

Culturally Responsive RTI Guidelines for CLD Students

Expanded terminology/definitions

Updated companion resources

Links to culturally responsive instructional and assessment practices for CLD students

Updated resources/references for further reading

Revised listing of assessment tools

Updated appendices

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Acknowledgements

Definition of Terms

There are many terms and acronyms in use in general and special education settings, and there are likewise many terms and acronyms used in assessment or evaluation settings. The glossary of terms to follow presents definitions of terms and acronyms used in these guidelines.

Acculturation

Acculturation is the process of adapting to the cultural worldviews, customs, and traditions of mainstream society. Acculturation occurs with individuals and with groups of people. It influences all aspects of human behavior and functioning including: cognition, emotion, behavior, perceptions, ideologies, beliefs, values and language (Cuellar and Paniagua, 2000). See Appendix D for more information.

BICS

Basic Interpersonal Communication Skills (BICS) are skills used in day to day interactions with others. Examples of BICS may include: playground conversations between children and informal verbal interactions with a parent, a friend or a neighbor. Second language learners need an average of one to three years of exposure to the second language to reach appropriate levels of conversational proficiency with peers (Cummins, 2004).

Biculturalism

Biculturalism is the successful integration of new cultural patterns into the cognitive and behavioral patterns of the first culture and language.

Bilingual Education

Bilingual education refers to approaches in the classroom that use the native languages of English learners (ELs) for instruction. Goals include:
* teaching English,
* fostering academic achievement,
* assisting immigrants in the process of acculturation,
* preserving a minority group's linguistic and cultural heritage,
* enabling English speakers to learn a second language,
* developing national language resources, or
* any combination of the above.

National Organization for Bilingual Education (NABE 2005). See Appendix F for more information.

CALP

Cognitive Academic Language Proficiency (CALP) is the ability to use and understand complex linguistic meaning in verbal or written communication. CALP illustrations may include engaging in sophisticated, intellectual conversations or writing school essays. CALP development varies, and it may take five to seven years, on average, to reach peer-appropriate grade norm levels in academic areas taught in a second language (Cummins, 2004).

CUP

Common Underlying Proficiency (CUP) refers to cognitive/academic proficiency that underlies academic performance in both languages. Information learned in the native language facilitates the learning of the same concept in the second language.

Culture

Edwards, Ellis, Ko, Saifer, and Stuczynski, (2004) define culture as, "A way of life." Culture is especially related to the socially transmitted habits, customs, traditions, and beliefs that characterize a particular group of people at a particular time. It includes the behaviors, actions, practices, attitudes, norms, values, language patterns, traits, etiquette, spirituality and superstitions, of a racial, ethnic, religious, or social group. Culture influences how we process learning, solve problems, and teach. "Culture is the lens through which we look at the world. It is the context within which we operate and make sense of the world". (Edwards et al., 2004 p. 9)

Culture/Language Relationship

The language and culture relationship explains how individuals acquire language through socialization, and how, in turn, language exerts a significant role in their perceptions of their physical and social world. In order to address linguistic differences appropriately, acknowledging and respecting cultural differences is crucial. (Manning and Baruth, 2000).

Culturally and Linguistically Diverse (CLD) Students

CLD students are those who have a language other than English in their background (Harris County Department of Education, Bilingual Assessment Leadership Group, Texas, 1997). Some may have been born in or outside of the US, or they may have been raised in a home environment where a language other than English was dominant. CLD students often exhibit difficulties speaking, reading, writing, or understanding English. Other terms used to identify these children include: English as a Second Language (ESL), Limited English Proficient (LEP) or the most updated terms: English Learner (EL) and Second Language Learner (SLL). English speaking students who have dialectical differences are not considered CLD.

Culturally Responsive Practices

Culturally responsive practices are practices that respond to the needs of CLD students. Culturally responsive practices take into account the socio-cultural-historical contexts that influence students' functioning and interactions. See Appendix G for common characteristics of culturally responsive practices.

Exclusionary Factors

Exclusionary factors are factors, external to the student, that exist which can partially or fully explain a student's academic or behavioral struggles, but are not suggestive of a disability. These exclusionary factors may include socio-cultural differences, economic disadvantage, lack of instruction or inconsistent schooling, inappropriate instruction, ecological/environmental issues in the classroom, and typical second language acquisition stages.

Interpreter

An interpreter is an individual who facilitates communication between speakers who do not speak the same language. Interpreters assist in parent/school meetings and they may assist during the assessment process. The interpreter conveys information verbally from one language to another guided by the knowledge and familiarity of the appropriate methods of expression. The interpreter is fluent and literate in the target language (Harris County Department of Education Bilingual Assessment Leadership Group, Texas. 1997).

L1

L1 is the native, primary or first language learned by the child, and/or the parent's native language (IDEA, 2004).

L2

L2 is the second language a person acquires after learning their native language. For the purposes of this manual, L2 refers to English.

Language Dominance

The dominant language is usually the language that a person:
- learns first;
- has the greatest ease using;
- prefers to use;
- consistently chooses to use when speaking with bilingual individuals or with individuals who speak the same dialect.

Language Proficiency

A student's language proficiency refers to the level of skill they have attained in understanding and using a language in both formal and informal settings. Language proficiency levels range from limited to advanced. Some characteristics a proficient language user has include:
- the ability to understand distorted messages;
- the ability to express messages effectively;
- the knowledge of linguistic rules;
- the use of language fluently across a variety of contexts (Ortiz, 1997).

Multicultural Assessment

Multicultural assessment is the determination of a CLD student's intellectual, academic, communication, social/emotional, and behavioral capabilities. The student's strengths and weaknesses are described by utilizing assessment techniques that can measure student aptitudes and abilities in light of linguistic and socio-cultural factors in a nonbiased and nondiscriminatory manner.

Native or First Language

As described by IDEA (2004), the native language is the primary language of the parents of a child.

Response to Intervention (RTI)

Response to Intervention is the practice of providing high quality instruction/intervention matched to students' needs. Additionally, the learning rate and performance level is measured over time to make important educational decisions (National Association of State Directors of Special Education, 2005). Decision rules and exit criteria are an integral part of RTI and are developed by local school districts to determine the appropriate course of action at given transition points.

Second Language Acquisition Process

The second language acquisition process is a complex, and lifelong process similar to first language acquisition. Second language acquisition is best developed by exposure to meaningful activities that focus on language use. (Collier, 1998). See Appendix E for associated linguistic patterns related to second language acquisition and development.

Worldview

An individual's worldview encompasses the social, economic, political climate, as well as family influences, personal characteristics, experiences, gender, sexuality, cultural background and spirituality. (New Mexico Department of Education, 2001).

Legal Mandates and Professional Ethics

Education professionals are responsible for abiding by legal mandates regarding their practice and following their respective professional ethical standards to practice within the scope and competence of their professional training. The professional code of ethics helps them recognize their competence limitations and recommends collaborating/consulting/supervising, and/or referring students/clients whose presenting and complex characteristics are beyond the scope of their professional practice with professionals who have the professional expertise to meet students'/clients' presenting needs.   Specific guidelines related to professional and ethical restrictions and responsibilities when educating and evaluating CLD students include Oregon Teacher Standards and Practices Commission (TSPC) Ethical Educator & Professional Practices, and National Association of School Psychologists Principles for Professional Ethics. These materials can be found in Appendix A.

Introduction

These guidelines, prepared for evaluation professionals in the state of Oregon, represent current best practice for the special education evaluation process for culturally and linguistically diverse (CLD) students. They are not meant to be an exhaustive resource on cultural and linguistic diversity issues. This document uses the terms Limited English Proficiency (LEP), English Language Learners (ELL), Second Language Learners (SLL), or the commonly used new term English Learners (ELs) interchangeably based on the reference resource. The term culturally and linguistically diverse (CLD), used throughout this document, refers to all students who have cultural and linguistic requirements, although some students may not be identified as English Learners.

General education and special education evaluation professionals (e.g., teachers, school psychologists, speech and language pathologists) working with CLD students are encouraged to pursue ongoing, professional education in areas including:
- cultural humility development,
- research findings on the different instructional programs used to educate CLD students,
- typical and atypical second language acquisition,
- socio-cultural influences (acculturation and socioeconomic background),
- nondiscriminatory assessment,
- culturally responsive instructional and evaluation approaches, and
- CLD Families/School Collaboration

An in-depth understanding of the interplay of these factors on CLD students' learning is imperative for conducting equitable and nondiscriminatory evaluations.

This 2015 Update reviews current RTI and special education evaluation processes for CLD students. This Update also presents an integrative approach that combines RTI and special education assessment processes. This integrative approach allows more comprehensive and accurate evaluation results.

The Special Education Assessment Process for Culturally and Linguistically Diverse Students 2015 Update reflects an integration of theory, research and recommended best practices to equip school professionals with the knowledge necessary to determine whether a CLD student's academic learning difficulties are influenced by second language acquisition, the acculturation process, socioeconomic background, inappropriate instruction, or a disabling condition.

These guidelines are best used in conjunction with the Individuals with Disabilities Education Improvement Act (IDEA 2004), Oregon Administrative Rules, Oregon Department of Education (ODE) Common Core Standards Initiatives for ELs, ODE Decision Making for English Learners (ELs) with Disabilities, and the Standards for Educational & Psychological Testing (2014).

Additionally, the companion resources listed at the end of the introduction provide in-depth discussion of the factors that allow school professionals to recognize, respect, and build on students' cultures and languages in order to conduct equitable nondiscriminatory evaluations. The 2015 Update is intended to be used concurrently with these resources. Without deep knowledge and the constant use of these resources, school professionals may have limited success in adopting appropriate practices and policies related to CLD students' education and evaluation procedures.

This 2015 Update adopts a cultural humility framework and recommends that the starting point for all evaluation procedures is the education professional's introspection and examination of his/her cultural belief system and how it impacts his or her evaluation practices and interactions with students (Chavez, 2012). Therefore, an orientation to student factors should occur only after introspection and an evaluation of the professional's belief system has occurred. This adjusted starting point should apply to assessment of all students, including those from low SES backgrounds. The 2007 Revision promoted and recommended that professionals engage in culturally responsive practices to appropriately address CLD students' developmental, social, behavioral and educational needs; however, it did not emphasize the professional's responsibility for personal and professional cultural humility development. Cultural humility is a term currently used in the medical and mental health professions and is considered best practice.

The University of California, San Francisco, School of Psychiatry Cultural Humility Task Force recognizes that cultural humility:
- Is an attitude that includes pride for one's own culture and the knowledge that the clinician's world view is not universal.
- Is an attitude that acknowledges that a patient's culture can only be appreciated by learning from the patient.
- That attributing certain traits or attitudes to individuals who belong to a certain group is an act of generalization that may or may not be accurate or helpful in understanding an individual patient.
- To be sensitive to a patient's culture, clinicians must possess cultural humility.

This adjusted framework changes the initial focus from client oriented to provider introspection (Chavez, 2012). Cultural humility, defined as a lifelong process of self-reflection and self-critique learning and development, focuses on the professional's continued examination to understand his/her belief system and how his/her values and beliefs impact professional interactions with clients/students. Applying and practicing cultural humility principles in educational settings require school professionals to focus on their own worldview and belief system to gain awareness of their impact on their students prior, during, and after interacting with students, learn from their students about the students' culture, refrain from and/or question groups' stereotypical perceptions, and be sensitive to the power imbalance between their professional role and their students' role. Cultural humility is an ongoing, continual process. Therefore, education professionals are strongly recommended to actively engage in self-introspection regarding their professional impact when interacting with students and families and seek ongoing professional development and learning in this area to become culturally humble professionals.

New to this 2015 Update is a review of second language acquisition characteristics and of federal and state legal mandates for evaluating CLD students when determining special education eligibility for specific learning disability. This 2015 Update has integrated information from the *Essentials of Cross Battery Assessment, Third Edition* by Flanagan, Ortiz and Alfonso (2013). Within the Third Edition is the equitable and non-discriminatory framework integrating Cross Battery Assessment (XBA), research and recommendations when conducting pre-referral procedures, and special education evaluations with CLD students.

Meeting the educational and evaluation needs of Culturally and Linguistically Diverse (CLD) students in the United States has been a national challenge for school professionals for the last three decades. English Learners (ELs) are the fastest growing and most poorly performing student population in Oregon (ODE Data Explorer, Nov. 2014). According to Ortiz and Artiles (2010), ELs' education reflects a plethora of concerns including: "widespread underachievement, high rates of social promotion, retention, and school attrition; and disproportionate representation in remedial, compensatory, and special education programs." (p. 248). Dennis Van Roekel, president of the National Education Association (NEA) projects that U.S. EL enrollment in 2015 will reach 10 million and by 2025, nearly one in every four students will be an EL. The 2015 Update was

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developed to provide school professionals with relevant and fundamental knowledge and best practice that when implemented with integrity will (1) reduce the achievement gap between ELs and their non-EL peers; reduce CLD disproportionality in special education, and (3) promote equitable and nondiscriminatory practices in the education and special education evaluation of CLD students.

Oregon's EL Population

According to the U.S. Bureau of the Census (2009), 57% of the student population is identified as White. U.S. Census future projections reflect an increase in CLD student population: "by the year 2023, the majority of students will be members of traditionally underrepresented groups." (Ortiz and Artiles, 2010). In Oregon, 55,402 students, (9.96% of all K-12 students), reported a language origin other than English (Oregon Department of Education) during the 2012-2013 academic year. The EL population in Oregon is diverse and includes 26 languages. Hispanics constitute Oregon's largest EL population at 76.63% with 43,504 identified as ELs.

Challenges in Meeting the Educational Needs of CLD Students

School personnel encounter difficulties promoting the learning, academic achievement, and overall well-being of CLD students due to multiple factors including limited or minimal training and expertise in working with CLD students, scarcity of bilingual and/or bicultural educational professionals with expertise in this area, and the diversity within the CLD population itself. As a result, educational professionals who lack knowledge about acculturation and the second language acquisition process and their impact on CLD students, often mistakenly refer CLD students to special education when their difficulties are simply typical problems all CLD students' experience.

Ortiz and Artiles (2010) cite the Gruber, Wiley, Broughman, Strizek, & Burina-Fitzgerald (2002) study focusing on teachers' knowledge and efficacy and student achievement to support their claim that teacher have limited professional development to instruct EL students. Based on Gruber et al., (2002), of the 41% of U.S. teachers teaching ELs only 13% indicated receiving 8 training hours or more on how to teach ELs over a three year timeframe. It is imperative for teachers and other school professionals to become familiar with research-based instruction and culturally responsive instructional guidelines and assessment practices that promote overall well-being and academic achievement for these students. A shared knowledge base recommended for school professionals working with ELs includes: "expertise related to second language acquisition, the relationship between native language (L1) to development of English (L2) proficiency; the link between language proficiency and academic achievement; native language and ESL teaching methodology; sociocultural influences on learning; assessment of language proficiency; and effective instruction, progress monitoring, and working with families of ELs." (Ortiz & Artiles, 2010, p. 252). Professionals working with CLD students need to understand the factors influencing the social, emotional, and academic growth of CLD students because that growth differs substantially from the social, emotional, and academic growth of native born or native English speaking students in the United States.

Essential Knowledge Base Prior to an Evaluation

Several national experts on multicultural and non-discriminatory evaluations urge school evaluation professionals to gain essential cultural and linguistic knowledge regarding the characteristics of CLD students prior to testing (Alvarado, 2011, Ortiz and Artiles, 2010, Collier, 2010, Hamayan et al., 2013, Klingner et al., 2008, and Ortiz, 2002, 2005, 2007, 2008, 2014). This knowledge is critical in understanding the referral, determining appropriate evaluation procedures, interpreting test results, and participating effectively in the

team's decision making process. All school professionals (e.g., teachers, school administrators, school psychologists, speech and language pathologists) working with culturally and linguistically diverse students should be knowledgeable about fundamental second language learning, not just those professionals involved in the pre- and post- special education evaluation procedures.

Alvarado (2011) recommends examining four areas of second language learning: (1) research on the academic and language benefits of different general education programs, (2) basics of normal second language acquisition process, (3) native language loss, and (4) impact of poverty on language learning. The following section will provide a description of each of the four areas of second language learning.

Research Findings Regarding General Education Instructional Programs for CLD Students

The first area to examine is research evaluating the academic and language benefits of different general education programs for CLD students. General education programs for CLD students vary from English Language Instructional Programs (i.e., all instruction is done in English) to Bilingual Education Instructional Programs (i.e., instruction is done in both the native language and English). To make matters more complex, program differences exist within each of these instructional models. Below is a chart describing the differences between the instructional programs for CLD students adopted from Moughamian et al., (2009).

Table 1. Summary of Instructional Models for CLD Students

Model and goal	Program (typical names)	Language(s) of instruction
English-only: Developing literacy in English	English language development (ELD)	English
	English as a second language (ESL) pull-out	English; students are served in mainstream classrooms with ESL instructional support provided in the classroom by a specialist
	Sheltered English instruction	English adapted to students' proficiency level, supplemented by gestures, visual aids, manipulatives, etc. L1 support may be provided separately.
	Structured English immersion (SEI)	All instruction in English, adapted to students' proficiency levels. L1 support may be provided separately.
Bilingual: Developing literacy in two languages simultaneously	Bilingual immersion	Both English & students' native language (L1), usually throughout elementary school
	Dual language immersion	
	Two-way immersion	
	Developmental bilingual education	
	Late-exit	Both English & students' native language (L1).
	Maintenance education	
	Heritage language	
	Indigenous language program	
Bilingual with transitional support: English acquisition; transfer to English-only classrooms	Early-exit	Both English & students' native language (L1). After transition, no further instruction in L1.
	Transitional bilingual education	

From Moughamian, A.C., Rivera, M.O., & Francis D.J. (2009, p.5)

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The education of CLD students is highly controversial and public debate continues on the question of bilingual education vs. immersion or "English-only" education. Unfortunately, no standard protocol exists for EL instructional program design or implementation and the execution of these programs varies greatly across classrooms nationwide. This lack of standard programming poses an obstacle for researchers trying to compare the effectiveness of these educational programs. With these challenges in mind, researchers such as Thomas and Collier (1997, 2002, 2004), Artiles, Rueda, Salazar, & Higareda (2005), and Genesee, Lindholm-Leary, Saunders & Christian (2005), have examined these programs and evaluated the differences among the educational programs. Alvarado (2011) summarized studies evaluating instructional programs used with CLD students. Results from these studies support the advantages of dual language immersion programs over other instructional programs used with CLD students. The results indicate that second language acquisition takes longer than educational professionals and policy makers may expect. Additionally, language programs specifically designed to promote first language fluency and literacy skills positively impact EL students' English language learning. Programs using English to teach oral English proficiency and literacy to ELs were the least effective, likely to increase special education disproportionality, and unfortunately, the largest number of EL school dropout came from the English-only group.

The Artiles et al., (2002 & 2005) investigations corroborated Collier and Thomas' (1997 & 2004) findings that ELs taught in English-only classrooms are more likely to be referred for a special education evaluation. In fact, based on the Artiles et al. study, ELs without language support are three times as likely to be referred to special education evaluation due to increased academic difficulties.

Genesee et al., (2006) support the research by Collier and Thomas (1997, 2002, & 2007) and Artiles et al., (2002 & 2005) stating that "the educational success of ELs is positively related to sustained instruction through the student's L1 [native language]. In both descriptive and comparative program evaluation studies, results showed that length of time in the program and time of assessment affect outcomes." (p.3)

These investigations support dual language programs as the most effective instructional program for ELs and provide evidence to support the finding that CLD students in ESL and English-only immersion programs are more likely to be referred to special education. Therefore, general and special education professionals working with language minority students need to assess the extent to which a student's specially designed language program or lack thereof impacts his/her current academic achievement.

Second Language Acquisition Process

In addition to understanding the differences among EL instructional programs, Alvarado (2011) recommends that school professionals become knowledgeable about typical and atypical second language acquisition. An in-depth understanding of the second language acquisition process allows school professionals to understand whether ELs' academic difficulties are due to normal second language acquisition and/or a developmental disability. Identifying delayed second language development requires a thorough understanding of what constitutes normal second language development. Cummins (2004) describes the language acquisition process occurring in two separate but integrated stages: (1) Basic Interpersonal Communication Skills (BICS) and (2) Cognitive Academic Language Proficiency (CALP).

BICS are skills used in day to day interactions with others. Examples of BICS may include: playground conversations between children and informal verbal interactions with a parent, a friend or a neighbor. Second language learners need an average of one to three years of exposure to the second language to reach appropriate levels of conversational proficiency with peers. Students with BICS may not

have the ability to understand more complex linguistic meanings. Therefore, educators should be cautious and not assume that non-native speakers who demonstrate a high degree of fluency and accuracy in everyday spoken English have the corresponding academic language proficiency.

CALP is the ability to use and understand complex linguistic meaning in verbal or written communication. CALP illustrations may include engaging in sophisticated, intellectual conversations or writing school essays. CALP development varies, and it may take five to seven years, on average, to reach peer-appropriate grade norm levels in academic areas taught in a second language.

The concept of Common Underlying Proficiency (CUP) is based on the premise that in the course of learning the first language (L1), a child acquires a foundation of skills and knowledge that can be drawn upon when developing a second language (L2) (Cummins, 2000). In other words, information learned in the native language facilitates the learning of the same concept in the second language.

Cummins' classical iceberg analogy helps illustrate how BICS, CALP and CUP are conceptualized where BICS are located at the observable tip of the iceberg and CALP is situated at the hidden base and greater part of the iceberg.

For individuals developing two languages, CUP is illustrated with two overlapping icebergs with separate L1 and L2 BICS and separate L1 and L2 CALP. CUP is located within the overlapping section between the two languages.

Figure 1. Cummin's Iceberg Analogy Illustrating BICS, CALP, and CUP

Cummin's Iceberg Analogy

L1
Conversational Language

L2
Conversational Language

First Language Surface Features

Second Language Surface Features

L1
Academic Language

L2
Academic Language

Common Underlying Proficiency

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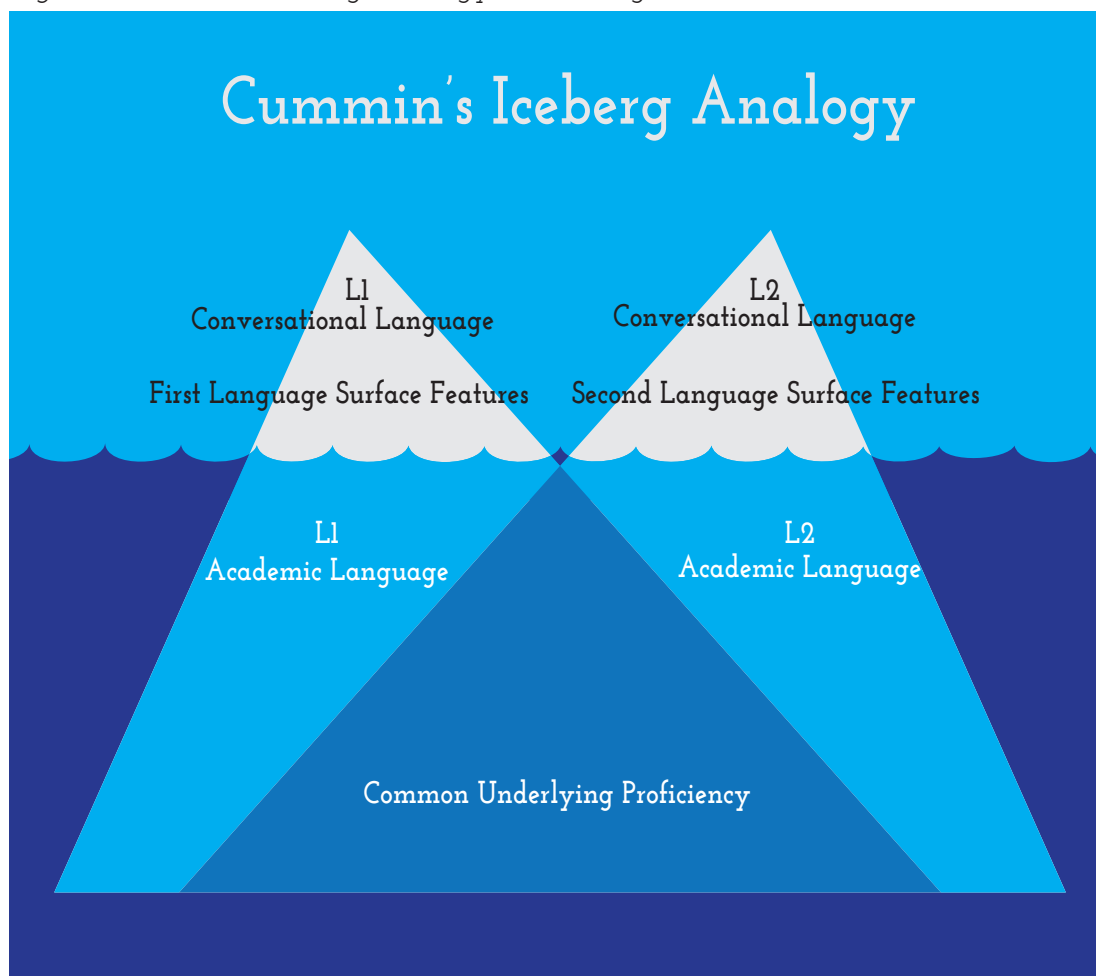
Native Language Loss Due to 2nd Language Development

A poorly understood, often ignored, and normal characteristic of 2nd language development is native language loss occurring as the second language is introduced and becomes more prevalent. According to Alvarado (2011), ESL and immersion students "experience the greatest native loss, but students attending bilingual education programs also experience some language loss in their first language" (p.7). ELs in the early stages of learning English (e.g., two to four years), are also experiencing native language loss. Therefore, educational professionals are strongly urged to understand that due to students' early second language development accompanied by native language loss phenomena, their oral fluency may reflect below average skills in both languages. Refer to Appendix E for additional common second-language development related patterns, stages, and a list of misconceptions and realities related to second-language acquisition development.

Impact of Poverty on Language Learning

The impact of poverty on ELs is a critical factor to consider during the language acquisition process. ELs are more likely to live in poverty when compared to English speaking students. According to Capps, Fix, Murray, Passel & Herwantoro (2005), two-thirds of ELs are from low income families, and 48% in grades PK-5 have parents who did not finish high school. "Families with low socioeconomic backgrounds often lack financial, social and educational supports and usually have limited access to community resources to promote their children's development, and school readiness." (Alvarado, 2011 p. 8).

Research has consistently demonstrated the correlation between social economic status (SES) and vocabulary development (Alvarado, 2011, Ortiz, 2014). Alvarado (2011) summarized Biemiller's (2001) study focusing on the listening vocabulary of children from professional families and children of families in the welfare system. According to Biemiller's study, children from professional families have heard about 30 million more words by age five when compared to children from families within the welfare system. Furthermore, according to Abedi and Dietel (2004), ELs from high poverty elementary schools acquired English more slowly when compared to other ELs.

Acculturation Impact on Socio-emotional Functioning and Academic Learning

Acculturation, the process of adapting to a second culture, significantly impacts the second language acquisition process. However, this is an area often ignored when designing instruction and implementing recommendations, and evaluating acculturating CLD students. Individuals undergoing acculturation may exhibit both academic and sociemotional difficulties due to individual/psychological acculturation. Berry (1980), a pioneer in the field of psychological acculturation, identified six psychological processes impacted by acculturation including: language, cognitive style, personality, identity, attitudes and acculturative stress. Acculturation impacts language differently depending on the nature of society's philosophical view toward acculturation, e.g. individuals forced to acculturate through the "melting pot" or "pressure cooker" philosophies that fail to recognize and appreciate ethnic differences tend to abandon their native language. However, voluntarily acculturating individuals influenced by multicultural ideologies that promote and appreciate cultural pluralism tend to develop bilingual language proficiency.

Cognitive style refers to changes in perceptual and cognitive behavior, where acculturated individuals

switch from a field-dependent to field-independent learning modality. Acculturation also impacts an individual's identity, sense of self and self-esteem, e.g. acculturating individuals in a multicultural setting tend to identify positively with both native and mainstream cultures, developing a bicultural identity, which has been associated with healthy acculturation outcomes in U.S. minorities. On the other hand, individuals acculturating in a society that ignores and fails to appreciate their cultural differences turn toward assimilation and/or rejection, two acculturation outcomes associated with mental health difficulties and/or illness, e.g., low self-esteem, depression and/or anxiety symptoms related to acculturative stress. These behaviors could be mildly pathological and disruptive to the individual's overall functioning and well-being. Acculturative stress symptoms include: deviant behavior, psychosomatic symptoms and rejection symptoms of native or mainstream cultural values. Refer to appendix D for additional information on acculturation.

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Emerging Best Practices

Current demographic indices project that our nation's student population from culturally and linguistically diverse backgrounds has been and will continue to be on the rise. Policy and professional practice should change in response to theory, research, and recommended best practice. The following discussion presents a snapshot of emerging best practices in the general education and special education evaluation of CLD students.

Prevention

School districts interested in creating accepting and supportive learning environments for CLD students need to develop long-term goals to bring about change within the system. To reduce ELs' underachievement and provide them with equitable and nondiscriminatory educational practices, it is necessary to become informed about legal mandates and research based programs that promote CLD students' academic success. CLD students' success rate increases when they are provided with scientific, research based academic programs validated with ELs, combined with a culturally responsive curriculum.

Cultural Humility

Cultural humility is a framework focusing on professionals' introspection and questioning of their preconceived ideas and biases and how they interact with their students and other individuals from language minority backgrounds. One of the goals of cultural humility is to mitigate the power imbalance between the professional and the client/student. Cultural humility development is a life-long learning and developmental process. Therefore, professionals are recommended to engage in continual introspection and professional development in this area.

Parental Involvement

Parents know their children more completely than education professionals can ever hope to. Additionally, parents and family members will ultimately maintain involvement beyond that of professional educators. The 2004 IDEA authorization enhanced the extent of parental engagement in the special education process and is directly related to the provision of a Free and Appropriate Public Education (FAPE). Details and some specific elements of IDEA are based on the assumption that parents will be fully involved in pre-referral and special education processes. This is equally true for parents of CLD students. Parents of students referred for a special education evaluation are to be full partners in the process, participating and contributing every step of the way.

Pattern of Strengths and Weaknesses (PSW) Methodologies

The 2004 Individuals with Disabilities Educational Improvement Act (IDEA, 2004, or IDEA) provides new eligibility provisions for Specific Learning Disabilities (SLD). States may no longer require districts to use the IQ/Achievement discrepancy model. Instead, IDEA allows two additional procedures for SLD eligibility. First, teams are allowed to examine student responsiveness to research-based interventions as a part of a process for determining eligibility. Second, teams may use alternative, research-based methods to identify SLD. Alternative, research-based methods, sometimes known as "third method" approaches, incorporate examination of a student's patterns of strengths and weaknesses in performance, achievement, or both relative to age, state-approved standards or intellectual development, patterns that are relevant to the identification of SLD. Go to crossbatteries. org for consultation, training, and detailed information on integrating PSW methodologies when evaluating ELs for a specific learning disability.

RTI Process/Intervention

Response to Intervention (RTI) emerged as an option in IDEA 2004 for the determination of a Specific Learning Disability. RTI is the practice of (1) providing high quality instruction/intervention matched to student needs and (2) using learning rate over time and level of performance to (3) make important educational decisions" (NASDSE, 2006). Implementation of the RTI process with CLD students is presented in the sections to follow.

Bilingual Assessment

Bilingual assessment is the evaluation of a bilingual individual, by a bilingual individual in a bilingual manner (Rhodes, Ochoa & Ortiz, 2005). A bilingual practitioner needs to:
* be knowledgeable about, and be familiar with the examinee's culture;
* have knowledge about how culture and language differences affect test performance as well as training and education in non-discriminatory assessment, and
* be able to speak the examinee's language fluently enough to adequately evaluate functioning.

Use of Alternative Assessment Procedures

Alternative assessment procedures have been developed to gather information on CLD students given the substantial limitations of standardized test measures. Alternative assessment procedures are informal in nature and emphasize dynamic assessment, curriculum-based assessment and authentic assessment (work samples, portfolios). Information should describe what a student can do rather than what a student cannot do. Information should be gathered in the actual learning context rather than in a clinical setting. Alternative assessment procedures are described in more detail in the special education eligibility section.

Minimize the Use of Standardized Tests

Using standardized tests to evaluate CLD students for special education services is problematic. Collier (1998) notes that it is unethical to use standardized test scores to qualify students for special education services if: 1) the norms do not apply to the student; 2) the test items are biased or beyond the realm of the student's experience; and 3) the test has been modified in any way (such as administered through an interpreter). Standardized tests can be used **informally** to provide useful information about what a student can and cannot do. Dynamic assessment (test-teach-retest) is particularly helpful for qualitative information on CLD students.

Cross-Battery Assessment

According to Flanagan et al., (2013), the Cross-Battery Assessment approach, (XBA) "is a methodological process grounded in Cattell-Horn-Carroll (CHC) theory and research and neuropsychological theory and research." (p.3). This model allows the reliable measurement of a more in-depth and selective range of ability and processing constructs to be represented in a single testing battery.

The XBA allows evaluation professionals to select one or more batteries that adequately measure the cognitive and/or neuropsychological process underlying the student's difficulties as expressed in the referral question and supported by previous data. Refer to www.crossbattery.com and XBA publications/trainings for in-depth information about this approach.

Contemporary CHC and School Neuropsychology Based Specific Learning Disability Definition

Flanagan et al., (2013) Dual Discrepancy/Consistency or DD/C operational SLD definition includes the following four levels:

1. Defining characteristics regarding the nature of SLD (e.g., student has difficulties in one or more areas of academic achievement).

2. The focus of evaluation for each characteristic (e.g., academic, achievement, cognitive abilities and neuropsychological process, exclusionary factors).

3. Examples of direct evaluation methods and relevant data sources (e.g., standardized, norm-referenced tests and educational records, respectively).

4. The specific criteria that need to be met to establish that an individual possesses a particular characteristic of SLD (e.g., below-average performance, or scores that are approximately one standard deviation (SD) below the mean, in an academic area such as reading skill). (Flanagan et al., 2013 p. 234).

Non-Discriminatory Assessment

According to Ortiz (2014), non-discriminatory assessment is a comprehensive framework encompassing multiple evaluation procedures and measures to make equitable interpretation of test results for fair and equitable decisions concerning students' performance and functioning. According to Ortiz, the process of nondiscriminatory assessment begins with the assumption that the student's difficulties are extrinsic in nature and therefore attributable to the student's external circumstances.

Clinical Judgment

Clinical judgment or professional judgment is the ability to synthesize information on CLD issues from a variety of sources to form an opinion concerning the educational needs and the diagnosis of a student's learning (or behavior) difficulties (Clark, 1994). During the pre-referral RTI process and when assessing CLD students for special education services, performance and assessment data should be interpreted in light of the needs of the CLD student. Consideration should be given to the information provided by the student's family. If there is conflicting or inadequate information to determine what the student needs to be successful in school, or to determine special education eligibility, members of the student services team must be empowered to make clinical or professional judgments regarding the needs of the CLD student (Clark, 1994). See Appendix H for more information.

The above definitions and summary of best practices in the assessment of CLD students for special education eligibility provide the opportunity for education professionals to become familiar with current terms, concepts, and approaches used with this particular population. The following section describes the Pre-referral/RTI Process providing practical information for professionals and paraprofessionals working with CLD students. Due to the multiple fallacies found in implementing generic RTI approaches that ignore ELs' linguistic and cultural characteristics, the RTI section has been expanded and refined with culturally responsive approaches based on second-language and literacy development as well as culturally and linguistically responsive interventions that account for ELs' second language learning development.

Pre-Referral Response To Intervention (RTI) Process

Definition

Response to Intervention (RTI) is the practice of providing high-quality instruction and intervention matched to student need, monitoring progress frequently to make decisions about change in instruction or goals and applying child response data to important educational decisions (NASDSE, 2005). The IDEA 2004 reauthorization (PL 108-446) defines a process such as RTI as one piece of evidence that may be used in the determination of a specific learning disability:

> "In addition, the criteria adopted by the State must permit the use of a process based on the child's response to scientific, research-based interventions; and may permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability" (Federal Register, August 14, 2006, p 467-86). Refer to Appendix A for a full description of IDEA (2004) Reauthorization (PL 108-446).

RTI Overview

Response to Intervention, commonly conceptualized as a three-tiered or four-tiered, student-centered assessment model/instructional intervention process, uses problem-solving and research based methods to identify and address learning disabilities in children. Teachers provide instruction and interventions at increasing levels of intensity, monitoring "students' progress to determine whether the students need additional instruction or intervention in general education or referral to special education." (Collier, 2010 p.2). RTI has potential for improving CLD students' performance and addressing their disproportionate representation in special education by helping school personnel focus on providing the best instructional practices for all students rather than finding learning disabilities (LD) or examining within-child deficits.

Several RTI models have been developed and implemented across districts nationwide. RTI models vary "in the number of tiers or levels, who is responsible for delivery of the intervention, and whether the process is viewed as a problem-solving process that is an end in itself or as a standard protocol (e.g., a pre-referral) leading to a formal evaluation for eligibility." (Collier, 2010 p.3). According to the National Association of State Directors of Special Education (2005), RTI models reflect the following three key components:
- Provides high-quality, scientific, research based, instruction/intervention matched to students' needs.
- Uses students' learning rate over time and level of performance (for ongoing decision making).
- Decides about instructional interventions' intensity and duration based on students' response to instruction across multiple tiers of intervention. Students' learning rate and level guide decisions for increasing intervention intensity and/or eligibility for special education eligibility or exit.

RTI Tiers

In most cases, a three-tier RTI approach is implemented. In Tier I, students identified at entry point as at risk or coming from CLD backgrounds in a school are offered research-based instruction in the general education classroom. 80% of students in a school are expected to meet benchmarks at Tier I and not need further assistance. In Tier II, 15% of students, who failed to respond to Tier I research-based interventions, receive intensive assistance as part of the general education support system. In Tier III, 5% of students who have not been responsive to TIER I and TIER II research based interventions, are either placed in special education, and are referred for a formal special education evaluation.

The three-tiered RTI approach involves the following:

Tier I: Empirical curriculum and instruction in the general education classroom
- High quality, empirically supported general education curriculum
- Universal systematic screening of critical skills several times per year
- Use of state or school district developed decision rules to determine need for further intervention

Tier II: Supplemental instruction in addition to the core instructional program as part of the general education support system
- Tier I data are used to determine who gets structured supplemental empirical interventions
- Use of state or school district guidelines to determine who develops and delivers the research-based intervention(s)
- Empirical interventions tailored to meet group needs
- Typically delivered in small groups (1:5 ratio)
- Typically requires additional time
- Data are collected frequently (e.g., biweekly)
- Monitoring to ensure intervention fidelity/integrity
- Review of data and use of state or school district developed decision rules and exit criteria to determine need for additional Tier II intervention(s) or Tier III intervention

Tier III: Intensive, strategic intervention in addition to core instructional program as part of the general education support system
- Tier II data are used to determine who gets intensive strategic empirical interventions
- Use of state or school district guidelines to determine who develops and delivers the empirical intervention(s)
- Research based interventions tailored to meet individual needs
- Typically delivered in smaller groups (1:3 ratio)
- Typically requires extensive time and supports
- Data are collected more frequently (e.g., weekly)
- Monitoring to ensure intervention fidelity/integrity
- Review of data and use of state or school district developed decision rules and exit criteria to determine need for additional Tier II or Tier III intervention(s) or referral to special education

Caution in Implementing Generic RTI Models with CLD students

Implementing generic RTI approaches with EL students is inadequate because such RTI assessments and interventions are not rooted in second-language and literacy development theory and fail to offer culturally and linguistically responsive interventions to appropriately address the EL's second language status (Collier, 2010, Hamayan et al., 2013; Ortiz & Artiles, 2010; Klingner et al., 2008).

Klingner et al., (2008) caution school professionals from implementing generic RTI models that ignore how three underlying RTI assumptions can be problematic when implemented with CLD students.

Assumption 1: "Evidence-based instruction" is good instruction for everyone. English learners who have been taught with generic evidence-based interventions have been provided with sufficient opportunities to learn. This assumption is false because many instructional approaches and/or interventions described as "evidence based" have not been validated or tried out with ELs (Ortiz & Artiles, 2010).

Assumption 2: Learning to read in one's second language is similar to learning to read in one's first language; therefore, instructional approaches that have been found through research to be effective with mainstream English speaking students (and thus deemed "research-based") are appropriate for serving ELs. This is a false assumption because there are important pedagogical differences in L1 and L2 reading development (e.g., ELs benefit from additional oral language instruction, Klingner et al., 2008).

Assumption 3: Students who fail to respond to research-based instructions have some sort of learning disability. Students fail to respond to research-based instruction and/or interventions due to a plethora of reasons including instructional and/or environmental factors.

Generic RTI models include substantial challenges in terms of adequately addressing the needs of the increasing CLD student population. Appropriate use of RTI data gathering procedures with CLD students requires in-depth understanding of second-language development characteristics, acculturation, and socioeconomic background impact, as well as the implementation of culturally responsive instructional strategies and methods at all levels. The data assist education professionals in determining whether a student's presenting difficulties are due to culture or linguistic issues and/or a learning disability. Collier (2010) recommends gathering essential information about CLD pupils including student's past education history, home language, language proficiency, English development, academic achievement, developmental and culturally appropriate emotional functioning, and acculturation level. Additionally, Hamayan et al., (2013) recommend gathering data to examine seven specific "key factors" including:
1. Learning environment created for the student
2. Personal and family factors such literacy habits at home
3. Physical and psychological factors (e.g., developmental medical health, post-traumatic stress disorder),
4. Previous schooling/performance
5. Proficiency in oral language and literacy in both home language and English
6. Academic achievement in both, or all, of the students' languages, if available
7. Cross-cultural factors

Recommended RTI Models for CLD Students

RTI problem-solving models expanded and modified with culturally responsive practices are a promising alternative to meet the academic and behavioral needs of all students (Collier, 2010, Klingner, 2008, NCCRESt, 2008). RTI programs found to be helpful with EL/CLD students are those programs based on students' opportunity to learn (Klingner, 2008) and are also "expanded to include instructional strategies and instructional interventions directly addressing their unique learning and behavior needs." (Collier, 2010, p. 11). Two RTI Models for CLD Students include: (1) Pyramid of Resiliency, Instruction, Strategies, and Intervention Monitoring (PRISM) and (2) Culturally Responsive RTI Approach.

RTI Model: PRISM

Collier (2010) proposed a comprehensive response to instruction approach addressing Klingner's (2008) recommendations, designed specifically to meet the needs of CLD students: Pyramid of Resiliency, Instruction, Strategies, and Intervention Monitoring (PRISM). This model is depicted by a three-dimensional RTI structure, without requiring a set number of tiers, where each PRISM layer represents degree of intensity of focus. The PRISM is comprised of many single blocks representing "strategy cluster or approach designed to build on the strengths or address the needs of individual ELL/CLD students." (Collier, 2010 p. 6). For specific research-based instructional and intervention approaches designed specifically for CLD students, Refer to Collier's (2010) *RTI for Diverse Learners.*

Collier's (2010) PRISM model offers promising usefulness in addressing CLD students' educational needs adequately. The PRISM model is rooted in both second-language learning theory and acculturation theory. This model accounts for CLD students' opportunity to learn by providing evidence based instruction and intervention approaches designed for EL students, and it is expanded with multiple instruction and intervention approaches validated with EL students.

RTI Model: Culturally Responsive RTI Approach
An additional promising model, designed to address the challenges CLD students and education professionals encounter when implementing inappropriate or generic RTI models, is the Culturally Responsive RTI approach created by the National Center for Culturally Educational Systems/NCCRESt (2008). In order to understand what constitutes a Culturally Responsive RTI model, cultural responsiveness needs to be defined. "To be culturally responsive is to value, consider, and integrate individuals' culture, language, heritage, and experiences to lead and support their learning and development." (NCCRESt, 2008, p. 22).

According to NCCRESt (2008) Culturally Responsive RTI models reflect the following features:
• Culture and equity foundation
• Culture mediation of learning processes
• All students are provided with culturally responsive curriculum and interventions

Culturally Responsive RTI's first tier, the Universal Interventions tier, includes culturally responsive curriculum and instruction for all students. Culturally Responsive RTI facilitates the provision of high quality learning opportunities for all students. These include curriculum, materials, instruction, and proactive social supports that consider the strengths students of diverse backgrounds bring to schools, as well as their needs, consideration of strengths teachers bring, and what supports teachers need in order to teach all students.

Tier II is based on ongoing assessments of the appropriateness of curriculum and instructional practices, learning environment, student progress, and the assessment practices themselves. Based on these assessments some students are moved into the next tier in order to receive more intensive supports for their learning and behavior. This is generally called the Secondary Interventions tier.

In Tier III some students may benefit from specialized instruction that, because of the nature of its intensity, requires that students be eligible for special education so that the specialized instruction can be sustained over time. This accounts for practices that take place in the Tertiary Interventions tier. (NCCRESt, 2008).

Generic RTI models that provide ELs evidence based instruction that has not been validated or tried out with this population deny them an equal opportunity to learn. ELs are not provided with sufficient opportunities to learn when provided with "evidence-based instruction" that fails to address their diverse characteristics and experiences including: native language and English proficiency, native language and English achievement levels, cultural characteristics, immigration status, and socioeconomic background (Ortiz and Artiles, 2010).

Essential Parent Participation in the RTI Process of CLD Students

When conducting a culturally responsive pre-referral RTI plan for CLD students, specific information must be collected. Essential information comes from parents who might speak a language other than English. Parent/professional communication and collaboration is mandated (IDEA, 2004) and crucial because parents possess knowledge of their children's development, performance and behavior in the home and community that complements teachers' observations and perceptions of students' functioning at school. "The everyday knowledge of a parent can be as important as the scientific measures and theories of a professional" (Kalyanpur & Harry, 2008. p. 16). Parental information regarding a student's functioning is crucial to identify factors contributing to the student's difficulties, e.g., behavior difficulties may be explained by norm and expectation differences between home and school cultures (Kalyanpur & Harry, 1999).

Parents should be encouraged to continue their involvement in their child's education as members of the assessment team, and later with the Individual Education Planning (IEP) team. When a CLD student is being considered for special education eligibility, the concept of special education, and the practices and procedures involved, can be extremely confusing to parents. Education professionals should expect the entire process will likely require substantial additional time, often as a result of differences in education practices and expectations of other countries and cultures. Parents may not understand education professionals' definition of disability. Requesting parental consent, discussing parental rights, the special education process and the child's education needs can be time consuming with CLD students and their families. Additionally, disability world views may differ dramatically from culture to culture so it may also be necessary to spend time explaining eligibility criteria of IDEA since official identification of disabilities is not the norm in many other countries. If parents have been properly informed and fully involved at the pre-referral special education phase, the entire process will be smoother. To ensure clear school parent communications, school personnel will need to use the primary language of the family. A qualified bilingual, bicultural interpreter or bilingual staff person should be involved for any face-to-face communication between parents and school personnel.

Additionally, forms parents must understand, read or complete should be provided in the native language of the family. Parents must have information about their roles, responsibilities, and rights as provided in IDEA 2004 *Notice of Procedural Safeguards*. Parents must also be informed that if they disagree with the team's special education and related services eligibility decision, they have a right to voluntarily revoke their consent for provision of special education and related services in writing at any time.

Recommended RTI Models for CLD Students

Team Development and Goals

School-based teams are typically in charge of coordinating and gathering information, developing pre-referral interventions for students who are suspected of having learning or behavioral problems, and providing support for teachers. These are often referred to as student assistance teams, teacher assistance teams, teacher needs teams, problem-solving teams, and student planning teams (Friend and Bursuck, 1999). The term *teacher assistance team* (TAT) will be used henceforth to refer to the pre-referral team. The purpose of the TAT is to distinguish among students who have learning problems due to an inadequate match between student characteristics and the learning environment, students who have learning problems due to lack of instructional accommodations/adaptations, and students who may have a disability (Ortiz, 1999). Hamayan et al., (2013) identify essential members for TATs serving EL students including teachers, administrators and specialists in bilingual and special education "to ensure a broad perspective and continuum of services are provided to these students." (p. vi). In order for the pre-referral RTI process for ELs to function effectively, TAT members must embrace a strong collaboration model and be open to share and learn from each other's perspectives and expertise. TAT members with EL education and assessment expertise must educate other TAT members and ensure that implemented instruction, interventions and progress monitoring are culturally responsive and that students' language proficiency and achievement data are considered and appropriately interpreted. Parents are an integral part of the team effort because school personnel rely on them to provide essential information including developmental and family history, cultural expectations at home, and students' current functioning in the home and community.

The TAT's goals are

- To obtain information about a CLD student's past academic history, language and cultural background as well as the learning and/or behavior problem/reason for referral;
- To determine if any exclusionary factors (e.g., lack of instruction, socioeconomic, and/or linguistic and cultural differences) explain a student's learning or behavior difficulties;
- To determine student needs and the extent to which these needs can be met by existing programs and services (e.g., curricular accommodations in the classroom, bilingual services, English as a Second Language programs);
- To develop state or school district RTI decision rules and exit criteria if none exist;
- To document student performance through the use of culturally responsive empirical interventions,
- To monitor to ensure intervention fidelity/integrity;
- To review data and apply decision rules and exit criteria.

Considerations When Applying Decision Rules

The following are six important questions and/or exclusionary factors (adapted from Figueroa and Newsome, 2006) to consider when applying decision rules to a CLD student's performance:

1. Can the CLD student's learning and/or behavior problems be attributed to exclusionary factors such as:
    *   Socio-cultural differences (e.g. world view, low level of acculturation)?
    *   Economic disadvantage?
    *   Lack of instruction/inconsistent schooling?
    *   Inappropriate instruction?
    *   Ecological/environmental issues in the classroom?
    *   Typical second language acquisition stages?
    *   Lack of social/academic language exposure?
    ↳ If yes to any of the above, then the student should not be considered for RTI Tier II/Tier III or special education but should receive educational supports by way of regular classroom accommodations, bilingual services, and/or other school district programs for which the student qualifies.

2. Has consideration been given to the influence that past and/or present instructional programs have had on current academic performance?

    ↳ If not, ensure that the CLD student has received an adequate opportunity to learn as this is a prerequisite to RTI and/or special education services.

3. Is the student's English proficiency high enough to yield accurate levels of performance?

    ↳ If not, assess for language loss, language shift or attrition. Monitor progress in both languages and make decisions based on student's stronger language.

4. Are adjustments for pace of instruction, oral responses, test taking, and interventions implemented to achieve optimum performance due to slower mental processing in the CLD student's less proficient language?

    ↳ If not, make adjustments for slower auditory memory, slower reading speed, and slower oral comprehension.

5. Are multiple measures of performance taken so as not to make decisions based on only one aspect of performance?

    ↳ If not, make frequent progress monitoring probes especially when phonemic awareness is emphasized.

6. Are culturally responsive research-based interventions implemented with integrity/fidelity by a professional competent in the oral and written skills of the student's language being assessed and who also has knowledge and understanding of the second language acquisition process and student's cultural and linguistic background?

    ↳ If not, collaborate with a bilingual/bicultural professional knowledgeable about acculturation, second language acquisition, and culturally responsive instructional practices to develop or select suitable research-based interventions.

Implementation of the RTI Process

The following flow chart (See Figure 2) provides a general schematic of the RTI process recommended for culturally and linguistically diverse students. Each state or school district may develop their own RTI model based on this general model.

Figure 2. Response To Intervention Process For Culturally And Linguistically Diverse Students

Tier 1

Culturally Responsive Instruction In Regular Or Bilingual Education Classroom/ English Language Development Support
Universal Screening In L1 & L2

Does Not Meet Expected Level

Refer Student To Assistance Team (TAT)

Tier 2 A

TAT Collects All Exclusionary Data –
(See six exclusionary questions above)
- Family Socio-economic/cultural Dynamic
- First/second Language Acquisition – Language Dominance/proficiency
- Acculturation Level
- Developmental/trauma/medical/socio-emotional History
- Academic/attendance History
- Empirical, Culturally And Linguistically Responsive Instruction And Interventions

Meets Exit Criteria ← TAT Applies Decision Rules

Does Not Meet Exit Criteria

Tier 2 B

Empirical, Culturally And Linguistically Responsive Instruction And Interventions

Meets Exit Criteria ← TAT Applies Decision Rules

Does Not Meet Exit Criteria

Minimal Progress

Insufficient Progress
Empirical Supplemental Intervention 2

Tier 3

Empirical, Culturally And Linguistically Responsive Instruction And Interventions

Meets Exit Criteria ← TAT Applies Decision Rules

Does Not Meet Exit Criteria

Minimal Progress

Insufficient Progress
Empirical Intensive Strategic Intervention 2

Refer For Comprehensive Special Education Evaluation

Considerations When Applying Decision Rules

Considerations when Applying Exit Criteria

As a general rule a student is ready to exit the intervention when he/she has reached benchmark on the targeted skills. For CLD students this may mean they meet predicted growth expectations set by the state or school district. If students are returned to Tier I but fail to thrive without the additional supports, they may re-enter Tier II or Tier III until they are able to maintain progress in Tier I. For CLD students it is crucial that culturally responsive instructional strategies/methods are implemented at all Tier levels.

CLD RTI Process Checklist

Tier I

Tier I of the Culturally Responsive pre-referral RTI process begins in the general education, bilingual classroom or English Language Development (ELD) support, where culturally responsive instruction is delivered as a part of the general core curriculum. Universal screenings of critical skills in both first and second languages are conducted periodically to compare students' progress to expectancy levels.

Once teachers have indicated a concern about a student's academic progress and/or behaviors in the classroom that may go beyond the need for accommodating the student, the RTI team is notified. Typically this tier involves information-gathering about the student, the home, and the classroom context. Critical pieces of information to be collected are detailed in Tier II. A, Steps 1-7 below.

Tier II. A

Step 1
Initiate the RTI process using this pre-referral checklist to guide the TAT through the process:
- Initiate parental notification and collaboration;
- Assign a person to coordinate the pre-referral process;
- Assign a person who is knowledgeable about the student's cultural and linguistic needs, to participate in the pre-referral process for the referred CLD student to educate the team about the impact of second language acquisition, acculturation and socioeconomic factors on ELs' learning;
- Interview the person who made the referral to find out more information about the reason for referral.

Step 2
Review family history including cultural and socioeconomic background.
- Collect parental information about socioeconomic background, family member(s)' educational levels, world view of learning and disabilities, occupations, family dynamics;
- Determine student's level of acculturation by compiling information about family cultural background including ethnic group, country of origin, beliefs, language(s);
- Conduct assessments for acculturation level and socio-cultural factors;
- Collect medical, developmental, and trauma history, information from parent/guardian including vision/hearing evaluations;
- Assess differences in school and home behavioral/socio-emotional expectations, using family survey/interviews;
- Conduct ecological/environmental assessments of student in home and community settings;
- Examine the impact of family's immigration experience on student's academic performance and socio-emotional functioning.

Step 3
Conduct a comprehensive review of student academic records.
- Years of formal education;
- Frequency of school attendance;
- Number of schools attended in the past;
- Learning difficulties noted in the native country L1 & L2;
- Language of instruction in native country and in the USA.

<div align="center">Considerations When Applying Decision Rules</div>

Step 4
Gather information about language dominance and the student's motivation to learn English or to speak in his/her native language.
- Examine previous or current test information concerning dominant language;
- Obtain information from a Home Language Survey (may have been conducted during school registration).

Step 5
Gather initial information about a CLD student's proficiency in the use of language (in L1 and L2).
- Assess Basic Interpersonal Communication Skills (BICS);
- Assess Cognitive Academic Language Proficiency (CALP);
- Survey oral language development from parents;
- Review universal academic screening results;
- Review work samples;
- Conduct classroom observations.

Step 6
Review services, accommodations, and strategies previously used by the student in most recent classroom environment. Conduct ecological/environmental assessments of classroom as needed.
- Identify the types of services used by the student;
- Identify student's learning style;
- Identify the language of instruction;
- Identify types of classroom adaptations/accommodations used in the regular or ELD classroom, when they were implemented, and their effectiveness;
- Identify types of culturally responsive instructional practices/methods used in the regular or bilingual classroom, when they were implemented, and their effectiveness.

Step 7
Apply decision rules/exit criteria and decide whether or not the student:
- Meets exit criteria to continue with regular classroom instruction;
- Requires structured supplemental intervention at Tier II. B.

If the team determines that the CLD student meets exit criteria or has intact native language development, is acculturating, and is undergoing the normal second language acquisition process, the student is referred back to the general education classroom with culturally responsive instruction and interventions, or the bilingual/ELD classroom to address and monitor the student's progress. If the student does not meet exit criteria and/or has a history of language related difficulties in L1 and L2, he/she is referred for Tier II. B intervention using culturally responsive instruction and interventions.

Tier II. B

Step 1
Identify empirical supplemental interventions based on the student's cultural, linguistic and learning need as well as on the information collected and TAT discussion using culturally responsive instructional strategies/methods for CLD students. For recommended empirical interventions designed for ELs see Collier (2010).

Considerations When Applying Decision Rules

Step 2

Implement and document the effectiveness of the interventions over a time period that is determined by the team.

- Use a form(s) to document the process. See Appendix C for sample form.

Step 3

Apply Decision Rules/Exit Criteria and decide whether or not the student:

- Meets exit criteria to resume regular classroom instruction,
- Has made enough progress to benefit from additional structured supplemental intervention at Tier II. B.
- Requires intensive intervention at Tier III.

For CLD students not meeting exit criteria based on decision rules established by the school district, either because of minimal/no progress or insufficient progress, he/she may recycle back to Tier II for additional culturally responsive intervention or proceed to Tier III which might include more explicit, direct instruction focused on skill areas in need of remediation with more supports, more careful scaffolding, as well as short and long-term monitoring.

Tier III

Step 1

Select and implement intensive strategic CLD research-based small group interventions using culturally responsive instruction and interventions.

Step 2

Implement and document the effectiveness of the interventions over a time period that is determined by the TAT.

- Use a form(s) to document the process. See Appendix C for sample form.

Step 3

Apply decision rules/exit criteria and decide whether or not the student:

- Meets exit criteria to resume regular classroom instruction;
- Has made significant progress to benefit from continued intervention at Tier II. B;
- Has made enough progress to warrant continued intervention at Tier III;
- Requires referral for special education services.

If the team feels the data support a referral for special education eligibility:

- Complete and submit referral forms for special education eligibility.

Once the RTI process is complete, the data will provide useful information regarding student's developmental history, as well as what culturally responsive instructional practices have and have not been successful. The data will also help the team decide whether a referral for a special education evaluation is warranted. The following section, Important Considerations Prior to Special Education Referral, provides checklists and practical information for professionals and paraprofessionals working with CLD students to conduct equitable and non-discriminatory evaluation procedures.

Important Considerations Prior to Special Education Referral

Disproportionality

Historically, a high number of CLD students have been inappropriately placed in special education under the disability categories of intellectual disability (formerly known as mental retardation), emotional/behavioral disorders, and learning disability. African Americans, Latina/o, American Indian and a few Asian American student subgroups are commonly over-represented in special education (Klingner, et al., 2008).

Disproportionality is considered to occur when the percentage of minority students in special education is greater than the percentage of minority students enrolled in a particular school district. Education systems all over the nation currently struggle with over-representation and under-representation of CLD students in special education. Under-representation occurs primarily when education professionals do not refer CLD students to special education and needed services are not obtained. (Jefferson-Jenkins, 2004). But the most pressing problem continues to be CLD students' over-representation in special education. Leading researchers who specialize in multicultural assessment explain that over-representation problems are caused by several factors. Some of these reasons include: biased assessment practices (Carrasquillo, 1991), inappropriate referral and assessment procedures, and inappropriate instruction (Baca, 1990).

Klingner et al., (2008) summarized the results from Artiles, Rueda, Salazar and Higareda (2005) noting: "ELs were not over-represented in LD in the primary grades, but were over-represented in grades five and higher. Secondary level ELs were almost twice as likely to be placed in special education than their peers." (p. 10). Furthermore, ELs in language immersion programs without English language development support were three times as likely to be referred for a special education evaluation compared to ELs receiving bilingual instruction (Artiles and Ortiz, 2006).

Oregon's disproportionality difficulties with regard to its Hispanic/Latino student population are reflected in the Oregon Department of Education Student Enrollment (2013) report: Hispanic students constituted 21.99% of total student population; however, 28% of Hispanic students were identified as SLD and 26% of Hispanic students were identified as having communication disorders.

Hamayan et al., (2013) identify three myths that have influenced education professionals' contribution to the increasingly disproportionate numbers and inadequate provision of services for EL students in special education including:

"Myth 1: If we label an ELL as having special education needs, at least he or she gets some help."

 EL Reality: EL students who are erroneously labeled as needing special education are not only stigmatized, but they are also receiving inadequate instruction that fails to address their second language acquisition needs. ELs benefit from meaningful context in order to comprehend the language surrounding them. Special education instruction, on the other hand, focuses on processing, linguistic or cognitive disabilities and targets a narrow selection of skills to enable mastery, and discrete skills are often practiced out of context.

"Myth 2: We have to wait three to seven years for ELLs to develop their English language skills before we can rule out language as a cause for the student's difficulty."

 EL Reality: A true disability is exhibited in both L1 and L2 and across most contexts. Therefore, it is in the student's best interest to receive needed additional help as soon as possible. An added recommendation

made in this Update is to refer such students to professionals with expertise in educating and assessing CLD students across cultural and linguistic school, family and community settings.

"Myth 3: When an ELL is identified as having special education needs, instruction should be only in English, so as not to confuse the student."

EL Reality: Multiple studies support that bilingualism does not hinder the language development of students identified as communication disordered, learning disabled or Down syndrome. Education professionals tend to switch to English-only instruction due to lack of research knowledge, ignorance of student's first language and/or convenience. Hamayan et al., (2013) conclude their demystification of Myth 3 by adding that native language development facilitates L2 progress of students identified with specific language impairment. An additional and very important argument for maintaining the home language is so that students can communicate and develop strong, positive relationships with their parents who will play an important role throughout students' lives.

Psychometric Considerations

Determining whether academic learning difficulties are related to ineffective instructional programs, factors in the second language acquisition process, acculturation, low socioeconomic background or a disabling condition is a complex challenge. Traditional assessment and evaluation practices increase this complexity because they often provide lower estimates of a CLD student's actual skills and knowledge. This occurs because most standardized tests used by assessment professionals are based on culture specific information or knowledge from the Anglo-European perspective and were normed with middle class, monolingual English-speaking students. Most CLD students are acculturating to the American culture and have yet to develop English language proficiency to access the information measured on traditional assessment measures.

Non-Discriminatory Assessment Model

These empirical complaints against traditional assessment practice dictate the need for an assessment paradigm shift that recognizes our society's cultural and linguistic diversity. A contemporary, promising assessment evaluation approach recommended with CLD students is Ortiz (2004) *Nondiscriminatory Assessment*. Ortiz' assessment model focuses on ten areas:
(1) Assessing the purpose for intervention;
(2) Using initial authentic and alternative evaluation procedures;
(3) Assessing and evaluating the learning ecology;
(4) Assessing language proficiency;
(5) Assessing and evaluating the student's opportunity for learning;
(6) Consideration of relevant cultural and linguistic factors;
(7) Revising and retesting hypotheses;
(8) Determining the need for and language(s) of formal assessment;
(9) Reducing potential bias in traditional assessment practices, and
(10) Supporting conclusions with data and multiple indicators.

Ortiz' (2004) nondiscriminatory assessment model reflects features from three different theoretical models (Ecological, Descriptive, and Advocacy Oriented) recommended by Baca (2004) when evaluating students from culturally and linguistically diverse backgrounds. The Ecological Assessment model focuses on both the student and his or her environment during assessment. This model looks at individuals is as members of their cultural environment to assess their abilities based on culturally specific normative behavior. In other words, the individual should not be compared to the normative behavior of U.S.-born native English speaking persons, but to members of the person's cultural/linguistic group. The Descriptive Assessment model utilizes multiple assessment procedures to obtain a holistic view of the student within his/her environment. This type of assessment was originally developed for comprehensive language evaluations. Descriptive assessment allows an evaluator to obtain a more complete view of a student's language functioning in a variety of settings. The Advocacy-Oriented Assessment model recommends that practitioners challenge traditional assessment procedures and advocate a critical examination of the social and educational context of the student.

Integrating these paradigms as underlying frameworks for evaluating CLD students results in an eclectic, advocacy-oriented nondiscriminatory assessment perspective. These paradigms recommend that educational assessment be approached with skepticism to avoid mis-identification and disproportionality. Educators need to be soundly convinced that there are no possible alternative explanations for a student's academic difficulties before identifying a disability (Baca and Cervantes, 2004). Finally, the main purpose of an integrated assessment approach is to identify a student's unique learning style and to ensure appropriate academic programming and service delivery. An integrated assessment perspective can allow evaluation teams to reduce bias and conduct fair and nondiscriminatory comprehensive evaluations.

Assessment for Special Education Eligibility

Historically, culturally and/or linguistically diverse (CLD) students have performed lower on traditional assessment and evaluation practices derived from European/Anglo-American culture compared to their non-CLD peers. Inherent bias in standardized tests due to cultural and linguistic loading complicates the process of distinguishing between a cultural and/or linguistic difference and a learning disability. In fact, difficulties differentiating between a disability or a cultural and/or linguistic difference have created a disproportionate number of CLD students in special education. Leading authorities in culturally responsive assessment explain that under-representation, but more typically over-representation, across disability categories in special education often occurs as a result of: 1) lack of strong and consistent pre-referral policies and practices by regular education personnel, 2) inappropriate referral and assessment procedures and/or, 3) biased assessment practices (Carrasquillo, in Baca and Cervantes, 2004; Baca, 1990; Klingner et al., 2008; Ortiz and Artiles, 2010; Hamayan et al., 2013).

Previous sections of this Update reviewed culturally-responsive pre-referral and referral recommendations. To address concerns regarding fairness and equity in the assessment process, this section defines what constitutes biased assessment practices for CLD students and presents best practice recommendations for equitable and nondiscriminatory assessment procedures.

When evaluating CLD students, construct validity concerns (nature and specificity of the intended/measured constructs) occur when tests measure unintended variables due to cultural and linguistic loading leading to incorrect score interpretations that impact evaluation decision-making (Flanagan et al., 2013). CLD students' emerging acculturation/acculturative knowledge acquisition and developmental language proficiency, educational and socioeconomic differences from students included in the standardized sample threaten test performance validity. According to Ortiz (2014), CLD students' "test performance is mediated proportionally by difference in developmental experiences." (WSSPA, 2014 Conference). CLD students' performance differences are explained by test's cultural loading and linguistic demand. CLD students obtain higher mean scores on tests with low cultural and linguistic loading and vice versa, they tend to obtain lower mean scores on tests with higher levels of cultural and linguistic loading.

To illustrate and explain historical test validity concerns in the United States, Ortiz (2014) reviewed Sanchez (1934) classical test validity early critique when using such tests with bilingual children: "As long as tests do not at least sample in equal degree a state of saturation (assimilation of fundamental experiences and activities) that is equal for the 'norm' and the particular bilingual child it cannot be assumed that the test is a valid one for the child."

The 2007 Guidelines for Assessing Culturally and Linguistically Diverse Students for Special Education Revision presented a hierarchy of assessment levels and personnel to be used when selecting appropriate assessment procedures for CLD students:

Figure 3. Hierarchy of Assessment Levels and Personnel

Best Practice (Most Desirable)

A bilingual special education assessment professional fluent in the student's native language uses standardized and alternative assessment in the student's L1 and L2 languages. School districts should conduct a dual language assessment conducted by a bilingual examiner fluent in English and the student's native language.

Less Desirable

It is less desirable to have an English-speaking assessment professional assisted by a trained interpreter ancillary (subordinate) examiner with a background in educational procedures such as a regular classroom teacher, bilingual teacher, etc. (with documented proficiency in the language in question) using standardized and alternative assessment measures.

Less Desirable

The next less desirable level is English-speaking assessment professional(s) assisted by a trained interpreter using standardized measures and alternative assessment.

Least Desirable

The least desirable level is having an English-speaking assessment professional using only nonverbal or performance intelligence assessment measures and alternative assessment. This is considered an acceptable practice only when testing in a low incidence language.

(Adapted from: Harris County Department of Education Bilingual Assessment Leadership Group, 1997).

Although the hierarchy of assessment approaches was developed to address fairness and validity stemming from cultural and linguistic differences, each approach has its limitations as they risk violating standardization and/or undermining test validity (Ortiz, 2014).

Emerging best practices in the assessment of CLD students are moving toward the use of evidence-based, culturally responsive procedures that are ecological, multi-modal, context-embedded and allow for systematic empirical methods for collecting and interpreting data in a nondiscriminatory manner. A contemporary, widely recommended best practice approach for using tests with CLD students is the one developed, modified, and refined by Ortiz (2002, 2006, 2008, 2014). This equitable and nondiscriminatory approach has two steps and multiple procedures within each step. Evaluation professionals using this approach are required to have competency, training and knowledge, in nondiscriminatory assessment including the manner in which cultural and linguistic factors affect test performance (Ortiz, 2014).

Ortiz' model is based on Cross Battery Assessment (XBA) approach, which is built on contemporary Cattell-Horn-Carroll (CHC) theory and incorporates Ortiz's most current version of the Culture-Language Interpretive Matrix (C-LIM), the goal of which is to "examine the combined influence of acculturative learning and English language proficiency and its impact on score validity." (Ortiz, 2014). School professional evaluators can learn more about XBA research theory and best practices at crossbattery.org.

Figure 4. Ortiz' Non-Discriminatory Assessment Steps

Step 1. Assessment of Bilinguals – validate test scores (difference vs. disorder)
- Select or create an appropriate battery that is comprehensive and responds to the needs of the referral concerns, irrespective of language differences.
- Administer all tests in a standardized manner in English only, no modifications
- Score tests and plot them for analysis via the Culture and Linguistic Interpretative Matrix (C-LIM) (refer to Flanagan et al., 2013 for detailed information on using the C-LIM)
- If analysis indicates expected range and patterns of decline, evaluation ends, no disability is likely
- If analysis does not indicate expected range or pattern of decline, apply XBA (or other) interpretive methods to determine specific areas of weakness and difficulty and continue to step 2

Step 2. Bilingual Assessment – validate disorder (cross-language confirmation)
- Review results and identify areas of suspected weakness or difficulty.
- Administer native language tests or conduct re-testing in using one of the following methods:
  - Native language tests administered in the native language (e.g., WJIII/Bateria III or WISC-IV/WISC-IV Spanish)
  - Native language test administered via assistance of a trained interpreter
  - English language test translated and administered via assistance of trained interpreter

Administer tests in manner necessary to ensure full comprehension including use of any modifications and alterations necessary to reduce barriers to performance, while documenting approach to tasks, errors in responding, and behavior during testing, and analyze scores both quantitatively and qualitatively to confirm and validate areas as true weaknesses

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Refer to Flanagan et al., (2013) for computer software to facilitate the use of this approach.

At the present time, no single special education evaluation approach has been empirically validated with CLD students. The Flanagan et al., (2013) eclectic model integrates several approaches including assessing the student's acculturation level, language development and proficiency, and socioeconomic status, academic history, familial history, developmental data combined with English assessment, native language assessment, work samples, curriculum based data, intervention results, and examination of CLD standardized tests' validity with the C-LIM, a research representation of test performance of English learners accounting for acculturative learning and English-language proficiency. The following three pages illustrate key features and considerations of the Culture-Language Interpretive Matrix (C-LIM).

The Culture-Language Interpretive Matrix (C-LIM): Myth and Misconception

Q: Is the C-LIM is a test, scale, or diagnostic system?
A: No. The C-LIM is not a test, scale, measure, or mechanism for making diagnoses. It is a visual representation of research on the test performance of English learners arranged by mean values which permits examination of the combined influence of acculturative learning and English-language proficiency and its impact on test score validity.

Q: Is the C-LIM designed to determine if someone is an English learner?
A: No. The C-LIM is not a language proficiency measure and will not distinguish native English speakers from English learners with high, native-like English proficiency.

Q: Can the C-LIM be used to diagnose learning disabilities?
A: **No**. The C-LIM is not designed for diagnosing any particular disability but rather to ensure that test scores are not viewed as indications of disability when in fact they reflect differences in language proficiency and acculturative learning.

Q: Then what exactly is the purpose of the C-LIM?
A: The primary purpose of the C-LIM is to assist evaluators in establishing the validity of their test scores which aids in the assignment of meaning to them and guides interpretation of test score data in a nondiscriminatory manner.

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The Culture-Language Interpretive Matrix (C-LIM)

BASIC RULES AND GUIDANCE FOR EVALUATION OF TEST SCORE VALIDITY

Examine pattern for evidence of systematic decline in overall performance and for evidence of performance that is below expected range for ELL's of similar background:

Condition A: Overall pattern generally appears to decline across all cells and all cell aggregate scores within or above shaded range—test scores likely <u>invalid</u> due primarily to cultural-linguistic factors, but examinee likely has average/higher ability as data do not support deficits.

Condition B: Overall pattern generally appears to decline across all cells but at least one cell aggregate (or more) is below shaded range—test scores are <u>valid</u> (culture/language are contributory factors) and low composites may indicate true areas of weakness (except for Gc).

Condition C: Overall pattern does not appear to decline across all cells and all cell aggregate scores within or above shaded range—test scores likely <u>valid</u> (culture/language are contributory factors) and low composites (if any) may indicate true areas of weakness (except for Gc).

Condition D: Overall pattern does not appear to decline across all cells and at least one cell aggregate (or more) is below shaded range—test scores likely <u>valid</u> (culture/language are contributory factors) and low composites may indicate true areas of weakness (except for Gc).

In all cases, areas of potential deficit or weakness should be validated and confirmed via other corroborating evidence and data. Note that Gc is an exception and should only be interpreted relative to its position within the selected shaded area of the C-LIM.

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Assessment for Special Education Eligibility

Application of Research as Foundations for the Cultural and Linguistic Classification of Tests and Culture-Language Interpretive Matrix

PATTERN OF EXPECTED PERFORMANCE FOR ENGLISH LANGUAGE LEARNERS

DEGREE OF LINGUISTIC DEMAND

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Application of Research as Foundations for the Cultural and Linguistic Classification of Tests and Culture-Language Interpretive Matrix

PATTERN OF EXPECTED PERFORMANCE FOR ENGLISH LANGUAGE LEARNERS

DEGREE OF LINGUISTIC DEMAND

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Assessment for Special Education Eligibility

Basic Considerations in Evaluation Procedures with ELLs

Theoretically, if a student has received <u>formal and sufficient native language instruction</u> and a qualified bilingual evaluator is available, it would be possible to conduct the evaluation in the following manner:

- *Test in the native language first since it may permit ending the evaluation (no disability is found)*
- *Re-test any areas of weakness in English (to possibly validate true disability)*

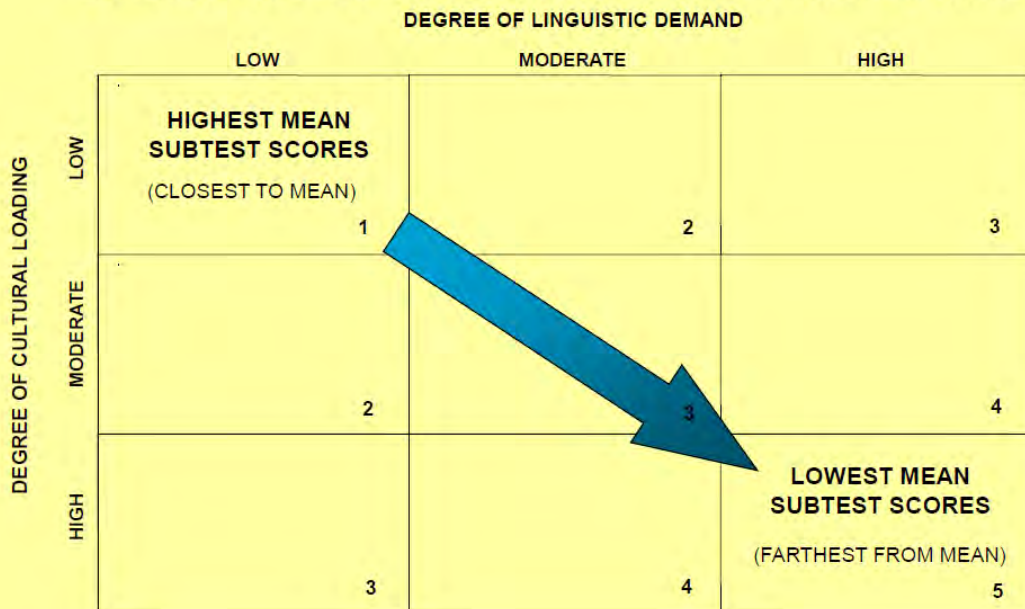*Unfortunately, it is difficult to establish or defend the validity of native language scores due to the lack of any research base and sampling issues and is predicated on the provision of effective native language instruction.*

Consequently, the most efficient process and best use of available resources for evaluation and the one most consistent and compliant with the IDEA specification that such assessments "be provided and administered in the language and form most likely to yield accurate information" would be:

- *Test in English first since it may permit ending the evaluation (no disability is found)*
- *Re-test any areas of weakness found in English in the native language (to validate true disability)*

This is true because there is an established body of research available to guide examination of test score validity and thus most likely to ensure that results are accurate and valid.

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Evaluating and Defending Construct Validity for ELL Test Scores

Whatever method or approach may be employed in evaluation of ELL's, the fundamental obstacle to nondiscriminatory interpretation rests on the degree to which the examiner is able to defend claims of test score construct validity. This is captured by and commonly referred to as a question of:

"DIFFERENCE vs. DISORDER?"

Simply absolving oneself from responsibility of doing so via wording such as, "all scores should be interpreted with extreme caution" does not in any way provide a defensible argument regarding the validity of obtained test results and does not permit interpretation.

At present, the only manner in which test score validity can be evaluated or established is via use of the existing research on the test performance of ELLs as reflected in the degree of "difference" the student displays relative to the norm samples of the tests being used, particularly for tests in English. This is the sole purpose of the C-LIM.

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Assessment for Special Education Eligibility

Additional Recommended Best Practices Regarding CLD Special Education Evaluations

- For an initial referral, a comprehensive assessment should be conducted no matter what the referral question(s) so that the student is viewed holistically.
- The evaluator(s) should have expertise and fundamental knowledge related to second language acquisition, L1 development and its impact on L2 proficiency; the relationship between language proficiency and academic achievement, native language and ESL instructional programming; sociocultural impact on learning; language proficiency assessment; effective instruction designed for EL; progress monitoring; and working with families of EL students.
- Formal and informal assessment of language proficiency and dominance must be established in both native and second language.
- All assessments should be conducted in the student's proficient language and English.
- Determine the parent's native language and language(s) spoken at home by all family members the majority of the time, e.g., do parents speak the native language and children respond in English?
- If English is marginally the proficient language then both L1 and L2 should be assessed.
- Assess the student's educational program and language of instruction.
- Assessment of CLD students will typically take two to three times the amount of time required for monolingual English speakers.
- Select formal and informal procedures to address referral question.
- Skills and abilities must be assessed in both languages using valid and reliable instruments and procedures corroborated with curriculum based measures.
- Compare the student's conversational and academic language skills in both L1 and L2.
- Address second language acquisition and achievement.
- Follow test standardization when administering tests.
- Re-administer missed items and allow the student to respond in most proficient language and report the results describing patterns, strengths and needs based on the student's demonstrated knowledge and abilities.

Correlate standardized assessment results with informal assessment and intervention outcomes, referral reason, and student's acculturation and bilingual development, as well as academic achievement history.

Team Development and Goals

Parents of students referred for evaluation for special education eligibility are to be full partners in the process, participating and contributing every step of the way. Therefore, the parents should be encouraged to continue their participation as members of the assessment team and the Individual Education Plan (IEP) team. In cases where a CLD student is being considered for special education eligibility, this process, although extremely helpful, can be confusing and daunting to parents. The entire process may require substantial extra time. This is necessary because requesting parental consent, discussing parental rights, the special education process and the child's educational needs is time consuming. In some situations, it may also be necessary to spend time explaining IDEA's eligibility criteria since official identification of disabilities is not the norm in many other countries. When parents have been properly informed and fully involved at the pre-referral RTI stage, the entire process may run smoother.

The assessment/IEP team is comprised of the parents, the child's regular education teacher, a person knowledgeable about the student's culture, language, and second language acquisition, and qualified professionals who administer the test instruments such as special education specialists and literacy specialists.

Special Education Assessment Checklist for CLD Students

The TAT team will:

Step 1: Gather and review information.
- Assign a case manager
- Review existing records, pre-referral RTI results, and exclusionary factors
- Decide if it is necessary to conduct an assessment
- Provide written parent notification/consent paperwork for assessment to parent in parent's native language as required by IDEA 2004.
- Encourage parent involvement in the assessment process

Step 2: Determine nature and scope of assessment necessary to address referral questions and comply with laws.
- Develop an individualized assessment plan
- Conduct longitudinal observations in multiple contexts
- Gather other information as required by law
- Elicit parent concerns regarding assessment
- Review all data and determine whether or not a special education evaluation is warranted

Step 3: Conduct assessment in nine areas.
1. Functional communication skills
2. Speech
3. Language
4. Cognitive levels
5. Socio-cultural/emotional/behavior needs
6. Achievement levels
7. Adaptive behavior (as needed)
8. Transition/vocational skills
9. Assistive technology needs

Step 4: Review all data.
- Review pre-referral RTI results, including appropriateness of instructional program
- Check to see if there are exclusionary factors and explain how the data rule them out
- Compile formal and informal assessment data
- Gather additional information as required by law
- Share data with parents

Step 5: Determine Eligibility.
- Provide written parental notification in parents' native language as specified under IDEA 2004 for eligibility determination meeting
- Review all assessment results
- Elicit parent input regarding eligibility
- Consider clinical judgment
- Determine student eligibility by referring to local school district guidelines
Document all assessment data and conclusions

Step 6: IEP Development/Placement.
- Provide written parental notification in parent's native language as specified under IDEA 2004 for IEP development and placement in special education

Assessment for Special Education Eligibility

- Elicit parent input regarding IEP and placement
- Determine placement in least restrictive environment
- Write IEP
- Obtain written parental consent in parent's native language as specified under IDEA 2004 for IEP and placement

Explanation of the Steps in the Special Education Assessment for CLD Students

Step 1

Gather and review existing pre-referral information to determine if the referral for special education services is appropriate.

- If possible, a case manager with expertise in assessing CLD students to be a part of the assessment team to educate the team about acculturation and the second language acquisition process and culturally responsive instructional guidelines before deciding on assessment procedures. Team members may include parents, bilingual specialists, special education teachers, regular classroom teachers, aides, and/or interpreter.
- Review existing records and exclusionary factors. The Pre-Referral RTI Checklist can be used to identify any gaps in information.
- Decide whether or not an assessment is warranted based on information reviewed.
- Provide written parental notification/obtain consent in parents' native language as specified under IDEA 2004 the first time the student is referred for special education assessment. Review for completeness.
- Encourage parent involvement throughout all steps of the assessment process by first explaining the reason for referral and the purpose of testing with the help of a bicultural, bilingual interpreter or school professional. As team members, parents are readily available to supply any needed information that may not have been gathered during the pre-referral RTI process. Be aware that some CLD parents may view school personnel as teaching authorities and think that it is disrespectful toward teaching staff to express their opinions, especially when they are not in agreement with the school's perspective. It is essential to acknowledge and respect parent's cultural background and spend time to build a collaborative relationship with them.

Step 2

Determine the nature and scope of the assessment to address referral questions and comply with laws. According to the ecological/functional assessment model, this is a critical step in the process. If this is the initial assessment for special education eligibility, then a comprehensive assessment should be done.

- Develop an individualized assessment plan. For many of the components, specific assessment techniques and suggestions will be discussed in the pages that follow. Individualize your assessment approach, since a technique or process used with one CLD student may not be effective with another student due to within-group differences.
- Conduct longitudinal observations in multiple contexts to observe student during the actual learning process.
- Gather other information as required by law.
- Elicit parental concerns regarding the assessment as you continue to build a positive, trusting relationship with the parents.

Assessment for Special Education Eligibility

Step 3

Conduct an assessment from among the following nine (9) assessment components domains. Before any assessment activities are begun, be sure that physical causes of school difficulty are ruled out:

- A hearing screening has been completed by appropriately trained personnel such as an audiologist or speech/language pathologist with the assistance of an interpreter, if necessary, to rule out hearing as a contributing factor to the learning/behavior difficulties experienced by the student.
- A vision screening on both far- and near-point tasks has been completed by appropriate school personnel with the assistance of an interpreter, if necessary, to rule out vision as a contributing factor to the learning/behavior difficulties experienced by the student.
- Overall health or physical status should be addressed.

Once the physical aspects have been assessed, considered, and integrated into the existing information on a given student, the assessment can proceed to the following nine domains:

Domain 1: Functional Communication Skills

Although CLD students may appear to have BICS in some routine settings such as the classroom or playground, this may not be the case in all settings so it will be important to gather information from a variety of observers such as parents, teachers, support staff, etc. Remember it takes two to three years in the dominant culture to acquire BICS.

- Assess the level of functional communication (Basic Interpersonal Communication Skills) "...face-to-face conversational abilities... on topics of mutual interest, fall within their experiential backgrounds, and are context-embedded and therefore cognitively undemanding..." (Ortiz, 1997),

Domain 2: Speech

A speech/phonological disorder should be present in L1 as well as L2 to be considered disordered rather than different (Ortiz, 1997).

Indicators of speech difference, not disorder
- The misarticulations or dysfluencies are a result of a change in intonational patterns/rhythm/stress (accent) from L1 to L2,
- The misarticulations only occur on sounds in L2 that do not exist in L1,
- Omission or incorrect usage of grammatical morphemes in L2 (such as plural endings) indicate normal language transition and not speech disorder.

Additional tools and suggestions:
- Standardized and norm-referenced measures (use with caution),
- Developmental sequence of sound acquisition,
- Rating scales/checklists,
- Informal inventories for languages in which no formal standardized norm-referenced test exists.

Domain 3: Language

A language related disorder must be present in both L1 and L2 and not be a result of language loss, attrition, language shift, etc. to be considered disordered rather than different (Goldstein, 2004).
If not already completed during the pre-referral RTI process, determining language proficiency in both languages using formal (e.g., Woodcock Munoz Language Survey-Revised, 2005), and informal methods (e.g., observations, questionnaires, interviews, teacher rating scales, storytelling, language sample, etc.) is a vital component in the assessment process. This combination of methods is widely recommended because it allows for the assessment of a variety of language skills (Rhodes, Ochoa and Ortiz, 2005), and 1) helps determine

Assessment for Special Education Eligibility

the student's language development (BICS and CALP), 2) assesses receptive and expressive skills, and 3) uses current language proficiency data from bilingual education or ESL programs. Legally, determination of a CLD student's language proficiency needs to be based on an objective determination, and not on personal opinion. Therefore, formal assessment of CALP is necessary, i.e.,"...complex, abstract dimensions of language use that are related to literacy development...e.g. problem solving, evaluating, inferring..." (Ortiz, 1997).

Indicators of Language Difference Not Disorder
- Language proficiency, often the central issue in question, has far reaching effects on a CLD student's success in the classroom. It is important for all educators to become aware of the second language acquisition process and the normal transitions a person learning a second language experiences, and that:
- Transitions likely will vary depending on the nature of the language in question (e.g. some languages have more structures in common with English thus requiring fewer changes to learn than other languages),
- Transitions generally take place in both speech and language as a person is attempting to learn a second language. The transition period may take many months or even years to complete due to socio-cultural influences that affect communication behaviors,
- Exposure and opportunity to use the language varies from student to student.

Language should not be considered disordered in the following cases:
- The linguistic differences can be attributed to exclusionary factors or are a result of any of the following normal transitions in second language acquisition (Owens, 1996):
- Inappropriately transferring culturally acceptable behaviors in the dominant language to English,
- Code-mixing (switching back and forth from one language to the other in the middle of an utterance),
- Omission and/or overextension of morphological inflections,
- Double marking (when more than one language rule may apply and the student uses both rather than selecting one (e.g., in English: The boy, he went to the store),
- Misordering of sentence components (e.g., placing adjectives after the noun),
- Using one member of a word class for all members (e.g., using "that" for all demonstratives),
- Using all members of a word class interchangeably without concern for the different meanings.

Additional Tools and Suggestions
- Parent interview/questionnaires,
- Direct observation in a variety of settings,
- Structured setting (e.g. classroom),
- Unstructured setting (e.g. recess, lunchroom, physical education class),
- Behavioral sampling,
- Portfolio assessment of work samples,
- Language, writing, and narrative sampling in all languages,
- Structured probe assessment,
- Standardized and norm-referenced tests (only if normative data includes the population in question),
- Criterion-referenced tests,
- Dynamic assessment,
- Cloze techniques.

Table 2. Language Assessment Do's and Don'ts

Do	Don't
• Consider student's language usage opportunities and exposure in the home, school, and community settings as well as his/her language proficiency before determining the language used for further testing • Administer standardized tests if test was normed in the population the student belongs to and test items are within his/her realm of experience, • Correlate standardized and informal test results, • Use only well-trained and educated interpreters, • Use standardized tests dynamically (test-teach-retest) and report results in narrative form with no scores, • Use multiple measures and contexts to assess intelligence.	• Translate standardized tests, • Modify a standardized test without documenting modifications and discussing performance, rather than reporting scores, • Report test scores if standardization procedures were violated, • Use tests that measure factual information and learned content, • Make eligibility decisions based on a single test.

See Appendix E for additional information on the second language acquisition process and appropriate assessment techniques.

Domain 4: Cognitive Levels

There are very few measures of cognitive ability normed on diverse cultural populations. The few current cognitive ability measures normed on CLD populations "do not account for varying levels of proficiency in two different languages that mark bilingual students as distinct from native students or English-only speakers" (Rhodes et al., 2005, p. 167). Bilingual students' language and cognitive development as well as academic achievement differ significantly from monolingual students. Second language acquisition related constructs include: slower mental processing, slower auditory memory, and slower reading fluency and comprehension in the weaker language (Figueroa et al., 2006). To address standardized tests' validity difficulties, Flanagan et al., (2013) developed the Culture-Language Interpretive Matrix (C-LIM), a visual representation of research on ELs' test performance. The C-LIM helps evaluators establish test score validity and meaningfulness and guides test data interpretation in an equitable and non-discriminatory manner.

Some practitioners recommend administering nonverbal IQ measures when cognitive testing cannot be conducted in the CLD students' L1. Although nonverbal tests are less culturally and linguistically loaded, they are not culture or language free. Also, nonverbal tests remain culturally loaded due to the use of items common to Western or urban cultures such as pictures, paper/pencil tasks, and timed testing (Hamayan and Damico, 1991). Additionally, Ortiz (2014) reminds practitioners that the validity of test data based on norm samples that are not representative of CLD students' experiential, cultural and linguistic backgrounds is legally indefensible.

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Examiners are legally and ethically mandated to review the psychometric properties of every cognitive measure before assuming that a test can be used to generalize and predict a CLD student's cognitive potential, e.g., review the instrument's standardization procedures and normative sample to ensure its appropriateness and usefulness with the student in question.

Additional Tools and Suggestions

Use dynamic assessment procedures to present standardized materials (test-teach-retest) but do not report test scores. According to Jitendra and Rohena-Diaz (1996) dynamic assessment includes the following steps:

- Teacher develops three versions of the task or uses subtests such as Block Design, and Picture Arrangement from the Wechsler scales,
- Administration of the first form (pretest) of task or administer subtests,
- Mediated learning using the second form (teach the task) and detailed notes recorded about student responses (what is being worked on, how does student approach the task, how is student responding, what works or does not work),
- Administration of the third form (posttest) of the task or re-administer the subtests
- Compare pre- and post-intervention performances.

See Appendix H for more information.

Domain 5: Socio-Cultural/Emotional/Behavioral Needs

Some of the byproducts of acculturation look very similar to emotional or behavioral difficulties and include inattention, anxiety, poor self-concept, withdrawal, unresponsiveness, fatigue, resistance to change disorientation and other stress related behaviors. Many published personality assessment tools do not represent the cultural background of CLD students. Therefore, to conclude that a student has social/emotional/ behavioral problems in the native culture may not be correct. Gathering comprehensive data through formal and informal methods in a variety of contexts, including home, school and community, is critical to making a determination of disability in this area.

Behavior checklists, self-reports or rating scales may assist the team in focusing on major issues and planning future assessments and interventions. Best practice mandates documenting on psychological reports the similarities between the student in question and similar culture, language, and age peers. Ensure parents and raters understand questions and corroborate results with them for accuracy. Rather than relying on standardized measures, best practices would suggest the use of observation techniques, a review of school history, and an examination of how the child interacts with his/her environment including interaction with students from similar cultural and linguistic backgrounds. Qualitative assessment approaches which include real life or simulated real life activities may be one way to assess students' social or behavior status. In addition, a functional behavioral assessment would be helpful in identifying ecological issues that are affecting any challenging behaviors. In this process of collecting information, it is critical that school personnel attempt to build trust with the family (Anderson and Canter, 1999) and careful consideration should be given to cultural influences that may affect the student's behavior in various contexts or settings.

Adverse Childhood Experiences (ACEs)

Adverse childhood experiences (ACEs) are traumatic experiences including abuse, witnessing domestic violence, or growing up with substance abuse, mental illness, parental discord, or crime in the home. The recommendation to assess for adverse childhood experiences when evaluating any student for special education is crucial since traumatic experiences impact individuals' neurodevelopment significantly. Children's neurodevelopment can be disrupted when exposed to chronic stressful events (Substance Abuse

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and Mental Health Services Administration, SAMHSA, Dec. 2014). "Disruption in early development of the nervous system may impede a child's ability to cope with negative or disruptive emotions and contribute to emotional and cognitive impairment." Children exposed to chronic stressful situations develop maladaptive coping mechanisms such as substance use, which eventually leads to disease, disability and social problems as well as premature mortality. Therefore, education professionals are strongly recommended to make ACEs assessment an essential component of their assessment protocol to identify and provide early interventions and/or referral for appropriate services. Refer to SAMHSA's website for information on ACEs prevention, training and technical assistance.

When evaluating behaviors, observers should consider:
- Student's worldview
- Parent's worldview
- Behavior appropriate in the native culture
- Developmental history
- Adverse childhood experiences (e.g. abuse, neglect, domestic violence, parental substance abuse, mental illness, parental discord, crime in the home)
- Socio-emotional functioning
- Role of education and religious beliefs in the native culture
- Student behaviors that significantly differ from the ones socially acceptable in his/her native culture and in the American culture
- Information that may explain the target behavior including English proficiency and/or second language acquisition stage
- Comprehension or knowledge of American rules
- Acculturation level or process
- Motivation to learn English
- Immigration status
- Generational status

Additional Tools and Suggestions
- Interview teachers, parents, students and others such as bilingual social workers from home and cross-cultural visits,
- Use ecological/environmental assessment techniques to observe and document student behavior in a variety of settings,
- Use functional behavioral assessment information from district's behavior specialist,
- Use behavioral rating scales and checklists,
- Review information from pre-referral process such as specific pre-referral information.

Domain 6: Achievement Levels

For all students, an assessment plan should be determined based on the instructional program history and grade level as well as language proficiency level. Be sure to include a review of pre-referral RTI data in this determination. Use standardized tests only if they are valid for the student's cultural and linguistic group. If formal assessment instruments are not available in the student's proficient language (L1), informal assessment (e.g., student relates an event or tells a story; student reads a passage in a grade level book in his/her native language; or student writes sentences, paragraphs, or a story in his/her native language) or alternative assessment procedures are suggested (Harris County Department of Education Bilingual Assessment Leadership Group, 1997).

Alternatives to Using Standardized Achievement Tests with CLD Students
Curriculum-Based Measurement (CBM):
> Examples–student reads aloud for one minute from basal reader; student writes answers to math computation problems in two-minute probe (Suzuki, Miller, and Ponterotto, 1996).

- Attributes: Taken directly from the curriculum employing common classroom tasks; used frequently; can take one minute or less;
- Strengths: Direct sample of student knowledge; quick and economical; can develop local norms;
- Weaknesses: If curriculum is poor, CBM is flawed; samples basic skills only; perceived as incompatible with holistic learning.

Performance-Based Assessment (PBA):
> Examples–projects, portfolios, giving a speech, science experiment (Suzuki et al., 1996).

- Attributes: Allows multiple ways to show knowledge by planning or assembling product; can be given frequently; student's work is compared to a standard or rubric scoring; allows development of multifaceted student strengths/weaknesses;
- Strengths: Aligned with classroom instruction; utilizes both basic skills and problem-solving skills; CLD students do better on PBA; assessment is authentic (real work); compatible with holistic learning;
- Weaknesses: Expensive; risk of rater bias; raters may not be trained to rate CLD student's work; rubrics may contain content (such as appropriate capitalization/punctuation) but may not give criterion (such as 95 percent correct).

Dynamic Assessment:
> Examples- testing the limits, feedback given on problem solving tasks, student explains how they arrived at an answer (Hamayan and Damico, 1991; Ortiz, 1997; Langdon, 1998, Ortiz and Artiles, 2010).

- Attributes: Allows examiner to draw conclusions on student's thinking and problem solving skills; requires constant interaction between student and examiner; test-teach-test process;
- Strengths: Focus on problem-solving skills; allows for interaction between student and examiner; examiner can ask questions; student can explain answers;
- Weaknesses: Time consuming; requires examiners with highly developed skills.

Achievement levels and performance information should include:
- Student's academic strengths and weaknesses
- Student's skill levels in reading, math, and writing in both languages
- Learning style information
- Patterns in test response
- Practical or functional skills/knowledge
- Planning and follow-through on tasks
- Sequencing abilities
- Problem-solving strategies
- Organizational skills
- Motor skills such as visual-motor skills
- Fluency in reading, math, writing
> Information that is obtained should be descriptive and well documented. Include how tasks were presented, student responses, and how conclusions were reached.

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Additional Tools and Suggestions
- Review information from pre-referral RTI process including type of pre-referral interventions, school history, self-report information, interviews with teachers, observations of the student working on academic tasks in the actual learning environment.
- Use performance assessment: essays, oral presentation, construction of models, art drawings, dramatic presentation, and scientific experiments.
- Test knowledge and skills students apply in their life outside the classroom, e.g., adding up purchases at the grocery store, reading preparation instructions on food items.
- For reading, use informal reading inventories in L2 and translated into L1 (be careful of cultural bias in passage selection) or compare results of an informal reading inventory in L2 with a passage taken from a book written in L1 at the same approximate grade level for miscue analysis and comprehension.
- Use teacher-made cloze tests for reading comprehension.
- For writing, use functional dictation and a writing sample in L1 and L2 if appropriate.
- Use portfolio information from regular classroom.

Domain 7: Adaptive Behavior

In cases such as suspected intellectual disability, an adaptive behavior rating scale will need to be completed by interviewing the parent (best option) or main caregiver in the parent's or main care giver's native language.

Domain 8: Transition/Vocational Skills

In order to fully serve every CLD student, eligibility for special education services aside, transitional and vocational (career) information should be gathered as a part of the functional assessment for students age 14 and older. Transition skill assessment includes assessing independent living, personal care, and social interaction skills. Vocational or career assessment would also include noting vocational aptitudes, interests and matching strengths and interests to career goals. See the Oregon Department of Education website for more extensive resources on Secondary Transition Provisions.

Domain 9: Assistive Technology Needs

Assistive technology assessment includes analyzing the need for tools or technology that would enable the student to realize his /her full potential. See the Oregon Department of Education website for more extensive resources on Oregon's assistive technology programs.

Step 4: Review All Data

- Review all pre-referral RTI information including the appropriateness of the instructional program.
- Check to see whether the student in question exhibits school difficulties due to a legitimate disability rather than a difference due to exclusionary factors, e.g., cultural differences, acculturative stress, economic disadvantage, environmental issues, lack of instruction or inconsistent instruction, inappropriate instruction and/or normal second language acquisition development.
- Compile formal and informal assessment data.
- Gather additional information as required by law including classroom observations, physical examination, adaptive behavior ratings, etc. (as appropriate).
- Share data with parents, if possible, as you review the information.

Step 5: Determine Eligibility

- Provide written parental notification in parents' native language as specified under IDEA 2004 to attend eligibility determination meeting for special education services.
- Review all assessment results including the referral questions and referral information, pre-referral RTI information, special education assessment results, and any other pertinent information (Collier, 1998).
- Elicit parent input regarding eligibility. School personnel should assist parents in becoming familiar with special education eligibility so they can be active participants in the decision-making process. Professionals must document that parents have received verbal and written notification in their native language of their right to agree or disagree with eligibility decisions.
- Consider clinical judgment. Team members need to rely on clinical judgment when making decisions for special education eligibility when test results do not appear to reflect a student's performance (Billings, Pearson, Gill and Shureen, 1997), when there are inconsistencies in information, and/or when information is missing. See Appendix H for information on clinical judgment.
- Determine student eligibility by referring to local school district guidelines. In addition, in view of the special needs of the CLD population, the following considerations are offered:
  - The current trend of identifying learning disabilities utilizing a discrepancy model based on standardized test score discrepancies has been criticized as lacking validity in determining special education eligibility. CLD students' cultural and linguistic characteristics are not accounted for on traditional standardized measures. Therefore, evaluators are recommended to use the C-LIM and multiple approaches to assist in conducting an equitable and non-discriminatory evaluation.
  - Remember, CLD students' learning problems must be present in both languages (L1 and L2) in order to be considered a disability. If cultural differences, economic disadvantage, environmental issues, lack of instruction or inconsistent instruction, inappropriate instruction, acculturation issues, and/or normal second language acquisition transitions are present to a strong degree then the student is not eligible for special education services.
  - Document all assessment data and conclusions including a statement of eligibility for special education, noting any inconsistencies in data, and including a discussion of the significance of cultural, economic, environmental, and behavioral factors related to assessment data.

Note: For students who do not meet special education eligibility requirements or those whose learning problems are a result of exclusionary factors, the team may decide to return the student to regular/bilingual education or RTI with culturally responsive recommendations to address his/her needs. A 504 plan should be considered for students with continued difficulties who do not meet special education eligibility criteria.

Step 6: IEP Development and Placement

- Provide written parental notification in parent's native language as specified under IDEA 2004 for IEP development and placement in special education.
- Elicit parent input regarding IEP and placement.
- Determine placement in least restrictive environment. Once the team has determined whether or not the student is eligible for special education services, the placement decision should be apparent.
- Write IEP. For students found eligible for special education services, the assessment team, in consultation with all interested parties, develops an IEP which should include instructional objectives for acculturation and language acquisition needs (when appropriate) as well as special education needs and planning for coordination of services including parent involvement (Collier, 1998).
- Obtain written parental consent in parent's native language as specified under IDEA 2004 for IEP and placement.

IEP development and placement for ELs with disabilities is a cause of concern and confusion for many school professionals not understanding ELs' rights for dual program eligibility, i.e., ELD/bilingual education and special education programs. To inform and facilitate education professionals' decision making in this area, Oregon's guidelines and recommendations developed by Susan Inman, Director, Office of Educational Improvement and Innovation and Petrea Hagen-Gilden are presented below.

Figure 5. Decision Making for English Learners (Els) with Disabilities

We continue to receive questions about who should be involved in making decisions about ELs who have disabilities, and how those decisions should be made. Educators frequently raise questions specifically about statewide assessments (including ELPA) and whether English Language Development services may, or should be suspended for these students. The guidance below does not address special education child find, referral, or eligibility decision making.

What is the proper forum for decision making?
When an EL is determined to have a disability, all of the student's educational needs must be assessed and considered, whether or not they are typically linked to the specific disability. In addition, the content and procedures of the Individualized Education Plan (IEP) requires that the student's language and cultural characteristics be taken into account in program planning. Further, the IDEA requires all students with disabilities be included in any state or district wide assessment, and leaves to the IEP team decisions about accommodations and participation decisions for any student with a disability, including ELs. Once an EL student is identified as having an IDEA qualifying disability, the procedural protections afforded (notice, comprehensive and non-biased evaluation, IEP process) must be considered relative to all parts of the student's educational program.

Must all ELs with disabilities receive English Language Development?
Regulations and case law as interpreted by the U.S. Office of Civil Rights establish the provision of English Language Development and access to educational programming as a civil right afforded to students whose native language status impacts their academic achievement. The obligation to provide appropriate programming is not contingent upon a student's apparent ability to benefit from, or progress in, program components. It is logical to think that if a child's disability causes him or her to learn to read, write, do math, or any other subject more slowly, it will also cause him or her to learn a second language more slowly.

This does not mean that all ELs with a disability will receive exactly the same kind of ELD instruction as non-disabled ELs. The IEP team, with the required participation of a specialist in the area of second language acquisition, should consider whether the child's English instruction needs to be modified or whether accommodations need to be provided to the child. Decisions about the location of the services should be made with the least restrictive environment requirements in mind, which means that nearly all students should receive ELD services in the same setting as their peers. However, for highly impacted students, the team may decide that a comprehensive program, specially designed for that student, would more appropriately be provided in a specialized setting. In such cases, the student would still be considered "enrolled" in ELD, as long as the child's instruction continues to explicitly address English language acquisition.

Inclusion in ELPA (English Language Proficiency Assessment)
As noted above, IDEA requires that students with disabilities be included in all state and district wide assessments--and ELPA falls under this definition. For any student with a disability, the IEP team must be the entity that makes decisions about how students will participate. Allowable criteria for making these decisions are included in the ELPA administration materials and should be utilized by the IEP team.

Provision of appropriate services to ELs with disabilities requires close coordination between two programs that operate under very different Federal regulations.

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Closing Remarks

We would be remiss if we did not acknowledge that in the real world the paucity of resources such as highly qualified bilingual school professionals, culturally responsive standardized assessment tools, culturally responsive research based instructional practices, etc. makes achieving successful outcomes for CLD students an extremely challenging task. In the absence of ideal conditions, it is imperative that more intensive communication and collaboration occur among all stakeholders (parents, regular, bilingual and special education personnel); efforts are made to minimize cultural and linguistic bias through culturally responsive, nondiscriminatory assessment and instructional practices; and careful consideration is given to determine whether or not exclusionary factors exist, so that the team can appropriately arrive at decisions that lead to the best possible educational outcomes for CLD students.

Distinguishing between a difference and a disorder among CLD students is a complex process even for the experienced bilingual assessment professional. Practitioners making such a distinction need to have a strong understanding of the interplay among a student's acculturation level, language proficiency, cognitive and academic performance, and socioeconomic background. CLD students' cognitive and academic developmental patterns differ significantly from monolingual/monocultural students. CLD students' emerging bilingualism and blended cultural backgrounds are not adequately represented in any existing norm sample; therefore, informal evaluation procedures must be performed to conduct a fair and equitable assessment. Data gathered from formal and informal sources must substantiate that exclusionary factors such as inappropriate instruction, acculturation, second language acquisition, socioeconomic and experiential background are not the primary source of the performance deficit in question.

Equally important, policy makers, district and school administrators are strongly urged to promote and provide education professionals working with ELs continued professional development on factors impacting ELs' education achievement to decrease the achievement gap between ELs and monolingual English students. School professionals are encouraged to embrace a culturally humble and responsive philosophy. Culturally humble and responsive education professionals are aware of their own biases and power differentials between their professional role and their students' role. Cultural humility and responsiveness equips school professionals with the knowledge, skills and sensitivity to make appropriate decisions regarding research based instructional, intervention and assessment processes, and helps them create a welcoming, safe and stimulating learning environment for all their students and their families.

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Appendices

- Appendix A – Legal Mandates and Ethical Guidelines
- Appendix B – Interpreters
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Appendix A

Legal Mandates and Ethical Guidelines

Legal Mandates
- Individuals with Disabilities Education Improvement Act (IDEA)
- Oregon Administrative Rules (OARs)

Ethical Guidelines
- Oregon TSPC – The Ethical Educator & Professional Practices
- Oregon Board of Psychologist Examiners
- American Speech-Language-Hearing Association Code of Ethics
- American Psychological Association Guidelines
- National Association of School Psychologists Principles for Professional Ethics
- Society of Indian Psychologists
- Registry of Interpreters for the Deaf, Code of Professional Conduct for Interpreters

Individuals with Disabilities Education Improvement Act (IDEA)

The Individuals with Disabilities Education Improvement Act (IDEA 2004) provide guidance in the planning and implementation of assessment procedures for all students, including CLD students who may have a disability. These mandates and guidelines recommend practitioners to address cultural and linguistic student differences to conduct equitable and nondiscriminatory evaluation practices. The following clarifications and additions have been made to the sections on parental consent:

Parental Consent

Section 300.300, regarding parental consent, has been revised, as follows:

(1) Paragraph (a) of Sec. 300.300, regarding consent for initial evaluation, has been changed to provide that the public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability must, after providing notice consistent with Sec. Sec. 300.503 and 300.504, obtain informed consent, consistent with Sec. 300.9, from the parent of the child before conducting the evaluation. A new paragraph (a)(1)(iii) has been added to require a public agency to make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.

(2) Section 300.300(a)(3), regarding a parent's failure to provide consent for initial evaluation, has been changed to clarify, in a new paragraph (a)(3)(ii), that the public agency does not violate its obligation under Sec. 300.111 and Sec. Sec. 300.301 through 300.311 if it declines to pursue the evaluation.

(3) Section 300.300(b), regarding parental consent for services, has been modified by a new paragraph (b)(2) that requires a public agency to make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.

(4) Section 300.300(c)(1), regarding parental consent for reevaluations, has been modified to clarify that if a parent refuses to consent to a reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures in Sec. 300.300(a)(3), and the public agency does not violate its obligation under Sec. 300.111 and Sec. Sec. 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.

(5) A new Sec. 300.300(d)(4) has been added to provide that if a parent of a child who is home schooled or placed in a private school by the parent at the parent's expense, does not provide consent for an initial evaluation or a reevaluation, or the parent fails to respond to a request to provide consent, the public agency (A) may not use the consent override procedures (described elsewhere in Sec. 300.300), and (B) is not required to consider the child eligible for services under the requirements relating to parentally-placed private school children with disabilities (Sec. Sec. 300.132 through 300.144).

(6) A new Sec. 300.300(d)(5) has been added to clarify that in order for a public agency to meet the reasonable efforts requirement to obtain informed parental consent for an initial evaluation, initial services, or a reevaluation, a public agency must document its attempts to obtain parental consent using the procedures in Sec. 300.322(d).

Appendix A – Legal Mandates & Ethical Guidelines

Parental Revocation of Consent for the provision of Special Education Services

Section 300.300(b)(4) has been revised to require that parental revocation of consent for the continued provision of special education and related services must be in writing and that upon revocation of consent a public agency must provide the parent with prior written notice in accordance with Sec. 300.503.

IDEA (2004) Disproportionality Regulations

1. Require policies and procedures.
   The State must have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the IDEA regulations. [34 CFR 300.173] [20 U.S.C. 1412(a)(24)]

2. Require collection and examination of data regarding disproportionality.
   Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:
   - The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act;
   - The placement in particular educational settings of these children; and
   - The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.
   [34 CFR 300.646(a)] [20 U.S.C. 1418(d)(1)]

3. Establish requirements for review and revision of policies, practices and procedures.
   In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with §300.646(a) of the IDEA regulations, the State or the Secretary of the Interior must:
   - Provide for the review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the Act.
   - Require any LEA identified under §300.646(a) of IDEA to reserve the maximum amount of funds under section 613(f) of the Act to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly overidentified under §300.646(a) of the IDEA regulations; and
   - Require the LEA to publicly report on the revision of policies, practices, and procedures described under §300.646(b) (1) of the IDEA regulations.
   [34 CFR 300.646(b)] [20 U.S.C. 1418(d) (2)]

4. Require States to disaggregate data on suspension and expulsion rates by race and ethnicity.
   The State educational agency must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities:
   - Among LEA's in the State; or
   - Compared to the rates for nondisabled children within those agencies.
   [34 CFR 300.170(a)] [20 U.S.C. 1412(a) (22) (A)]

5. Require States to monitor their LEA's to examine disproportionality.
   The State must monitor the LEA's located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas, [including] disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. [34 CFR 300.600(d)(3)] [20 U.S.C. 1416(a)(3)(C)]

Special Education Assessment

The Individuals with Disabilities Education Improvement Act (IDEA 2004) provides guidance in the planning and implementation of assessment procedures for all students, including CLD students who may have a disability. These mandates and guidelines recommend that practitioners address cultural and linguistic student differences to conduct equitable and nondiscriminatory evaluation practices.

For determining eligibility for special education, IDEA 2004 summarizes those provisions in section 300.304 Evaluation Procedures as follows:
  "Each public agency must ensure that:
  (1) Assessments and other evaluation materials used to assess a child under this part:
    (i)   Are selected and administered so as not to be discriminatory on a racial or cultural basis;
    (ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
    (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
    (iv) Are administered by trained and knowledgeable personnel; and
    (v)   Are administered in accordance with any instructions provided by the producer of the assessments.

  (2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

  (3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the

child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible…to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability…the evaluation is sufficiently comprehensive to identify all of the child's special education needs, whether or not commonly linked to the disability category in which the child has been classified.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided."
(Federal Register, August 14, 2006, p 46785)

Oregon Administrative Rules (OARs)

5810152190 - Parent Participation General

(1) School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education to the child.

(2) Meeting Notice
    (a) School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend.
    (b) The written notice must:
        (A) State the purpose, time and place of the meeting and who will attend;
        (B) Inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child;
        (C) Inform the parent that the team may proceed with the meeting even if the parent is not in attendance; and
        (D) Inform the parent of whom to contact before the meeting to provide information if they are unable to attend.

(3) The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(4) A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those Special Education Assessment Process for Culturally and Linguistically Diverse Students Guidelines and Resources for the Oregon Department of Education 2007 Revisions Page 20 issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(5) Conducting a meeting without a parent in attendance: A meeting may be conducted without a parent in attendance if the school district has given the parent notice under subsection (2), or, for IEP or placement meetings, in accordance with OAR 5810152195.

(6) Transfer of rights
    (a) The right to parent participation transfers to an adult student under OAR 5810152325.
    (b) After the transfer of rights to an adult student under OAR 5810152325, the school district must provide written notice of meetings to the adult student and parent, if the parent can be reasonably located. A parent receiving notice of a meeting under this subsection is not entitled to attend the meeting unless invited by the adult student or by the school district. Stat. Auth.: ORS 343.041, 343.055, 343.155 Stats. Implemented:

Appendix A - Legal Mandates & Ethical Guidelines

ORS 343.155, 34 CFR 300.500, 300.327, 300.501(b) Hist.: ODE 171999, f. & cert. ef. 92499; ODE 22003, f. & cert. ef. 31003; Renumbered from 5810150063, ODE 102007, f. & cert. ef. 42507

5810152195 – Additional Parent Participation Requirements for IEP and Placement Meetings

(1) Parent Participation: School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
    (a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
    (b) Scheduling the meeting at a mutually agreed on time and place.

(2) Other Methods to Ensure Parent Participation: If neither parent can attend, the school district must use other methods to ensure parent participation, including, but not limited to, individual or conference phone calls or home visits.

(3) Conducting an IEP/Placement Meeting without a Parent in Attendance: An IEP or placement meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend.
    (a) If the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:
        (A) Detailed records of telephone calls made or attempted and the results of those calls;
        (B) Copies of correspondence sent to the parents and any responses received; and
        (C) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
    (b) The Department considers school district attempts to convince parents to attend sufficient if the school district:
        (A) Communicates directly with the parent and arranges a mutually agreeable time and place, and sends written notice required under OAR 58101521902) To confirm this arrangement; or Special Education Assessment Process for Culturally and Linguistically Diverse Students Guidelines and Resources for the Oregon Department of Education 2007 Revisions Page 21
        (B) Sends written notice required under OAR 5810152190(2) Proposing a time and place for the meeting and states in the notice that the parent may request a different time and place, and confirms that the parent received the notice.
    (c) "Sufficient attempts" may all occur before the scheduled IEP or placement meeting, and do not require the scheduling of multiple agreed upon meetings unless the team believes this would be in the best interest of the child.

(4) Considering Transition: If a purpose of the meeting is to consider postsecondary goals and transition services for a student, the written notice required by OAR 5810152190(2) must also:
    (a) Indicate this purpose;
    (b) Indicate that the school district will invite the student; and
    (c) Identify any other agency that will be invited to send a representative in accordance with OAR 5810152210(2b)

(5) The school district must give the parent a copy of the IEP at no cost to the parent. If the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.

(6) When conducting IEP team meetings and placement meetings, the parent of a child with a disability and a school district may agree to use alternative means of meeting participation, such as video conferences and conference calls. Stat. Auth.: ORS 343.041, 343.045, 343.055 Stats. Implemented: ORS 343.045, 343.155, 34 CFR 300.322, 300.500, 300.327, 300.328, 300.501(c) Hist.: 1EB 269, f. & ef. 122277; EB 91993, f. & cert. ef. 32593; EB 111995, f. & cert. ef. 52595; ODE 171999, f. & cert. ef. 92499; ODE 22003, f. & cert. ef. 31003; Renumbered from 5810150067, ODE 102007, f. & cert. ef. 42507

Oregon Teacher Standards & Practices Commission
The Ethical Educator & Professional Practices (excerpts)

Responsibilities of TSPC

In 1973, the Teacher Standards and Practices Commission became an autonomous body. It was created amid demands across the nation that educators police their own ranks. As a result, one of the statutory responsibilities of TSPC is to maintain professional Standards of Competent and Ethical Performance of Oregon Educators. These Standards can be found in Oregon Administrative Rules, Chapter 584, Division 020.

What is a Competent and Ethical Educator?

The competent educator demonstrates:
• Knowledge and use of curriculum and instruction to meet the needs of all students;
• Ability to provide a climate for students that is conducive to learning and respects the rights of all persons without discrimination;
• An understanding of students and ability to establish and maintain good rapport and assist the growth of students;
• Ability to work effectively with students, staff, parents and community.

The ethical educator demonstrates:
• A willingness to accept the requirements of membership in the education profession;
• A willingness to consider the needs of the students, the district, and profession.

What is a Culturally Competent Educator?

The competent educator demonstrates:
• Capacity to promote equity of student access and outcomes;
• Advocacy for social justice;
• Awareness of laws and policies affecting learners;

- Creates a respectful and collaborative environment;
- Ability to navigate conflicts around race, ethnicity, religion, class, and language in a safe and productive manner;
- Ability to work collaboratively with students, staff, and parents from diverse racial, ethnic, religion, class and language backgrounds;
- Demonstrates respectful and welcoming verbal and non-verbal interaction skills.

Oregon Board of Psychologist Examiners

Division 40. Continuing Education. 858-040-0015. Basic Requirements

The following rule amendment regarding cultural competency will become effective January 1, 2016:

All active and semi-active licensees must complete four hours of continuing education dedicated to the topic of cultural competency in each reporting period.

American Speech-Language-Hearing Association Code of Ethics

Preamble

The preservation of the highest standards of integrity and ethical principles is vital to the responsible discharge of obligations by speech-language pathologists, audiologists, and speech, language, and hearing scientists. This Code of Ethics sets forth the fundamental principles and rules considered essential to this purpose.

Every individual who is (a) a member of the American Speech-Language-Hearing Association, whether certified or not, (b) a nonmember holding the Certificate of Clinical Competence from the Association, (c) an applicant for membership or certification, or (d) a Clinical Fellow seeking to fulfill standards for certification shall abide by this Code of Ethics.

Any violation of the spirit and purpose of this Code shall be considered unethical. Failure to specify any particular responsibility or practice in this Code of Ethics shall not be construed as denial of the existence of such responsibilities or practices.

The fundamentals of ethical conduct are described by Principles of Ethics and by Rules of Ethics as they relate to the responsibility to persons served, the public, speech-language pathologists, audiologists, and speech, language, and hearing scientists, and to the conduct of research and scholarly activities.

Principles of Ethics, aspirational and inspirational in nature, form the underlying moral basis for the Code of Ethics. Individuals shall observe these principles as affirmative obligations under all conditions of professional activity.

Rules of Ethics are specific statements of minimally acceptable professional conduct or of prohibitions and are applicable to all individuals.

Principle of Ethics I

Individuals shall honor their responsibility to hold paramount the welfare of persons they serve professionally or who are participants in research and scholarly activities, and they shall treat animals involved in research in a humane manner.

Rules of Ethics Relating to Principle I

1. Individuals shall provide all services competently.
2. Individuals shall use every resource, including referral when appropriate, to ensure that high-quality service is provided.
3. Individuals shall not discriminate in the delivery of professional services or the conduct of research and scholarly activities on the basis of race or ethnicity, gender, gender identity/gender expression, age, religion, national origin, sexual orientation, or disability.
4. Individuals shall not misrepresent the credentials of assistants, technicians, support personnel, students, Clinical Fellows, or any others under their supervision, and they shall inform those they serve professionally of the name and professional credentials of persons providing services.
5. Individuals who hold the Certificate of Clinical Competence shall not delegate tasks that require the unique skills, knowledge, and judgment that are within the scope of their profession to assistants, technicians, support personnel, or any nonprofessionals over whom they have supervisory responsibility.
6. Individuals who hold the Certificate of Clinical Competence may delegate tasks related to provision of clinical services to assistants, technicians, support personnel, or any other persons only if those services are appropriately supervised, realizing that the responsibility for client welfare remains with the certified individual.
7. Individuals who hold the Certificate of Clinical Competence may delegate tasks related to provision of clinical services that require the unique skills, knowledge, and judgment that are within the scope of practice of their profession to students only if those services are appropriately supervised. The responsibility for client welfare remains with the certified individual.
8. Individuals shall fully inform the persons they serve of the nature and possible effects of services rendered and products dispensed, and they shall inform participants in research about the possible effects of their participation in research conducted.
9. Individuals shall evaluate the effectiveness of services rendered and of products dispensed, and they shall provide services or dispense products only when benefit can reasonably be expected.
10. Individuals shall not guarantee the results of any treatment or procedure, directly or by implication; however, they may make a reasonable statement of prognosis.
11. Individuals shall not provide clinical services solely by correspondence.
12. Individuals may practice by telecommunication (e.g., telehealth/e-health), where not prohibited by law.

13. Individuals shall adequately maintain and appropriately secure records of professional services rendered, research and scholarly activities conducted, and products dispensed, and they shall allow access to these records only when authorized or when required by law.
14. Individuals shall not reveal, without authorization, any professional or personal information about identified persons served professionally or identified participants involved in research and scholarly activities unless doing so is necessary to protect the welfare of the person or of the community or is otherwise required by law.
15. Individuals shall not charge for services not rendered, nor shall they misrepresent services rendered, products dispensed, or research and scholarly activities conducted.
16. Individuals shall enroll and include persons as participants in research or teaching demonstrations only if their participation is voluntary, without coercion, and with their informed consent.
17. Individuals whose professional services are adversely affected by substance abuse or other health-related conditions shall seek professional assistance and, where appropriate, withdraw from the affected areas of practice.
18. Individuals shall not discontinue service to those they are serving without providing reasonable notice.

Principle of Ethics II

Individuals shall honor their responsibility to achieve and maintain the highest level of professional competence and performance.

Rules of Ethics Relating to Principle II

1. Individuals shall engage in only those aspects of the professions that are within the scope of their professional practice and competence, considering their level of education, training, and experience.
2. Individuals shall engage in lifelong learning to maintain and enhance professional competence and performance.
3. Individuals shall not require or permit their professional staff to provide services or conduct research activities that exceed the staff member's competence, level of education, training, and experience.
4. Individuals shall ensure that all equipment used to provide services or to conduct research and scholarly activities is in proper working order and is properly calibrated.

Principle of Ethics III

Individuals shall honor their responsibility to the public by promoting public understanding of the professions, by supporting the development of services designed to fulfill the unmet needs of the public, and by providing accurate information in all communications involving any aspect of the professions, including the dissemination of research findings and scholarly activities, and the promotion, marketing, and advertising of products and services.

Rules of Ethics Relating to Principle III

1. Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly or research contributions.
2. Individuals shall not participate in professional activities that constitute a conflict of interest.
3. Individuals shall refer those served professionally solely on the basis of the interest of those being referred and not on any personal interest, financial or otherwise.
4. Individuals shall not misrepresent research, diagnostic information, services rendered, results of services rendered, products dispensed, or the effects of products dispensed.
5. Individuals shall not defraud or engage in any scheme to defraud in connection with obtaining payment, reimbursement, or grants for services rendered, research conducted, or products dispensed.
6. Individuals' statements to the public shall provide accurate information about the nature and management of communication disorders, about the professions, about professional services, about products for sale, and about research and scholarly activities.
7. Individuals' statements to the public when advertising, announcing, and marketing their professional services; reporting research results; and promoting products shall adhere to professional standards and shall not contain misrepresentations.

Principle of Ethics IV

Individuals shall honor their responsibilities to the professions and their relationships with colleagues, students, and members of other professions and disciplines.

Rules of Ethics Relating to Principle IV

1. Individuals shall uphold the dignity and autonomy of the professions, maintain harmonious interprofessional and intraprofessional relationships, and accept the professions' self-imposed standards.
2. Individuals shall prohibit anyone under their supervision from engaging in any practice that violates the Code of Ethics.
3. Individuals shall not engage in dishonesty, fraud, deceit, or misrepresentation.
4. Individuals shall not engage in any form of unlawful harassment, including sexual harassment or power abuse.
5. Individuals shall not engage in any other form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.
6. Individuals shall not engage in sexual activities with clients, students, or research participants over whom they exercise professional authority or power.
7. Individuals shall assign credit only to those who have contributed to a publication, presentation, or product. Credit shall be assigned in proportion to the contribution and only with the contributor's consent.
8. Individuals shall reference the source when using other persons' ideas, research, presentations, or products in written, oral, or any other media presentation or summary.
9. Individuals' statements to colleagues about professional services, research results, and products shall adhere to prevailing professional standards and shall contain no misrepresentations.

Appendix A - Legal Mandates & Ethical Guidelines

10. Individuals shall not provide professional services without exercising independent professional judgment, regardless of referral source or prescription.
11. Individuals shall not discriminate in their relationships with colleagues, students, and members of other professions and disciplines on the basis of race or ethnicity, gender, gender identity/gender expression, age, religion, national origin, sexual orientation, or disability.
12. Individuals shall not file or encourage others to file complaints that disregard or ignore facts that would disprove the allegation, nor should the Code of Ethics be used for personal reprisal, as a means of addressing personal animosity, or as a vehicle for retaliation.
13. Individuals who have reason to believe that the Code of Ethics has been violated shall inform the Board of Ethics.
14. Individuals shall comply fully with the policies of the Board of Ethics in its consideration and adjudication of complaints of violations of the Code of Ethics.

American Psychological Association
Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations

The American Psychological Associations' Board of Ethnic Minority Affairs (BEMA) established a Task Force on the Delivery of Services to Ethnic Minority Populations in 1988 in response to the increased awareness about psychological service needs associated with ethnic and cultural diversity. The populations of concern include, but are not limited to the following groups: American Indians/Alaska Natives, Asian Americans, and Hispanics/Latinos. For example, the populations also include recently arrived refugee and immigrant groups and established U.S. subcultures such as Amish, Hasidic Jewish, and rural Appalachian people.

The Task Force established as its first priority development of the Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations. The guidelines that follow are intended to enlighten all areas of service delivery, not simply clinical or counseling endeavors. The clients referred to may be clients, organizations, government and/or community agencies.

Guidelines

Preamble: The Guidelines represent general principles that are intended to be aspirational in nature and are designed to provide suggestions to psychologists in working with ethnic, linguistic, and culturally diverse populations.

1. Psychologists educate their clients to the processes of psychological intervention, such as goals and expectations; the scope and, where appropriate, legal limits of confidentiality; and the psychologists' orientations.
    a. Whenever possible, psychologists provide information in writing along with oral explanations.

b. Whenever possible, the written information is provided in the language understandable to the client.

2. Psychologists are cognizant of relevant research and practice issues as related to the population being served.
    a. Psychologists acknowledge that ethnicity and culture impacts on behavior and take those factors into account when working with various ethnic/racial groups.
    b. Psychologists seek out educational and training experiences to enhance their understanding to address the needs of these populations more appropriately and effectively. These experiences include cultural, social, psychological, political, economic, and historical material specific to the particular ethnic group being served.
    c. Psychologists recognize the limits of their competencies and expertise. Psychologists who do not possess knowledge and training about an ethnic group seek consultation with, and/or make referrals to, appropriate experts as necessary.
    d. Psychologists consider the validity of a given instrument or procedure and interpret resulting data, keeping in mind the cultural and linguistic characteristics of the person being assessed. Psychologists are aware of the test's reference population and possible limitations of such instruments with other populations.

3. Psychologists recognize ethnicity and culture as significant parameters in understanding psychological processes.
    a. Psychologists, regardless of ethnic/racial background, are aware of how their own cultural background/experiences, attitudes, values, and biases influence psychological processes. They make efforts to correct any prejudices and biases.
        Illustrative Statement: Psychologists might routinely ask themselves, 'Is it appropriate for me to view this client or organization any differently than I would if they were from my own ethnic or cultural group?'
    b. Psychologists' practice incorporates an understanding of the client's ethnic and cultural background. This includes the client's familiarity and comfort with the majority culture as well as ways in which the client's culture may add to or improve various aspects of the majority culture and/or of society at large.
        Illustrative Statement: The kinds of mainstream social activities in which families participate may offer information about the level and quality of acculturation to American society. It is important to distinguish acculturation from length of stay in the United States, and not to assume that these issues are relevant only for new immigrants and refugees.
    c. Psychologists help clients increase their awareness of their own cultural values and norms, and they facilitate discovery of ways clients can apply this awareness to their own lives and to society at large.
        Illustrative Statement: Psychologists may be able to help parents distinguish between generational conflict and culture gaps when problems arise between them and their children.

Appendix A - Legal Mandates & Ethical Guidelines

In the process, psychologists could help both parents and children to appreciate their own distinguishing cultural values.

    d. Psychologists seek to help a client determine whether a 'problem' stems from racism or bias in others so that the client does not inappropriately personalize problems.

        Illustrative Statement: The concept of 'healthy paranoia,' whereby ethnic minorities may develop defensive behaviors in response to discrimination, illustrates this principle.

    e. Psychologists consider not only differential diagnostic issues but also cultural beliefs and values of the clients and his/her community in providing intervention.

        Illustrative Statement: There is a disorder among the traditional Navajo called 'Moth Madness.' Symptoms include seizure-like behaviors. The disorder is believed by the Navajo to be the supernatural result of incestuous thoughts or behaviors. Both differential diagnosis and intervention should take into consideration the traditional values of Moth Madness.

4. Psychologists respect the roles of family members and community structures, hierarchies, values, and beliefs within the client's culture.

    a. Psychologists identify resources in the family and the larger community.

    b. Clarification of the role of the psychologist and the expectations of the client precede intervention.

    c. Psychologists seek to ensure that both the psychologist and client have a clear understanding of what services and roles are reasonable.

        Illustrative Statement: It is not uncommon for an entire American Indian family to come into the clinic to provide support to the person in distress. Many of the healing practices found in American Indian communities are centered in the family and the whole community.

5. Psychologists respect clients' religious and/or spiritual beliefs and values, including attributions and taboos, since they affect world view, psychosocial functioning, and expressions of distress.

    a. Part of working in minority communities is to become familiar with indigenous beliefs and practices and to respect them.

        Illustrative Statement: Traditional healers (e.g., shamans, curanderos, espiritistas) have an important place in minority communities.

    b. Effective psychological intervention may be aided by consultation with and/or inclusion of religious/spiritual leaders/practitioners relevant to the client's cultural and belief systems.

6. Psychologists interact in the language requested by the client and, if this is not feasible, make an appropriate referral.

    a. Problems may arise when the linguistic skills of the psychologist do not match the language of the client. In such a case, psychologists refer the client to a mental health professional who is competent to interact in the language of the client. If this is not possible, psychologists offer the client a translator with cultural knowledge and an appropriate professional background. When no translator is available, then a trained paraprofessional from the client's culture is used as a translator/culture broker.

b. If translation is necessary, psychologists do not retain the services of translators/paraprofessionals that may have a dual role with the client to avoid jeopardizing the validity of evaluation or the effectiveness of intervention.

c. Psychologists interpret and relate test data in terms understandable and relevant to the needs of those assessed.

7. Psychologists consider the impact of adverse social, environmental, and political factors in assessing problems and designing interventions.

a. Types of intervention strategies to be used match to the client's level of need (e.g., Maslow's hierarchy of needs).

Illustrative Statement: Low income may be associated with such stressors as malnutrition, substandard housing, and poor medical care; and rural residency may mean inaccessibility of services. Clients may resist treatment at government agencies because of previous experience (e.g., refugees' status may be associated with violent treatments by government officials and agencies).

b. Psychologists work within the cultural setting to improve the welfare of all persons concerned, if there is a conflict between cultural values and human rights.

8. Psychologists attend to as well as work to eliminate biases, prejudices, and discriminatory practices.

a. Psychologists acknowledge relevant discriminatory practices at the social and community level that may be affecting the psychological welfare of the population being served.

Illustrative Statement: Depression may be associated with frustrated attempts to climb the corporate ladder in an organization that is dominated by a top echelon of White males.

b. Psychologists are cognizant of sociopolitical contexts in conducting evaluations and providing interventions; they develop sensitivity to issues of oppression, sexism, elitism, and racism.

Illustrative Statement: An upsurge in the public expression of rancor or even violence between two ethnic or cultural groups may increase anxiety baselines in any member of these groups. This baseline of anxiety would interact with prevailing symptomatology. At the organizational level, the community conflict may interfere with open communication among staff.

9. Psychologists working with culturally diverse populations should document culturally and sociopolitically relevant factors in the records.

a. number of generations in the country
b. number of years in the country
c. fluency in English
d. extent of family support (or disintegration of family)
e. community resources
f. level of education
g. change in social status as a result of coming to this country (for immigrant or refugee)
h. intimate relationship with people of different backgrounds
i. level of stress related to acculturation

National Association of School Psychologists
Principles for Professional Ethics, 2010

PRINCIPLES

I. RESPECTING THE DIGNITY AND RIGHTS OF ALL PERSONS

School psychologists engage only in professional practices that maintain the dignity of all individuals. In their words and actions, school psychologists demonstrate respect for the autonomy of persons and their right to self- determination, respect for privacy, and a commitment to just and fair treatment of all persons.

Principle I.1. Autonomy and Self-Determination (Consent and Assent)
School psychologists respect the right of persons to participate in decisions affecting their own welfare.

Principle I.2. Privacy and Confidentiality
School psychologists respect the right of persons to choose for themselves whether to disclose their private thoughts, feelings, beliefs, and behaviors.

Principle I.3. Fairness and Justice
In their words and actions, school psychologists promote fairness and justice. They use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual orientation, gender identity, gender expression, disability, or any other distinguishing characteristics.

II. PROFESSIONAL COMPETENCE AND RESPONSIBILITY

Beneficence, or responsible caring, means that the school psychologist acts to benefit others. To do this, school psychologists must practice within the boundaries of their competence, use scientific knowledge from psychology and education to help clients and others make informed choices, and accept responsibility for their work.

Principle II.1. Competence
To benefit clients, school psychologists engage only in practices for which they are qualified and competent.

Principle II.2. Accepting Responsibility for Actions
School psychologists accept responsibility for their professional work, monitor the effectiveness of their services, and work to correct ineffective recommendations.

Principle II.3. Responsible Assessment and Intervention Practices
School psychologists maintain the highest standard for responsible professional practices in educational and psychological assessment and direct and indirect interventions.

Principle II.4. Responsible School-Based Record Keeping

    School psychologists safeguard the privacy of school psychological records and ensure parent access to the records of their own children.

Principle II.5. Responsible Use of Materials

    School psychologists respect the intellectual property rights of those who produce tests, intervention materials, scholarly works, and other materials.

III. HONESTY AND INTEGRITY IN PROFESSIONAL RELATIONSHIPS

To foster and maintain trust, school psychologists must be faithful to the truth and adhere to their professional promises. They are forthright about their qualifications, competencies, and roles; work in full cooperation with other professional disciplines to meet the needs of students and families; and avoid multiple relationships that diminish their professional effectiveness.

Principle III.1. Accurate Presentation of Professional Qualifications

    School psychologists accurately identify their professional qualifications to others.

Principle III.2. Forthright Explanation of Professional Services, Roles, and Priorities

    School psychologists are candid about the nature and scope of their services.

Principle III.3. Respecting Other Professionals

    To best meet the needs of children, school psychologists cooperate with other professionals in relationships based on mutual respect.

Principle III.4. Multiple Relationships and Conflicts of Interest

    School psychologists avoid multiple relationships and conflicts of interest that diminish their professional effectiveness.

IV. RESPONSIBILITY TO SCHOOLS, FAMILIES, COMMUNITIES, THE PROFESSION, AND SOCIETY

School psychologists promote healthy school, family, and community environments. They maintain the public trust in school psychologists by respecting law and encouraging ethical conduct. School psychologists advance professional excellence by mentoring less experienced practitioners and contributing to the school psychology knowledge base.

Principle IV.1. Promoting Healthy School, Family, and Community Environments

    School psychologists use their expertise in psychology and education to promote school, family, and community environments that are safe and healthy for children.

Principle IV.2. Respect for Law and the Relationship of Law and Ethics

    School psychologists are knowledgeable of and respect laws pertinent to the practice of school psychology. In choosing an appropriate course of action, they consider the relationship between law and the *Principles for Professional Ethics*

Principle IV.3. Maintaining Public Trust by Self-Monitoring and Peer Monitoring

School psychologists accept responsibility to monitor their own conduct and the conduct of other school psychologists to ensure it conforms to ethical standards.

Principle IV.4. Contributing to the Profession by Mentoring, Teaching, and Supervision

As part of their obligation to students, schools, society, and their profession, school psychologists mentor less experienced practitioners and graduate students to assure high quality services, and they serve as role models for sound ethical and professional practices and decision making.

Principle IV.5. Contributing to the School Psychology Knowledge Base

To improve services to children, families, and schools, and to promote the welfare of children, school psychologists are encouraged to contribute to the school psychology knowledge base by participating in, assisting in, or conducting and disseminating research.

For specific standards relating to each principle see http://www.nasponline.org/standards/.

Society of Indian Psychologists

The Society of Indian Psychologists published a **Commentary on the Ethics Code of the American Psychological Association**. This commentary is available as an e-book on the SIP website: http://www.aiansip.org/. Due to copyright regulations, this document could not be included here.

Registry of Interpreters for the Deaf
Code of Professional Conduct for Interpreters, 2005

A code of professional conduct has been established that sets forth principles of ethical behavior for interpreters. These principles are designed to protect and guide the interpreter, the non-English speaking consumer, and the professional utilizing the services of the interpreter as well as ensure for all the right to communicate. While these are general guidelines, it is recognized that there are ever-increasing numbers of highly specialized situations that demand specific explanations and individualized behavior.

CODE OF PROFESSIONAL CONDUCT

1.0 CONFIDENTIALITY. Interpreters adhere to standards of confidential communication.

Guiding Principle: Interpreters hold a position of trust in their role as linguistic and cultural facilitators of communication. Confidentiality is highly valued by consumers and is essential to protecting all involved. Each interpreting situation (e.g., elementary, secondary, and post-secondary education, legal, medical, mental health) has a standard of confidentiality. Under the reasonable interpreter standard, professional interpreters are expected to know the general requirements and applicability of various levels of confidentiality. Exceptions to confidentiality include, for example, federal and state laws requiring mandatory reporting of abuse or threats of suicide, or responding to subpoenas.

2.0 PROFESSIONALISM. Interpreters possess the professional skills and knowledge required for the specific interpreting situation.
Guiding Principle: Interpreters are expected to stay abreast of evolving language use and trends in the profession of interpreting as well as in the American Deaf community.
Interpreters accept assignments using discretion with regard to skill, communication mode, setting, and consumer needs. Interpreters possess knowledge of American Deaf culture and deafness-related resources.

3.0 CONDUCT. Interpreters conduct themselves in a manner appropriate to the specific interpreting situation.
Guiding Principle: Interpreters are expected to present themselves appropriately in demeanor and appearance. They avoid situations that result in conflicting roles or perceived or actual conflicts of interest.

4.0 RESPECT FOR CONSUMERS. Interpreters demonstrate respect for consumers.
Guiding Principle: Interpreters are expected to honor consumer preferences in selection of interpreters and interpreting dynamics, while recognizing the realities of qualifications, availability, and situation.

5.0 RESPECT FOR COLLEAGUES. Interpreters demonstrate respect for colleagues, interns and students of the profession.
Guiding Principle: Interpreters are expected to collaborate with colleagues to foster the delivery of effective interpreting services. They also understand that the manner in which they relate to colleagues reflects upon the profession in general.

6.0 BUSINESS PRACTICES. Interpreters maintain ethical business practices.
Guiding Principle: Interpreters are expected to conduct their business in a professional manner whether in private practice or in the employ of an agency or other entity. Professional interpreters are entitled to a living wage based on their qualifications and expertise. Interpreters are also entitled to working conditions conducive to effective service delivery

7.0 PROFESSIONAL DEVELOPMENT. Interpreters engage in professional development.
Guiding Principle: Interpreters are expected to foster and maintain interpreting competence and the stature of the profession through ongoing development of knowledge and skills

Adapted from the Registry of Interpreters for the Deaf, Code of Professional Conduct, 2005

Appendix B

Interpreters

Recommended Practices for Working with Interpreters

Excerpted from *Best Practices in School Psychology IV* (2002), page 1428
By Emilia C. Lopez, Queens College, City University of New York
http://www.nasponline.org/resources/culturalcompetence/recommend.pdf

The following recommendations apply to such activities as interviews, conferences, and assessment sessions. The recommendations are made with the assumptions that the interpreters have adequate training to work in schools and demonstrate high levels of proficiency in English and the second language.

During briefing sessions:
- Establish sitting arrangements. Stansfield (1980) recommends that the clinician and the interpreter sit next to each other with the interpreter sitting slightly behind the clinician. According to Stansfield, this sitting arrangement allows the clients to see bothe the interpreter and the clinician; the client can look at both the clinician and the interpreter to receive verbal and nonverbal messages from both; and the clinician will be in a position of facing and directly talking to the client.
- Provide the interpreter with an overview of the purpose of the session. The overview should include a description of the activities that should take place such as interviews, discussions, and questions. The interpreter should be apprised of the purpose of the translation session (i.e., to obtain information about the student's developmental background; to provide parents with feedback regarding the student's functioning.)
- Provide the interpreter with any information that the interpreter needs to understand the context of the situation. For example, inform the interpreter of any unusual behaviors or verbalizations that may be characteristic of the student based on the diagnostic classification.
- Address issues related to confidentiality and describe boundaries of confidentiality.
- Decide what type of oral translation will be used. Since the translation research supports the use of translation styles that provide frequent breaks for the interpreter to deliver messages with fewer translation errors, discontinuous consecutive translations may be most appropriate for school settings.
- Provide the interpreter with the opportunity to examine and translate any documents that may need translation during the session (i.e., IEPs, letters).
- Discuss technical terms that will be used during the session (i.e., diagnostic categories, special education terms, psychological terms) and encourage the interpreter to ask questions about any vocabulary or concepts that they need more information about.
- Discuss cross-cultural issues form the perspective of communication and behaviors. For example, the school psychologist may want to greet culturally different families in ways that are culturally appropriate. Also, explore with interpreters the pragmatic rules pertinent to the students' cultures (Plata, 1993).
- Discuss with the interpreter the expectation that everything said will be translated to the clients and that the interpreter should translate all communication from clients.
- If the appropriate tools are available prior to the assessment session, the interpreter should review all assessment materials and have the opportunity to ask questions relevant to the assessment materials. Discuss with the interpreter concepts related to standardization, validity, reliability, and conduct during assessment sessions (e.g., do not coax students).
- Fradd and Wilen (1990) suggest developing an agenda to follow during the translation session. The agenda should list all the issues that will be covered during the session. The school psychologist and the interpreter should review the agenda during the debriefing session.

- Take notes relevant to any issues that need to be discussed during debriefing. The interpreter should also take notes. For example, terms that were difficult to translate or cross-cultural issues relevant to communication can be noted and discussed during debriefing sessions.
- During conferences and interview sessions, periodically ask the client questions to establish that they are understanding the content of the communication. Asking clarifying questions is helpful in situations where information was lost as a result of the translation.

During sessions when interpreters are being used:

- Take the time to welcome the children and parents. The interpreter should introduce herself or himself, you (that is, the school psychologist), and any other school professional present during the session. If sitting arrangements have been predetermined, then you should be specific as to where everyone should sit.
- Take time to establish rapport with the clients. Speak directly to the clients and direct your attention to them when they are speaking. Avoid the ping-pong effect of darting your eyes and attention back and forth from the clients to the interpreter.
- Figueroa (1989) recommends the use of audiotapes during translation sessions. They can provide school psychologists and interpreters with opportunities to review the session at a later point. If audiotapes are used, the school psychologist must obtain permission in writing from parents and other participants. The decision to use audiotapes must be made taking into consideration that the presence of a tape recorder may inhibit clients from discussion sensitive or confidential issues.
- Speak in short sentences and allow time for the interpreter to translate everything said during the session. Communicate to the clients that they need to stop periodically to allow the interpreter to translate their messages. The interpreter should be ready to ask the client to slow down or to speak in short sentences if the rate of speech is too fast or if the client is not stopping frequently enough to allow the interpreter to translate their messages. In situations where the interpreter and the clients become involved in long discussion, then be ready to remind the interpreters and the clients that all communications must be translated.
- Avoid idioms, slang, and metaphors because they are difficult to translate.
- Take notes relevant to any issues that need to be discussed during debriefing. The interpreter should also take notes. For example, terms that were difficult to translate or cross-cultural issues relevant to communication can be noted and discussed during debriefing sessions.
- During conferences and interview sessions, periodically ask the client questions to establish that they are understanding the content of the communication. Asking clarifying questions is helpful in situations where information was lost as a result of the translation.

During debriefing sessions:

- Discuss with the interpreter the outcomes of the translation session. In addition, discuss any translation problems that may have surfaced during the session and their implications.
- After assessment sessions and student interviews, discuss cross-cultural issues relevant to the student's responses and behaviors. Acknowledge cultural differences and discuss their role in the assessment process.

Appendix B – Interpreters

- Encourage the interpreter to ask questions regarding the translation session. Also, encourage the interpreter to discuss his or her perceptions of the translation session and the cultural issues that surfaced during the session

Tips for the Use of Interpreters in the Assessment of English Language Learners
By Emilia C. Lopez, Ph.D., Queens College, City University of New York

The FIRST option should be a bilingual evaluation by bilingual personnel.

DO NOT use on the spot translations of tests. The preference should be for tools in the student's native language that have been validated and standardized in that language. Use informal procedures to examine language skills (e.g., interviews, language samples).

School psychologists should use nonverbal tools to assess cognitive functioning when tests in validated and standardized in the student's native language are not available.

Provide interpreters with training as to how to work with school psychologists and other related service providers and educational evaluators.

Work with interpreters who have high proficiency in English and the student's second language.

Interpret ALL results with caution!!!!

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The Interpreting Process

Points to consider:
- Specialists need training in working with interpreters.
- Interpreters need training in working with specialists.
- During the interpreting process, it is important to develop a sense of trust between the specialist or teacher and the interpreter (meetings, assessments, conferences, etc.).
- Do not assume that a family does not need an interpreter just because they have been in the area for a length of time.
- Do not ask a relative to interpret.

The Process

- **Briefing:** Discussion between specialist and interpreter should include the following areas:
  - Purpose of meeting/ assessment
  - Review of information (tests, forms, handouts, technical vocabulary)
  - Background
  - Agenda
  - Discuss and understand critical questions
  - Confidentiality
  - Resources for special education terminology

- **Interaction:** (Testing, parent meeting, etc.) Consider the following:
  - Keep language simple and short. No professional jargon, figures of speech, abstract words, or abbreviations.
  - Effectively convey information so that an accurate interpretation can be facilitated.
  - Request clarification.
  - Interpretation of language needs to be at an appropriate sophistication level.
  - Do not translate tests into another language and then use norms.

- **Debriefing:** A discussion should include information regarding collected information:
  - Problems that have occurred during testing, meeting, or interpretation process.
  - Ask "What worked?" getting positive input.
  - Ask "How do you think it went?" so the specialist and interpreter can share information and questions.
  - Ask "What should we do in a different way for next time?"

Langdon, H. (1994). *The Interpreter/Translator in the School Setting.* _Resources in Special Education_.

The Interpreting Process: Dynamics of Interpretation

The following are suggestions and ideas to make the interpretation process more successful:

A. **Environment**
   - Make it comfortable and non-threatening. Keep the conference to a small number of people. Introductions are very important. Give name and position of each person present and what role each plays in relation to the child.
   - Seating arrangements are critical. The interpreter should not block off the parent from the school professional. Eye contact must be maintained among the participants. The school professional should address himself /herself directly to the parent.
   - Assume the parent may understand more than that for which he/she may give himself/herself credit.

B. **Timing**
   Give parents a time reference. The use of an interpreter requires extra time. Plan the conference accordingly.

C. **Listening**
   All school personnel should pay close attention and maintain a responsive posture. Body language can cue the school personnel to ask relevant questions.

D. **Values/Attitudes**
   Be aware of the attitude you display. It often sets the tone of the conference.

E. **Heterogeneity**
   Parents may be different even though they are from the same ethnic group. Avoid stereotyping and be sensitive to individual differences.

F. **Recording**
   Determine some system of note-taking or recording.

G. **Authority**
   The school personnel are ultimately responsible for the conference, procedure, information sharing, content, and intent. The interpreter should not "editorialize" comments made by school personnel or parent. Remember to remain neutral and present as a united team.

H. **Closing Remarks**
   School professional should summarize, ask final questions, discuss follow-up, etc.

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

Process of Selection

In selecting an interpreter/translator, one needs to consider the following:

A. **Priorities**

The qualifications of the person to be selected should be considered. The following is a list of choices from most to least desirable:
- Someone from your own field
- A professional (i.e., nurse, doctor, clergyman, etc.)
- Aide or community person
- Relative or sibling

B. **Questions to ask when choosing an interpreter/translator**
- Are the person's language skills competent?
- How are his/her speaking, reading, and writing skills?
- Is the person experienced as an I/T?
- Is the person familiar with the community and culture?
- Is the person familiar, to some degree, with educational terminology and the education process?
- What is the educational level of the person?
- What is the level of technical knowledge needed for the interpreting/translating process?
- Is the person's style warm, responsive, motivating, but controlled? In other words, is he/she responsible to his/her role as communicator of information and does he/she refrain from assuming the role of a decision maker?
- The person's technical knowledge, expertise and experiences will determine his/her role and responsibilities. Once you have made the identification and clarification of higher capabilities, use the person accordingly. Only then can you be prudent and fair to all concerned.

C. **Finding resources**

Remember that families and/or individuals most commonly settle within their same or similar language and culture group. There are usually one or two individuals within that group who have acted as interpreters and have helped to facilitate the resettlement of the family. Work with whoever has been the interpreter or facilitator for the family or individual thus far.

Engage the help of the local school and community. Language resources can be pulled from a variety of sources: churches, businesses (such as ethnic bakeries, restaurants, travel agencies) different language newspapers, libraries, university foreign language departments, foreign student clubs, and different organizations.

Survey your own immediate peers and colleagues for language resources. Make a card file by language, stating the person's language proficiency (e.g., conversational only, can do parent conference, able to interpret at special education meetings, can translate home notices, can translate technical forms, can do complete interpreting/ translating during educational assessments.

D. Specific Resources
- Contact local county or state offices of education
- Contact local embassies or consulates
- Contact community health agencies

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

General Goals of Training the Interpreter/Translator

A. **It is an ongoing process**
    The difficulty of being an I/T is often underestimated. The training is an ongoing process that should reflect the educational or operational changes that are inevitable. For example, each time an aide works with a different school professional, the speed and style of expression may change. Or some greater changes may happen such as rules and procedures of a particular school, or new vocabulary in the interpreter's role as in conferences or testing. Thus, an aide needs to learn that specific information to work successfully. This should come from the school professional with whom he/she is working. If not, the I/T needs to ask to be briefed.

B. **Provide adequate training**
    Once the I/T is located, it should not be assumed that he/she will already have all the skills to do the job. The I/T should be provided with training opportunities that include:
    *   A full discussion of district policies and procedures and a description of the roles and responsibilities of all the people involved.
    *   A review of any technical or educational terminology and a look at all the forms and paperwork with which he/she will be dealing. Other discussion should include information about style of interpretation/translation, legal requirements, confidentiality, and neutrality. Don't stop your I/T in the hall and ask him/her, "Hey, got a minute?"

C. **Stress confidentiality and neutrality**
    It must be clear to the I/T that higher neutrality should be maintained and that all information is transmitted between parties. It must be clear that the parents know at all times, even in telephone contacts and informal meetings, that he/she, the I/T, is acting as an agent for the school and specifically for you. The I/T must make clear to the parents that information given to the I/T will be shared and with the **appropriate** school personnel. This protects the rights of the I/T and the parent's right to choose whether or not to share specific information. The I/T should ask himself/herself if he/she is conveying personal feelings and how he/she may deal with emotional or sensitive issues. The school professional should discuss how to handle these problems or others that may arise.

D. **Provide a basic library**
    Some basic personal references may include:
    *   A word list or minimum vocabulary of the particular specialist
    *   Student's bilingual dictionary
    *   Dictionary of synonyms, idioms
    *   Reference to basic grammar
    *   History of the country or area
    *   Dictionary of the colloquial language
    *   General phonetic treatment of the language being studied

E. **Allow Enough Time**
    Remember that the use of an I/T requires extra time. Therefore, it is important for everyone to be prepared to spend extra time in the meeting. Give parents a time reference. Tell them what you will be doing and how long it will take you.

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

Language Use by School Professionals

The following represents some suggestions for school professionals to keep in mind during the interpretation/translation process. These ideas should be shared with school personnel in order to make your job as an I/T easier and to minimize errors.

A. Keep it simple

Keep grammatical constructions simple. Remember that there are differences in grammatical constructions between languages. The interpretation/ translation is only as good as what the original speaker says or writes. The I/T should not have to make corrections. Some words, phrases, or concepts that are not easily translated may have to be said in a different way.

B. Avoid extra words

Avoid the excessive use of prepositions, conjunctions, and other function words such as *to, for, since, as,* etc. These can have several meanings and function as different parts of speech depending upon how they are used and may be difficult to translate. In other words, be specific.

C. Watch for clues

As school personnel become more experienced in working with an I/T, they should become more aware of clues that indicate difficulty. Some clues may be:
- Body language
- Use of too many words compared to what was said
- A response that does not coincide with the original question or statement
- At times, silence may be helpful in giving the person time to think and bring out concerns.

D. Avoid abstract words

Certain words or phrases may not have the same meaning translated directly, or they may be difficult to translate without a lot of explanation to convey the exact meaning. For example: "make fun of," "heart to heart," "small talk." Other words which indicate feelings, qualities or properties may also be difficult to translate. For example: "wit," "loving," etc.

E. Professional jargon

Do not use professional jargon. It is better to explain the concept in simple terms and give examples. For example, "syntax" can be described as "word order" or "the way we put words together when we make sentences in English."

When you give examples, be aware that other languages may not have an equivalent concept (e.g., *-ed* in *looked,* or *-ing* in *running.*) You may have to write the word in English and underline that part and explain the concept.

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

Common Errors in Interpreting/Translating

There are basically four types of changes that I/Ts can make. These changes may alter the **intended meaning** of what the person was saying a little bit, a lot, or not at all. If the change results in a significant change in the meaning of the message, then it is considered an error. Changes should be avoided whenever possible. The four types are:

A. Omissions

This is when the I/T leaves something out. It might be one word, a phrase, or an entire sentence.
This could happen for the following reasons:
1. The I/T doesn't think the extra words are important (e.g., instead of saying "rather difficult," one might say "difficult"). However, a small word can make a major difference sometimes (e.g., "mildly" versus "moderately" retarded).
2. The I/T does not understand what was said.
3. The word(s) cannot be translated.
4. The I/T cannot keep up with the speaker.
5. The I/T has forgotten what was said.

B. Additions

This is when the I/T adds extra words, phrases or sentences that were not actually said. This may happen for the following reasons:
1. The I/T wishes to be more elaborate.
2. The I/T needs the extra words to explain a concept that is difficult to translate.
3. The I/T editorializes. This means the I/T adds his or her own thoughts to what was said.

C. Substitutions

This occurs when the I/T uses other words, phrases or entire sentences in place of the actual words used. This occurs for the following reasons:
1. The I/T does not remember the specific word, phrase or grammatical construction.
2. The I/T confuses words that sound almost the same (e.g., the I/T heard *atender* instead of *entender* and interprets what is heard).
3. The I/T uses a faulty reference. For example, the I/T uses the word "he" to describe one of the student's parents when the teacher was actually talking about Mrs. X.
4. The I/T simply did not understand the speaker.
5. The I/T is lagging too far behind the speaker and misses part of what was actually said. The I/T then makes up the part that he/she did not actually hear.

D. Transformations

This is when the I/T changes the word order of what was said. Sometimes this can make a big difference in meaning and sometimes it doesn't. For example, "John hit Mary" is the same thing as "Mary was hit by John." However, "John hit Mary" is much different from "Mary hit John."

E. How will the school professional know if the interpreter is making errors?

1. The interpreter should be honest and request that the school professional either repeat or rephrase what he/she had said to allow for better interpreting when he/she is not sure what has been said.

2. As the school professional becomes more experienced in working with the I/T, he/ she should become more perceptive in picking up clues that indicate difficulty; for example, body language, obvious use of excessive words in proportion to what was said, or an interpreted response from the parent that does not coincide with the original question or statement. Similar clues can be picked up during testing of a student.

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

Qualifications of an Interpreter/Translator

A. **Language proficiency**

Must be proficient in the native language. Must be able to speak, read, and write. Must also be proficient in the second language. Must be able to speak it proficiently as well as read and write it. It is important to remember that there may be a difference in going from Ll to L2 versus L2 to Ll. For example, if a person has equal receptive (understanding) skills in English and Spanish but has better expressive skills in English, it will be easier for that person to interpret from Spanish into English.

B. **General knowledge**

Interpreting is usually considered a more difficult task. It requires the person to have an extensive vocabulary, good memory skills, and quickness of response. An interpreter must also have a personality that works well in public and under the pressure of the moment.

Although a translator often has the luxury of a reasonable timeline and is able to consult several dictionaries, the translator must decide on the best way to say something in writing. This requires an intimate knowledge of grammar, slang, and idiomatic expressions. It also requires better-than-average stylistic expression.

C. **Cultural knowledge**

The I/T must understand cultural differences. When words are changed from one language to another language, sometimes the meaning also changes. Some words may communicate a positive or negative feeling in a certain language and not communicate that same feeling in the other.

Example: The term "underdeveloped country," "backward nation," and "developing country," each carry a slightly different connotation that may be acceptable or offensive, depending on who you are talking to. Some words cannot be translated exactly because the concept is not part of that culture.

Example: The Arwyran Indians of Bolivia have many words to describe the various types of potatoes that make up a large part of their diet. It would be difficult to translate some of those words into English because we aren't familiar with those types of potatoes.

Sometimes the speaker's style holds some meaning. The I/T should pay careful attention to the speaker's tone, inflection and body movements and be sure to understand what the speaker is saying. For example, "Oh! What a great deal." versus "Oh! What a great deal." However, intonation in other languages such as Chinese is used to convey a different meaning of the word. "MA!" may mean "mother," "horse," "flax," "scold," or "curse." For each word a different tone is used. If there is no tone applied to the word, the word is at the end of the sentence.

The I/T needs to be in tune with the community's particular linguistic patterns. For example, in some Chicano neighborhoods one can hear words such as "compom" versus "compuse" and "escribido" versus "escrito." These forms would be otherwise be "ungrammatical" but are frequently used in certain communities. Also, the influence of English is heard in the use of some words as "compedcion" versus "competencia"; "incapable" versus "incapaz." (1)

In addition, the I/T needs to know the particular vocabulary used for certain words in specific Hispanic communities, for example: The word "bus" may be translated from a variety of names depending on the country: "omnibus" (Argentina); "colectivo" (Bolivia); "bus" (Columbia, Costa Rica); "micro" (Chile); and "camión" (Spain and Mexico). (2)

(1) Fernando Penalosa, (1980). *Chicano sociolinguistics: A brief Introduction.* Rowley, MA: Newbury House Publishers.
(2) Nila Marrone (1991). Investigacion sobre variaciones lexicas. En *El Mundo Hispano The Bilingual Review: La Revista Bilingue* Vol. I No. 2. Binghampton, N.Y.: Bilingual Press.

Langdon, H. (1994). *The Interpreter/Translator in the School Setting. Resources in Special Education.*

Appendix B - Interpreters

Ethics and Standards

An I/T should have a highly developed sense of responsibility and act professionally. An I/T must work towards developing a relationship with school personnel that is built on trust and mutual respect. It is hoped that all I/Ts will keep in mind the following guidelines while working:

A. Don't accept assignments beyond your ability. If you are not familiar with a certain subject, test, etc., it is not fair to the student, parent, or school personnel if you go ahead and do the task. You may have excellent oral language skills, but do not feel comfortable writing. In that case, advise those you work with of your feelings and the assignments you are comfortable doing.

B. Continue to improve your skills. Skills improve with practice. Each opportunity you have to function as an I/T, ask for comments on how well you did and where you can improve. Practice with other I/Ts and offer each other advice. Keep up-to-date with new words and phrases and technical vocabulary. You should have access to books and references (your own personal library or your district's) to assist you as needed.

C. Respect appointment times and deadlines. It is important to be prompt for any scheduled meetings with school personnel. Also if you have promised to finish a written translation by a certain date, it is expected that you will complete it on time.

D. Interpret/ translate faithfully the thought, intent and spirit of the speakers in a neutral fashion. I/Ts give information from school personnel to parents or students and vice versa. The I/T should not change, leave out, or add information to what was said. Also, the I/T should not give an opinion, evaluation or judgment. It should be clear to everyone that all information will be shared. This will allow people to avoid saying something they may not want shared.

E. Uphold confidentiality. The I/T must keep all information about the student, his/her records and family confidential. Whatever information that was discussed during a meeting should not be discussed outside of the meeting, even with another person that attended. Information from a written report should also never be discussed outside of the context of the translating process.

F. Exercise self-discipline. Being an I/T is a difficult job that comes with a lot of responsibility. Often, I/Ts work alone and there is no one that can directly supervise their work. Therefore, the quality of their work largely depends on their own honesty, self-discipline and desire to do well.

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Appendix B – Interpreters

Sample Duties

The main function of an Interpreter and a Translator is to make it possible for all participants to communicate with each other despite language and cultural differences. The Interpreter and Translator facilitate communication.

The aide working as an *interpreter* in the school setting performs oral consecutive interpretations from and into the target language. Some of the more typical duties are the following:

Interpretation

- Call a parent at home, under the direction of the principal or teacher if there is a problem with his/her child at school.
- Call a parent at home, under the direction of the school secretary, to notify him/her about a field trip or school activity.
- Call a parent at home, under direction of the teacher, to explain a particular homework assignment.
- Meet with the parent(s) and the teacher to discuss the student's current progress in the classroom. This could be an informal meeting or a formal Multidisciplinary Team Meeting.
- Meet with the parent(s) and other school professionals to ask for permission to perform any testing that the school feels may be needed. If permission is given, it will be necessary to explain the types of tests to be given and their purposes.
- Under the direction of the school psychologist, speech therapist, nurse, resource specialist or other professional, help with the administration of various testing instruments.
- Meet with the parent(s) and other school professionals to explain the results of the tests given.
- Meet with the parent(s), principal, teacher and/or other professionals to discuss any changes to be made in the student's current school program.
- Convey the parent's desires, needs or questions to the proper school personnel following any communication by them to the school.

Translation

The school *Translator* makes prepared and some sight translations from and into the target language. Some of the more typical duties are the following:
- Write a note home to the parents(s) on behalf of the principal or teacher if there is a problem with the child at school.
- Write a note to the parent(s) on behalf of the school secretary to notify them of a particular school function or program.
- Write a note to the parent(s) on behalf of the teacher to notify them of a particular field trip, classroom event or homework assignment or their son/daughter's current, progress in the classroom.
- Translate notes from the parents to the school personnel.
- Translate test material in writing prior to administration.
- Translate the child's program content (IFSP or IEP).

Hints for Interpreters/Translators

During Parent Conferences

A. **Be honest**
I/Ts should be honest about their difficulties. School personnel can help if they are asked to make adjustments. Let them know immediately if they need to speak more slowly, pause more often, use simpler wording, or if you don't understand what they mean.

B. **Listen**
The I/T must listen carefully to what is being said so that she/he can accurately convey the message. This involves a high degree of attention and concentration on the task.

C. **Watch body language**
Attention to body language is important. The emotional aspects of a speaker's tone provide meaning. Emphasis with facial or other body cues may make the difference between a statement, a question, or an exclamation.

D. **Take notes**
This helps the I/T to remember, to summarize and/or review at different times during the meeting.

E. **Listen carefully to stress, pitch, pauses**
Language is more than just a group of words strung together. I/Ts should pay careful attention to these aspects of language. They can change the meaning significantly.

F. **Consult a dictionary**
Never hesitate to use references if you do not know or remember a word, concept or definition. Even the most advanced professional I/T sees himself/herself as a language student and under-stands the importance of checking to see if she/he is on target with a particular word or concept.

G. **Summarize**
The I/T must have the ability to remember and to convey the main points in a brief, concise and accurate manner. This is especially useful when the I/T is working with new people who are not trained to give small, meaningful units and then pause for interpretation.

H. **Paraphrase**
This is similar to summarizing except that it is usually reserved for a single phrase or sentence that is said just a little bit differently. It can also be used to check our understanding of what was said.(e.g., Did you ask... summarize what you think they said).

I. **Know synonyms**
When the I/T cannot recall a specific word she/he must be able to supply another word that means the same thing. Also, there may be some words that are familiar to speakers of one dialect and not to others (e.g., bote/lata. bomba/globo, etc.)

J. Watch values/attitudes

As an I/T, you must be aware of your own values. Even though you may not agree with the professional or parent, you must accurately communicate the information you receive. You must maintain a professional attitude throughout the meeting.

K. Watch authority issue

The school personnel, not the I/T, are ultimately responsible for the meeting. It is their job to design the procedure and content of the meeting. The I/T should present information as a member of a team and should not editorialize any comments made by school personnel or the parents. Often the parent will see the I/T as their representative. This might lead to an adversary relationship between the I/T and the school personnel. Avoid this and remember to remain neutral.

L. Maintain confidentiality

I/Ts should familiarize themselves with the district's policies and procedures on confidentiality. Information that is discussed at any school meeting should not be discussed outside of that meeting with anyone.

During Testing

A. Familiarize yourself with the test(s) beforehand

Understand the purpose of the test: What is expected of the child, how many times words or directions may be repeated, if there is a time limit, if you can use other words or ways to elicit a response. The written version of a test needs to be delivered orally and may be quite different.

B. Be aware of subtle language behavior

Record verbatim what the child said and how he/she said it (time delay, deviated from the meaning of what needed to say).

C. Be honest

If something is not clear, ask the school professional during the testing. This may be instructions, the way the child said something or whether additives or clues can be given or if repeating is allowed.

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Things to Remember when Working with an Interpreter

- Look at and speak directly to the individual, not the interpreter. Avoid phrases like "tell her/him".

- Talk at your normal pace. If necessary, the interpreter will ask you to slow down or repeat the statement.

- Pause after each idea so the interpreter can interpret. Give no more than two or three sentences before pausing for the interpretation.

- The interpreter will repeat exactly what the individual is saying. Be sure to maintain eye contact with the person who is speaking, not the interpreter.

- The interpreter is a facilitator of communication. S/he will not add his/her own comments, except to clarify the communication. Example: "Interpreter error; let me repeat that."

- When making introductions, it is appropriate to say, "Susan Jones is the interpreter for this meeting."

- It is **extremely** helpful for the interpreter to be provided with a summary of the information to be presented prior to the event, especially any professional terminology that may be used.

- Trained interpreters abide by a Code of Ethics. Therefore, **it is best to use trained interpreters.** The Code of Ethics stresses confidentiality, impartiality, discretion and professional distance.

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Appendix C

Pre-Referral Resources

EDUCATION EVALUATION CENTER

Teaching Research Institute • Western Oregon University • Monmouth, Oregon 97361 • 1-800-541-4711 • 503-838-8693 FAX • 503-838-8821 (TTY) • teachingresearchinstitute.org

Parent Information Form

Services

The Education Evaluation Center offers children and their parents a range of services, from telephone consultation to complete clinical evaluations. Upon receipt of this form and a completed School Information Form, Education Evaluation Center personnel will review the information and may contact either the school or the parents for further information or consultation. Once all information has been received, a determination of the level of services will be made, and an appointment may be scheduled for assessment. It is our policy to provide the parents and school personnel with a written report of results from the assessment. **Return to: Education Evaluation Center, The Teaching Research Institute, Western Oregon University, Monmouth, Oregon 97361.**

Date completed _____

Identification

Student's name _____

Birthdate _____ Age _____ Grade _____

Parent's name _____ Phone _____

Address _____
              Street   City   State   Zip

Father's contact phone _____ Mother's contact phone _____

      E-mail _____ E-mail _____

School name _____

School Address _____
              Street   City   State   Zip

School contact person _____ Phone _____

Special Education Director _____

Phone _____ E-mail _____

Who is referring student? _____

Who will be responsible for the assessment fee? (Please check) Parents _____ School _____

Reasons for referring this student: *(Tell about specific problems relating to school):*

_____
_____
_____

Information Needed: *(List the questions you would like to have answered as a result of this referral):*

_____
_____
_____

Permission for Assessment Services

My signature indicates that I have been informed and counseled regarding the referral of this student to the Education Evaluation Center. I hereby give my permission for services to be provided and the copies of the evaluation report to be sent to the school and other agencies designated by me.

Parent Consent _____ _____
                                        Parent Signature   Date

Birth And Development

	Yes	No		Yes	No
Adopted	____	____	Difficult labor	____	____
If yes, at what age _____			Difficult delivery	____	____
Complications during pregnancy	____	____	Caesarian Birth	____	____
Threatened miscarriage	____	____	Baby premature	____	____
Communicable disease during pregnancy	____	____	Baby late	____	____
Mother on medication during pregnancy	____	____	Discolored at delivery	____	____
Carried all pregnancies to term	____	____	Difficulty breathing	____	____
This was the ____ pregnancy for the mother			Difficulty sucking	____	____
Weight at birth ____ lbs. ____ oz.			Difficulty responding to light	____	____

Where was the baby delivered? Hospital _____ Home _____ Other _____

How did this child compare with other children in the following areas:

			Age				Age
Said first word	early average late	____	Dressed him/herself alone	early average late	____
Said first sentence	early average late	____	Buttoned	early average late	____
First fed him/herself	early average late	____	Tied shoes	early average late	____
First sat alone	early average late	____	Rode bike	early average late	____
Toilet trained..................................	early average late	____	Generally development was......	early average late	
First walked	early average late	____			

....

Medical History

	Yes	No		Yes	No
Birth defects	____	____	Ear infections	____	____
Headaches	____	____	Tubes in ears	____	____
Surgeries	____	____	Stomach complaints	____	____
Allergies	____	____	Vision normal	____	____
Fainting	____	____	Wears glasses	____	____
Unconscious	____	____	Hearing normal	____	____
High temperature	____	____	Eats well	____	____
Ice packed or alcohol rubs	____	____	Sleeps well	____	____
Head injuries	____	____	Well coordinated	____	____
Seizures	____	____	On medication	____	____
Frequent colds	____	____	Name of medication(s) _____		
			_____		

Is there any important medical information that we should be aware of or might be related to your child's problem?

❏ Yes   ❏ No

Explain _____

_____

_____

Family

Father's occupation_____ Age_____ Last grade in school_____

Mother's occupation_____ Age_____ Last grade in school_____

Parents are (check) married_____ separated _____ divorced_____ other _____

Child lives with both parents _____ mother _____ father _____ other _____

Names of children in family, first born to last:

1. _____M F Age_____ 4. _____M F Age_____
2. _____M F Age_____ 5. _____M F Age_____
3. _____M F Age_____ 6. _____M F Age_____

Number of children living at home _____ Others living in the home_____

How many times has this child moved?_____

This child differs from other children in the family in the following ways: _____
_____
_____
_____

Do any of the other children have learning problems? _____

Did either parent or any relative have a problem learning? _____

Is English this student's native/dominant language? ❑ Yes ❑ No

If not, please specify _____

Behavior/Management

	Yes	No	
Child is easily managed	_____	_____	Whom does he/she mind best?
Necessary to discipline	_____	_____	_____
Gets along with brothers/sisters	_____	_____	What type of discipline works best?
Gets along with other children	_____	_____	_____
Likes himself/herself	_____	_____	_____

Has the following responsibilities at home:_____
_____

Carries out responsibilities: _____ Receives an allowance _____

           ❑ Yes ❑ No   ❑ Yes ❑ No

Watches about _____hours of television on each weekday and _____ hours on weekend.

Names of friends_____
_____

	Home	School
Likes & interests	_____	_____
	_____	_____
	_____	_____
Dislikes	_____	_____
	_____	_____
	_____	_____
Does fairly well at:	_____	_____

Is there anything that worries you about your child? _____
_____
_____

School Data

	Yes	No	Names of school(s) attended: (please list)	Grade
Went to preschool/kindergarten	_____	_____	_____	_____
Resisted going to 1st grade	_____	_____	_____	_____
First grade was successful	_____	_____	_____	_____
Was held back in school (grade)	_____	_____	_____	_____

If no, why not?

	Yes	No	
Upset about being held back	_____	_____	_____
Likes school now	_____	_____	_____
Gets along with teacher	_____	_____	_____
Has friends at school	_____	_____	_____

Rate your child's ability:	Below Average	Average	Above Average
Balancing, throwing a ball, skipping	_____	_____	_____
Writing, drawing, buttoning	_____	_____	_____
Understanding when others talk to him/her	_____	_____	_____
Paying attention/concentrating	_____	_____	_____
Manages homework independently	_____	_____	_____
Turns homework in on time	_____	_____	_____

Comments: _____

_____

_____

_____

Special help given in school (Please tell what kind and when): _____

_____

_____

Special testing done before (when and where): _____

_____

_____

Assistive technology devices or services used at school or home: _____

_____

_____

Attach reports of any comprehensive individual studies previously conducted

Other information which may be helpful in understanding this student: _____

_____

_____

_____

_____

_____

_____

Education Evaluation Center

345 N. Monmouth Ave.   Monmouth, OR 97361
Teaching Research Institute   Western Oregon University   1-800-541-4711   Fax: 503-838-8693   teachingresearchinstitute.org/eec

Parent Home Language Checklist

Student Name: _____ Birthdate: _____ Age: _____

Teacher:_____ Grade: _____ School: _____

Completed by:_____ Date: _____

Check appropriate boxes	English	Spanish	Other (Please specify)
1. What language does your child use at home?	❑	❑	❑
2. What language does the mother use at home?	❑	❑	❑
3. What language does the father use at home?	❑	❑	❑
4. What language do siblings use at home?	❑	❑	❑
Brothers: List name/s and age/s	❑	❑	❑
Sisters: List name/s and age/s	❑	❑	❑
5. What language does your child use with friends?	❑	❑	❑
6. What language do you think your child understands best?	❑	❑	❑
7. What language does your child prefer to use for: • Reading • Writing • Watching TV • Listening to music • Searching the Internet	❑ ❑ ❑ ❑ ❑	❑ ❑ ❑ ❑ ❑	❑ ❑ ❑ ❑ ❑

8.   In what country(s) other than the United States (U.S.) has your child lived?

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9. What was the highest grade of school your child completed in their native country?

10. What age did your child begin attending school in the U. S.?

11. What grade was your child placed in when she/he entered school in the U. S.?

12. How much English did your child understand and speak when she/he first entered school in the U.S.?

    _____none   _____ a few words   _____phrases   _____sentences

Pre-Referral Review for Diverse Learners

STUDENT:_____ DOB:_____ AGE:____ DATE:_____

SCHOOL:_____ CURRENT GRADE:_____

PERSON MAKING REQUEST:_____ POSITION:_____

Language(s) student speaks other than English:_____

Language(s) student speaks with parent/guardian: _____

Siblings:_____   Friends:_____

Language(s) parent/guardian speaks to student:_____

Are parents aware of your concerns?   ❐ yes   ❐ no

School Experience Outside United States:

Country(ies)_____

Age started school _____ Number of interruptions_____

Circle each grade completed outside the U.S./Canada

PreK   1   2   3   4   5   6   7   8   9   10   11   12

School Experience Inside United States:

Age started school _____ Number of interruptions_____

Circle each grade completed outside the U.S./Canada. On the line below each grade

write the number of days absent or NIA (No Information Available)

PreK   1   2   3   4   5   6   7   8   9   10   11   12

Days absent: ____ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___ ___

Number of schools attended:_____

Previous Concerns as Indicated in Student File: Retained? ❐ yes   ❐ no

(continued)

Appendix C – Pre-Referral Resources

Academic Intervention Tried	Frequency & Duration	Student Response	Progress
Active Processing Approaches			
Bilingual Aide			
Cognitive Learning Strategies			
ESL Specific to the Content Areas			
Guided Practice			
Key vocabulary in L1			
Learning Support Services			
Peer Tutors (English)			
Peer Tutors (Native Language)			
Preview Content in L1			
Preview Content in L1 & L2			
Sheltered Instruction			
Supplemental L1 Materials			
Total Physical Response			
Planned Positive Reinforcement			
Behavioral Contract			
Parent Conferences			
Reduction of Stimuli			
Guidance & Assistance for Parents			
Culturally Appropriate Guided Practice in Expected Behaviors			
Acculturation Strategies			
L1 Counseling Services			
Coping Strategies			
Problem Solving Strategies			
Self Monitoring			
Cross-Cultural Conflict Resolution			
Role Play for Expected Behaviors			
Planned Ignoring			
Other:			

Appendix C – Pre-Referral Resources

Testing Summary	Score/Level	Date(s)	Tool	Comments
In English Math Reading/Writing Oral Language				
In Native Language Math Reading/Writing Oral Language				

Appendix C – Pre-Referral Resources

Native Language Interventions To Be Monitored		
Recommendations	Frequency & Duration	Outcome
Acculturation: Content: Behavior: Sociolinguistic Development: Other:		

English Interventions To Be Monitored		
Recommendations	Frequency & Duration	Outcome
Acculturation: Content: Behavior: Sociolinguistic Development: Other:		

ADDITIONAL COMMENTS:

Intervention Team Members

Signatures of those present knowledgeable about these areas:

Administrative Concerns_____

Social Behavior_____

English Performance_____

Health/Development_____

Classroom Performance_____

Community_____

Native Language Performance_____

Special Instructional Needs_____

Acculturation & Adaptation_____

Other Behavior Concerns_____

Other Classroom Concerns_____

Other Learning Concerns_____

Others present at Intervention Team meeting:

Intervention Team Meeting Date:

Appendix C – Pre-Referral Resources

AQS III Scoring Form

Newcomer ☐	
Continuing ☐	AQS Baseline_____

Date _____

NAME/ID#:_____ SCHOOL: _____

DATE OF BIRTH:_____ SEX:___GRADE:_____ AGE AT ARRIVAL IN U.S.:_____

LANGUAGE(S) SPOKEN AT HOME: _____

CULTURAL/ENVIRONMENTAL FACTORS	Information	Scores
1. Time in United States/Canadian schools		
2. Time in Your School/District		
3. Time in ESL or Bilingual ELL Education		
4. Home/Native Language Proficiency		
5. School/English Language Proficiency		
6. Bilingual Balance		
7. Ethnicity/Cultural Identity		
8. % in School Speaking Student's Language/dialect		
	AQS Score Total:	

1. Time in US/Canadian schools:

Less than 180 days (1 yr/good atten) instruction = 1	Between 550 – 720 days (4 yrs/good atten) of instruction = 4
Between 190 – 360 days (2yrs/good atten) of instruction = 2	Between 730 – 900 days (5 yrs/good atten) of instruction = 5
Between 370 – 540 days (3yrs/good atten) of instruction = 3	More than 920 days of instruction = 6

2. Time in Your School/District:

Less than 1090 hours (1 yr/good atten) instruction = 1	Between 3250 - 4330 hours (4 yrs/good atten) of instruction = 4
Between 1090 - 2170 hours of instruction = 2	Between 4330 - 5500 hours of instruction = 5
Between 2170 - 3250 hours of instruction = 3	More than 5500 hours of instruction = 6

3. Time in Bilingual Transitional, ESL, or ELL Program

Less than 360 hours of direct instruction = 1	Between 800 and 1080 hours of direct instruction = 4
Between 360 and 500 hours of direct instruction = 2	Between 1080 and 1450 hours of direct instruction = 5
Between 500 and 800 hours of direct instruction = 3	More than 1450 hours of direct instruction = 6

4. Home/Native Language Proficiency

Does not speak language, pre-production = 1	
Early production to low speech emergence = 2	High intermediate fluency, moderate academic fluency = 4
High speech emergence- intermediate fluency, limited academic = 3	Advanced intermediate social & academic fluency = 5
	Advanced social & academic fluency = 6

5. School/English Language Proficiency

Does not speak language, pre-production = 1	
Early production to low speech emergence = 2	High intermediate fluency, moderate academic fluency = 4
High speech emergence- intermediate fluency, limited academic = 3	Advanced intermediate social & academic fluency = 5
	Advanced social & academic fluency = 6

6. Bilingual Balance

Essentially monolingual = 1	Good social both, basic academic one, intermediate academic other = 4
Primarily one, some social in other = 2	Most academic in one, intermediate academic in other = 5
Limited academic either language, moderate social both =3	Bilingual in social and academic language = 6

7. Ethnicity/ Cultural Identity

American Indian, Native American, Alaska. Native, Indigenous, Aboriginal population, or First People = 1	African American, Black, Roma/Gypsy, African, East Asian or Pacific Islander = 3
Hispanic/Latino(a)/Chicano(a), South or Central American or Caribbean = 2	West Asian or Middle Eastern = 4
	Eastern European, former Soviet Bloc = 5
	Western European/ Scandinavian = 6

8. Percent In School Speaking Student's Language Or Dialect

81% - 100% of enrollment = 1	30% -49% of enrollment = 4
66% - 80% of enrollment = 2	11% - 29% of enrollment = 5
50% - 65% of enrollment = 3	0% - 10% of enrollment = 6

Rate of Acculturation

Based upon our current student sample (from Western states), the average minimal rate of acculturation on the AQS III is at least 10% per annum. Students scored annually who do not achieve or maintain this rate may not be receiving appropriate instructional support or intervention or may have some other unidentified contributing factor. Most limited Standard English proficient students receiving substantial, content focused assistance through ELL, dual language, bilingual or ESL in the content area programs make a 11% gain on the AQS III per annum. American students from minority or marginalized communities in the U.S. or Canada who speak a linguistically distinct dialect of English generally acculturate to the public school system at a lower rate than immigrant or refugee students. The minimum average annual gain for the AQS III refers to the average point gain year to year you should be seeing in your students who are acculturating to your school system. Inadequate or inappropriate instruction or intervention (or the presence of an unidentified disability) may depress the annual rate of acculturation, as discussed above. A normal rate of acculturation will equal a ratio of gained points divided by expected points = 1. To calculate this you need to have a baseline score on the AQS III and a current score. We recommend completing an AQS III at the time of enrollment on every diverse learner to establish a baseline. You may also complete an AQS III on a diverse learner within six weeks after the student enters your school system. When you are using the AQS III to monitor that students are acculturating to your school system at a normal rate, complete an AQS III every year. To calculate rate of acculturation, look at the Rate Table. Locate the earliest score (preferably at enrollment) your student received in the left hand column "AQS Score". This is your **baseline** score. To the right of this is a column "Minimum Average Annual Gain". The number in this column is the number of points per annum your student should gain on the AQS III. The number of years between **baseline** and **current** completion of the AQS III multiplied times the minimum expected gain gives you the normal point gain expected over this time period. Then subtract the **baseline** score from the **current** score to find the number of points actually gained by the student in this time period.

_____ X _____ = _____
Years between AQS   **Minimum Gain**   **Normal Gain Expected**

_____ -- _____ = _____
Current AQS Score   **Baseline Score**   **Point Gain Achieved**

Achieved
------------- = ____
Expected

The ratio between **Expected** and **Achieved** should equal 1.0 if the student is acculturating at a normal rate. In other words, Achieved divided by Expected should equal 1.0 if the student is acculturating to your school system at a normal rate. If the ratio between expected and achieved is less than 1.0, e.g. the number of points achieved is lower than the number expected, then something is depressing the rate of acculturation. This could be inadequate or inappropriate instruction or the presence of an unidentified disability and needs further evaluation. If the ratio is less than 1.0, investigate the reasons why: inappropriate instruction, inadequate services, limited time in directed assistance, limited home language assistance, specific learning and behavior problems, etc. If the ratio is greater than 1.0, e.g. points gained are greater than expected, the student is making better than average progress in acculturating to your school system.

Acculturation Scores and Annual Gain

AQS Score	Minimum Average Annual Gain	Description of Level of Acculturation	AQS Score	Minimum Average Annual Gain	Description of Level of Acculturation	AQS Score	Minimum Average Annual Gain	Description of Level of Acculturation
8	4.0		23	3.0		37	2.0	
9	4.0		24	3.0		38	2.0	
10	4.0	Significantly Less Acculturated	25	3.0	In Transition	39	2.0	Significantly More Acculturated
11	4.0		26	3.0		40	2.0	
12	4.0		27	3.0		41	2.0	
13	4.0		28	3.0		42	2.0	
14	4.0		29	3.0		43	2.0	
15	3.5		30	2.5		44	1.5	
16	3.5		31	2.5		45	1.5	
17	3.5	Less Acculturated	32	2.5	More Acculturated	46	1.0	Highly Acculturated
18	3.5		33	2.5		47	1.0	
19	3.5		34	2.5		48	0	
20	3.5		35	2.5				
21	3.5		36	2.5				
22	3.5							

Sociocultural Checklist

Student: **Date:**   **Age:**   **Teacher:**

Sociocultural Factors		Selected Cross-Cultural Adaptation Risk Factors
Acculturation Level % Checked:		Recently moved, immigrant, refugee, migrant, or resides on reservation.
		Does not interact much with mainstream peers or majority cultural group within school.
		Displays uncertainty or confusion in locus of control.
		Displays heightened stress or anxiety when learning new content or with unfamiliar events.
		Oral expression contains considerable code switching (syntax or vocabulary).
		Is silent or displays sense of isolation or alienation in cross-cultural interactions in school.
		Has difficulty switching from one activity to another in the school setting.
		Out of 7 Total
Cognitive Learning Style % Checked:		Few cognitive learning strategies appropriate to classroom or school.
		Cognitive learning style different or inappropriate in relation to teacher's preferred instructional style.
		Easily frustrated or low perseverance in completing tasks.
		Retains learning or survival strategies that are no longer appropriate.
		Displays difficulty with understanding and applying task analysis.
		Appears unready or uninterested in learning.
		Displays difficulty with understanding and applying cause and effect.
		Out of 7 Total
Culture & Language % Checked:		Comes from a home where a nonstandard dialect or language other than English is spoken.
		Has culturally appropriate behaviors that are different from expectations of the school or mainstream school personnel.
		Comes from a culture, race or ethnic group different from mainstream America.
		Culture discourages interactions with people outside of culture or language community.
		Comes from predominantly non-English speaking geographic area.
		There is no encouragement in the home for bilingual and bicultural development.
		Had disrupted childhood development to extent that affected enculturation in home culture.
		Out of 7 Total
Experiential Background % Checked:		Frequent or high family mobility.
		Limited or sporadic school attendance.
		Lives in poverty or family currently in low socioeconomic situation.
		Does not know how to behave in a classroom or has had limited prior schooling.
		Has different terms or concepts for school subject areas or materials and content.
		Receives limited or no support at home for school achievement.
		Uses survival strategies that are not appropriate in the classroom or school.
		Out of 7 Total
Sociolinguistic Development % Checked:		Rarely speaks either English or other mode of communication.
		Limited academic language in a language other than English.
		Limited social language in English.
		Rarely speaks in class or in school building in English.
		Speaks only to linguistic peers.
		Limited academic language in English.
		Appears to know but has difficulty with understanding and applying English.
		Out of 7 Total

Sociocultural Checklist

Need Prioritization and Documentation

Sociocultural Area	Order of Need	Strategy Selected	Duration of Strategy	Outcomes of Strategies
Acculturation				
Cognitive Learning				
Culture & Language				
Experiential Background				
Sociolinguistic Development				

Resiliency Checklist

Name: **Date:**   **Grade:**

Resiliency Area	☑	Selected Cross-Cultural Resiliency Factors
Acculturation & Adaptation Level **% Checked:**		Student enjoys attending events within the mainstream community and school.
		Student comfortably interacts with both heritage and mainstream peers within school.
		Student consistently recognizes that some things are in their control and some are not.
		Student appears to have strategies for adapting to unfamiliar content or events.
		Student is able to set and maintain personal boundaries with reasonable flexibility.
		Student explains or translates for family or for other students.
		Student appears comfortable switching from one activity to another in the school setting.
		Total out of 7
Cognitive Learning Style **% Checked:**		Student displays curiosity and is ready to learn.
		Student demonstrates consistent & appropriate cognitive learning strategies.
		Student responds positively to variations in instructional strategies.
		Student responds positively to reinforcement, rewards and recognition.
		Student can apply cognitive learning strategies when given guided practice.
		Student can use self-monitoring strategies and is open to improvement.
		Student can comfortably assist others in learning a task.
		Total out of 7
Culture & Language **% Checked:**		The student is comfortable using the heritage language in community, home and at school.
		The student has culturally & linguistically appropriate ways to express needs.
		The cultural values of the home honor learning and skill achievement.
		The student is happy living within their linguistic/cultural/home community.
		The cultural values of the home support fun, creative expression and activities.
		The family participates regularly in religious/social events within culture.
		Early childhood development was appropriate to culture and language.
		Total out of 7
Experience & Family Support **% Checked:**		Family members provide encouragement and support for student's development.
		Student has prior classroom or formal schooling experience.
		Family members provide for the student's basic needs.
		Family members will provide assistance with student's learning to the extent possible.
		There is active support in the home for bilingual and bicultural development.
		Family and student make an effort to maintain good attendance.
		Student has developed several effective survival strategies in response to past events.
		Total out of 7
Sociolinguistic Development **% Checked:**		Student has good basic interpersonal communication skills in heritage language, dialect.
		Student has developmentally and linguistically appropriate literacy skills or pre-skills.
		Social language and communication in English appears to be emerging.
		Student demonstrates emerging cognitive academic language proficiency in English.
		Student seeks clarity, understanding or communication assistance from others.
		Code switching demonstrates emerging English syntax and vocabulary.
		Student can demonstrate content knowledge in heritage language or dialect.
		Total out of 7

Resiliency Checklist

Resiliency Prioritization and Documentation

Resiliency Area	Order of Resiliency	Strategy Selected	Duration of Strategy	Outcomes of Strategies
Acculturation				
Cognitive Learning				
Culture & Language				
Experiential Background				
Sociolinguistic Development				

Classroom Language Interaction Checklist

Name of Student: _____   Date: _____

Completed By: _____   Title: _____

	Other Language or Dialect	English
1. Follows general directions.		
2. Acts out common school activities.		
3. Points, draws, or gesture responses		
4. Verbalizes key words		
5. Gives commands to peers.		
6. Exchanges common greetings		
7. Uses limited vocabulary		
8. Describes objects; describes people.		
9. Retells a familiar story.		
10. Initiates and responds to a conversation.		
11. Appears to attend to what is going on.		
12. Appropriately answers basic questions.		
13. Participates in sharing time.		
14. Narrates a simple story.		
15. At least 1000 word receptive vocabulary.		
Total classroom social language interactions used		
Total possible classroom social language interactions	**15**	**15**
16. Follows specific directions for academic task		
17. Follows along during oral reading		
18. Understands teacher's discussion.		
19. Uses sound/symbol association.		
20. Decodes words.		
21. Generates simple sentences.		
22. Completes simple unfinished sentences.		
23. Makes some pronunciation & basic grammatical errors but is understood		
24. Asks for clarification during academic tasks		
25. Asks/answers specific questions regarding topic.		
26. Actively participates in class discussions; volunteers to answer questions.		
27. Responds orally and in written form		
28. Can explain simple instructional tasks to peers.		
29. Adds an appropriate ending after listening to a story.		

30. Initiates conversation and questions		
31. Demonstrates an interest in reading		
32. Understands and uses temporal and spatial concepts.		
33. Distinguishes main ideas from supporting details.		
34. Understands rules of punctuation and capitalization for reading.		
35. Engage in and produce connected narrative		
36. Can communicate thoughts		
37. Makes complex grammatical errors		
38. Writes from dictation.		
39. Understands and uses academic vocabulary appropriately.		
40. Reads for comprehension.		
41. Can discuss vocabulary.		
42. Uses glossary, index, appendix, etc.		
43. Uses expanded vocabulary		
44. Functions on academic level with peers		
45. Maintains two-way conversation		
46. Writes short paragraphs.		
47. Writes in cursive.		
48. Uses correct punctuation, capitalization, paragraphing, margins.		
49. Demonstrates an interest in writing.		
50. Can discuss aspects of language/grammar.		
51. Initiates writing activities.		
52. Composes and edits over one page papers.		
53. Can explain complex instructional tasks to others.		
54. Demonstrates decontextualized comprehension.		
55. At least 12,000 word vocabulary		
Total classroom social and academic language interactions used		
Total possible classroom social and academic language interactions	**55**	**55**

Other language proficiency measures

Test Used: _____   Score: _____   Date Administered:_____

Test Used: _____   Score: _____   Date Administered:_____

Test Used: _____   Score: _____   Date Administered:_____

Student Oral Language Observation Matrix (SOLOM)

Teacher Observation Form

Student's Name _____ Grade _____ Teacher Signature _____

Language Observed _____ Date _____

	1	2	3	4	5
Comprehension	Cannot be said to understand even simple conversation.	Has great difficulty following what is said. Can comprehend only social conversation spoken slowly and with frequent repetitions.	Understands most of what is said at slower-than-normal speed with repetitions.	Understands nearly everything at normal speed, although occasional repetition may be necessary.	Understands everyday conversation and normal classroom discussions without difficulty.
Fluency	Speech is so halting and fragmentary as to make conversation virtually impossible.	Usually hesitant, often forced into silence by language limitations.	Speech in everyday conversation and classroom discussion frequently disrupted by the student's search for the correct manner of expression.	Speech in everyday conversation and classroom discussions generally fluent, with occasional lapses while the student searches for the correct manner of expression.	Speech is everyday conversation and classroom discussions fluent and effortless, approximating that of a native speaker.
Vocabulary	Vocabulary limitations so extreme as to make conversation virtually impossible.	Misuse of words and very limited vocabulary; comprehension quite difficult.	Student frequently uses the wrong words; conversation somewhat limited because of inadequate vocabulary.	Student occasionally uses inappropriate terms and/or must rephrase ideas because of lexical inadequacies.	Use of vocabulary and idioms approximate that of a native speaker.
Pronunciation	Pronunciation problems so severe as to make speech virtually unintelligible.	Very hard to understand because of pronunciation problems. Must frequently repeat in order to make him/herself understood.	Pronunciation problems necessitate concentration on the part of the listener and occasionally lead to misunderstanding.	Always intelligible though one is conscious of a definite accent and occasional inappropriate intonation patterns.	Pronunciation and intonation approximates that of a native speaker.
Grammar	Errors in grammar and word order so severe as to make speech virtually unintelligible.	Grammar & word order errors make comprehension difficult. Must often rephrase and/or restrict him/herself to basic patterns.	Makes frequent errors of grammar and word order that occasionally obscure meaning.	Occasionally makes grammatical and/or word order errors which do not obscure meaning.	Grammatical usage and word order approximates that of a native speaker.

Based on your observation of the student, indicate with an "X" across the square in each category which best describes the student's abilities. Students scoring at level "1" in all categories can be said to have no proficiency in the language.

- The SOLOM should be administered by persons who themselves score at level "4" or above in all categories in the language being assessed.
- SOLOM is not commercially published. It may be copied, modified, or adapted to local needs.

Appendix C – Pre-Referral Resources

Screening & Intervention Form

Tier 1 Screening and Intervention Record Form

Date: 1   Meeting: ___ Beginning __ Midyear ___ End of Year   Grade:

Meeting Attendees	Position	Meeting Attendees	Position

Target Skill: Percentage of students at proficient level based on benchmark/standard

Goal for Next Quarter: Percentage of students at proficient level based on benchmark/standard

Strategies Selected for Implementation This Quarter (Tier 1)

Logistics for Implementation of Strategies Selected ("To-do's")

Tier 2 Screening and Intervention Record Form

Students Identified for Tier 2

Student Name	Assessment Measure	Score	Assessment Measure	Score	Assessment Measure	Score

Goal for Next Quarter (Tier 2)

Strategies Selected for Implementation This Quarter (Tier 2)

Logistics for Implementation of Strategies Selected ("To-do's")

Measurement Assessment Plan

Student Name	Measure	Person Responsible	Frequency

Tier 3 Screening and Intervention Record Form

Students Identified for Tier 3

Student Name	Assessment Measure	Score	Assessment Measure	Score	Assessment Measure	Score

Goal for Next Quarter (Tier 3)

Strategies Selected for Implementation This Quarter (Tier 3)

Student Name	Strategies	Person Responsible	Frequency

Measurement Assessment Plan

Student Name	Measure	Person Responsible	Frequency

NEXT MEETING   Date:_____   Location:_____   Time:_____

Appendix D

Acculturation

Acculturation Definition: The process of adaptation to a new cultural environment without abandoning native cultural values. It occurs at the individual level (psychological acculturation), and at the group level (societal acculturation).

Individual Acculturation Outcomes

Acculturation influences family and social interactions. It also influences cognition, emotion, and behavior, perceptions, ideologies, beliefs, values, language use, and other aspects of human behavior and functioning. (Cuellar & Paniagua, 2000).

- Integration/Biculturalism refers to the process of successfully integrating aspects from both cultures. Biculturalism has been empirically supported as the healthiest acculturation outcome
- Assimilation is the replacement of home culture and language by school/new culture and language.
- Rejection occurs when the individual rejects the home/heritage for school/new culture and language, or rejection of school/new culture and language for home/heritage culture.
- Deculturation takes place when the individual accepts neither home/heritage nor school/new culture/language.

Family Acculturation Outcomes

- Dissonant acculturation occurs when children learn English and American values and beliefs and lose their culture at a different and faster rate than do their parents.
- Consonant acculturation occurs when parents and children learn English and the new culture at approximately the same time.
- Selective acculturation happens when both parents and children are learning the new language and customs of the mainstream culture while they are embedded in a large ethnic community which slows the cultural shift and supports retention of the native language and cultural norms. (Goldstein, 2004)

Acculturative Stress

Acculturative stress is observed in behaviors manifested as a result of undergoing the acculturation process. These behaviors may be "mildly pathological" (Berry 1980, p. 21) and interrupt both the individual and his or her group. Behavioral responses may range from deviant behavior, psychosomatic symptoms, and rejection symptoms.

Appendix E

Second Language Acquisition

Second Language Acquisition Stages and Related Linguistic Patterns

Individuals learning a second language use the same innate processes that are used to acquire their first language from the first days of exposure to the new language in spite of their age. They reach similar developmental stages to those in first language acquisition, making some of the same types of errors in grammatical markers that young children make, picking up chunks of language without knowing precisely what each word means, and relying on sources of input – humans who speak that language – to provide modified speech that they can at least partially comprehend (Collier, 1998). The rate at which learners reach each stage varies with each individual student since exposure and opportunity to use the language varies from individual to individual. Similarly, the sequence of acquisition of specific structures of English varies from student to student.

The process is not linear: It is more like a zigzag process (i.e. regular past tense, the morpheme "ed" in its written form, pronounced three different ways). Mastery occurs gradually over time until the student gets the morpheme right in more and more contexts until finally the subtleties of the use of the particular structure (e.g. exceptions, spelling variations, pronunciation contexts) has become a subconscious part of the learner's language system. Additional example: (acquisition of the third person singular present tense, adding "s" to the verbs). This morpheme becomes part of the subconscious acquired system after several years of exposure to standard English. Formal teaching does not speed up the developmental process. However, a high CALP level in the native language facilitates the learning of a second language. Acquisition occurs through exposure to correct use of the structure over time in many different linguistic contexts that are meaningful to the student.

Second Language Acquisition Stages and Recommended Interventions

Roseberry-McKibbin (2002) lists common language characteristics observed in second language learners and provides suggested interventions matched to language acquisition stages (see table 15.1 on the following page). Definitions and discussion of terms used in the following table are provided below:

Interference

Interference is the process in which a communicative behavior for the first language influences the second language. Students tend to demonstrate interference when using English in formal settings, i.e., in a testing situation, rather than playing on the playground.

Practitioners are recommended to consider the possibility that second language learners' errors in English may result from language interference or from limited English experience. An illustration of interference would be when children literally translate phrases from their native language to English i.e., the Spanish form for "Have a seat" is "Toma asiento", when translated literally, second language learners may say, "Take a seat". In such situations, the second language learner's language use difference is due to language interference.

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MATCHING INTERVENTION TO SECOND LANGUAGE (L2) ACQUISITION STAGES

Stage 1 Preproduction (First 3 months of L2 Exposure)	Stage II Early Production (3-6 months)	Stage III Speech Emergence (6 months–2 years)	Stage IV Intermediate Fluency (2-3 years)
STUDENT CHARACTERISTICS			
• Silent period • Focusing on comprehension	• focusing on comprehension • Using 1-3 word phrases • May be using routines/ formulas (e.g. "gimme five")	• Increased comprehension • Using simple sentences • Expanding vocabulary • Continued grammatical errors	• Improved comprehension • Adequate face-to-face conversational proficiency • More extensive vocabulary • Few grammatical errors
GOALS: ORAL RESPONSES			
• Yes-no responses in English • One-word answers	• 1-3 word responses • Naming/labeling items • Choral responses • Answering questions: either/or, who/what/where, sentence completion	• Recalling • Telling/retelling • Describing/explaining • Comparing • Sequencing • Carrying on dialogues	• Predicting • Narrating • Describing/explaining • Summarizing • Giving opinions • Debating/defending
GOALS: VISUAL/WRITTEN RESPONSES			
• Drawing/painting • Graphic designs • Copying	• Drawing/painting, graphic designs • Copying • Grouping and labeling • Simple Reus responses	• Written Responses • Drawing, painting, graphics	• Creative writing (e.g., stories) • Essays, summaries • Drawing, painting, graphics • Comprehensible written tests
GOALS: PHYSICAL RESPONSES			
• Pointing • Circling, underlining • Choosing among items • Matching objects/pictures	• Pointing • Selecting • Matching • Construction • Mime/acting out responses	• Demonstrating • Creating/constructing • Role-playing/acting • Cooperative group tasks	• Demonstrating • Creating/constructing • Role-playing • Cooperative group work • Videotaped presentations

Appendix E – Second Language Acquisition

Interlanguage
Second language learners are usually observed developing a new language system that incorporates elements from the native language and elements from English they recently learned. Interlanguage actually helps second language learners test hypotheses about how language works and develop their own set of rules for using language. As students master the English language, their unique set of rules will resemble more the second language.

Silent period
It is observed at the beginning of exposure to the new language. It may last from a couple of days to several months. Fact: ESL beginners who listen but rarely speak in the new language make just as much, and frequently more, progress in second language development as their more talkative classmates, by the end of the first year of exposure to English.

Implications for instruction and assessment: Use sensitivity when developing systems for nonverbal feedback in this early stage. Beginning adolescent and adult students may be more influenced by cultural socialization norms or their own emotional feelings than by a predictable silent period. An initial focus of intensive listening comprehension in the very beginning of ESL instruction is beneficial for everyone.

Language shift
Language shift is a pattern of language use in which the relative prominence or use of the two languages changes across time and generations. Language shift is usually reported across generations and is characterized by a pattern whereby members of the immigrant populations are fluent in their native language with limited skill in the host country's language.

Language loss
Language loss occurs when a child's competence in the first language diminishes, while skills in the second language are not at the same level of native speakers (Kayser, 1998). Language loss occurs primarily in a context in which minimal support is given for the use and maintenance of the L2. Thus, the sociolinguistic environment plays a critical role in the emergence of L1 loss and language shift (Goldstein, 2004).

Language loss vs. language shift
Language shift results in changes in native language use with an eventual erosion of abilities in the language. L1 loss however, refers to a more rapid shift from first language prominence to second language prominence (Goldstein, 2004). When it occurs in children, L1 loss can be described as a language shift phenomenon that occurs within – rather than across generations.
In this context, L1 loss are patterns of L1 use in which there is a change toward earlier linguistic forms. In other words, the child evidences reduction in linguistic skill relative to his/her skill at a previous time. (Goldstein, 2004).

Attrition
L1 attrition describes patterns of language use in which an individual does not lose ability in the L1 but does not advance in it's use either. L1 attrition co-occurs with L1 loss when demonstrated skill with certain aspects of the language is reduced across time. Simultaneously, certain patterns are also present in which characteristics of the language do not continue to develop as noted in monolingual speakers of the target language (Goldstein, 2004).

Language loss and assessment

As clinicians working with children who are either bilingual or learning English as a second (or other) language, the phenomena of language shift and L1 loss/attrition is of great relevance. This is especially salient when working with Latino populations in the United States. Studies focusing on the Spanish language skills of children in various Latino groups have reported a pattern of reduction of expressive skills in Spanish over time.

When assessing children who may be in a language shift process and when assessing children who are experiencing L1 loss, the main concern is differentiating between language difference and language disability.

"Because some patterns that are observed in language shift/language loss situations may mimic what has been noted in children with true learning disabilities, correctly diagnosing language impairment in this population is not a trivial matter"(Goldstein, 2004, p. 203).

Bilingual code mixing

The use of phonological, lexical, morphosyntactic or pragmatic patterns from two languages in the same utterance or stretch of conversation (Genesse, Paradis & Crago, 2004). Bilingual code mixing plays several, important sociopragmatic functions, and it is a component of bilingual people's communicative competence. Genesse et al., 2004 present six bilingual Code Mixing types and examples mainly observed in children:

1. Intra-utterance mixing
   "Alguien se murió en ese cuarto that he sleeps in." (Someone died in that room)
2. Inter-utterance mixing
   "Pa, ¿me vas a comprar un jugo? It cos' 25 cents." (Are you going to buy me juice?)
3. Words
   "Estamos como marido y woman" (we are like man and …)
4. Phrase
   "I'm going with her a la esquina" (…to the corner)
5. Clauses
   "You know how to swim buy no te tapa." (…it won't be over your head)
6. Pragmatic
   "Donne moi le cheval; le cheval; the horse!" (Give me the horse, the horse; …)

Two bilingual code mixing types mainly observed in adults

7. Grammar
   "Yo have been able to enseñar Maria leer" (I … teach Maria to read.)
8. Flagging
   "Hier, je suis allé au hardware store-how do you say hardware store in French?" (Yesterday, I went to the …)

Use of first language at home

When parents and children speak the language that they know best, they are working at their level of cognitive maturity. Practicing English at home can actually slow down student's cognitive development. Parents can help their children grow cognitively by asking questions, solving problems together, discovering

new things, building or fixing something, going somewhere together, cooking food, talking about a TV program, playing music; experiencing life! (Collier, 1998).

CALP Levels and Relationship to Demands of Instruction

	CALP Level	Student will find the English/ Spanish language demands of instruction
6	Very advanced/Muy avanzado	Extremely easy
5	Advanced/Avanzado	Very easy
4-5 (4.5)	Fluent to advanced/Fluido a avanzado	Easy
4	Fluent/Fluido	Manageable
3-4 (3.5)	Limited to fluent/Limitado a fluido	Difficult
3	Limited/Limitado	Very difficult
2	Very limited/Muy limitado	Extremely difficult
1	Negligible/Ímperceptible	Impossible

Adapted from the Woodcock-Muñoz Language Survey. Revised (2005)

Level 6 - Very advanced/Muy avanzado CALP
When compared with others of the same age or grade, an individual at Level 6 demonstrates very advanced cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 6 will find the language demands of the learning task extremely easy.

Level 5 - Advanced/Avanzado CALP
When compared with others of the same age or grade, an individual at Level 5 demonstrates advanced cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 5 will find the language demands of the learning task very easy.

Level 4 - Fluent/Fluido CALP
When compared with others of the same age or grade, an individual at Level 4 demonstrates fluent cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 4 will find the language demands of the learning task manageable.

Level 3 - Limited/Limitado CALP
When compared with others of the same age or grade, an individual at Level 3 demonstrates limited cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 3 will find the language demands of the learning task very difficult.

Level 2 - Very limited/Muy limitado CALP

When compared with others of the same age or grade, an individual at Level 2 demonstrates very limited cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 2 will find the language demands of the learning task extremely difficult.

Level 1 - Negligible/Ímperceptible CALP

When compared with others of the same age or grade, an individual at Level 1 demonstrates very negligible cognitive-academic language proficiency. If provided with instruction at the subject's chronological age or corresponding grade level, it is expected that a student at Level 1 will find the language demands of the learning task impossible to manage.

Appendix F

Bilingual Education Definition, Goals, Rationale, Programs and Empirical Findings

Definition
The National Association for Bilingual Education (2005) defines Bilingual Education as "Approaches in the classroom that use the native languages of English language learners (ELLs) for instruction"

Bilingual education goals include:
*   teaching English,
*   fostering academic achievement,
*   assisting immigrants' acculturation to a new society,
*   preserving a minority group's linguistic and cultural heritage,
*   enabling English speakers to learn a second language,
*   developing national language resources, or
*   any combination of the above.

Bilingual education rationale
"When schools provide children quality education in their primary language, they give them two things: knowledge and literacy. The knowledge that children get through their first language helps make the English they hear and read more comprehensible. Literacy developed in the primary language transfers to the second language. The reason is simple: Because we learn to read by reading, that is, by making sense of what is on the page, it is easier to learn to read in a language we understand. Once we can read in one language, we can read in general" (Smith, 1994, as cited by NABE Online, 2005).

Advantages derived from bilingual education programs implemented with integrity
*   The family language is valued and both languages are used for a variety of purposes.
*   Bilingualism is promoted at home and school and is socially advantageous.
*   Learners have well-developed L1 before L2 learning begins.
*   Learners have opportunity to develop literacy in L1 and L2.

Essential components observed in strong bilingual education classrooms
*   Teacher functions as a language model and facilitator of language activities *vs.* teacher directed instruction.
*   Whole language approach to language teaching *vs.* breaking skills into discrete components.
    Rationale: Lockstep, sequenced curricular materials that insist on mastery of each discrete point in language before moving onto the next are a disaster for second language acquisition because they often reflect the author's view of the order in which each discrete point in English should be learned, not the natural order (Collier, 1997).
*   Opportunity to develop both native language and second language.
*   Extensive (2-3 hours) quality interaction with native speakers during which time students are respected as equal partners in school.

- Introduction of complex skills *vs.* basic skills approaches.
- Allows students to engage in cognitively complex work appropriate to their maturity level.
- Students' performance on a discrete-point language test serves as a gatekeeper for access to more meaningful school work.

Types of bilingual education programs
- **Transitional early exit bilingual education program**
  Native language content instruction (K-2 or K-3). Native language instruction reduced as English instruction increases.
- **Maintenance or late exit bilingual education program**
  Native language instruction provided until upper grades (K-6). Native language instruction reduces as students gain proficiency in English.
- **Two-way or dual-language bilingual education program**
  English language speakers acquire second language with native speakers of program language who are acquiring English. Programs are designed to foster bilingualism and biliteracy for students from two cultural backgrounds.

Common ratios for balancing native and second language instruction
- **50:50 ratio.** Providing consistent 50:50 ratio of English to the native language throughout the duration of the program.
- **90:10 ratio.** Providing a gradual increase in the amount of instruction in English from a 90:10 ratio of native language to English in kindergarten to a 50:50 ratio by the last year of the program.

Methods guiding the specific amount of content area instruction in two languages
- **Alternate-day plan**. One language used one day and the other is used the next day.
- **Half-day plan**. One language used for part of the day and the other is used for the other part.
- **Mixed.** Some subjects are taught in one language, while other subjects are taught in the second language.
- **Preview-review method.** First lesson presented in the home language, followed by a presentation of same lesson in English. Summary conducted in home language.

English as a second language (ESL) programs
ESL Programs (all instruction provided in English) are most often used in the United States in the education of second language learners.
- **Pull-out ESL**: removes student from regular class and offers instruction to foster student's ability to learn English language.
- **Content-based or sheltered English**: teaches academic content in English by making the necessary adjustments so instruction is provided at the "level of English proficiency" comprehensible to the student.

Bilingual education/ESL programs
- Additive bilingual environments
  Substantial support for children to maintain native language as they acquire an additional language.

- Subtractive bilingual environments
    Acquisition of the majority language with native language loss. Can create ambivalence toward heritage language and slows or deters academic achievement.

Major findings on bilingual students' instructional programs and academic performance

- 90/10 and 50/50 Two-Way Bilingual Immersion and One-Way Developmental Bilingual Education Programs are the only programs found to date that assist students to fully reach the 50th percentile (scoring above 50% of the other test takers) in both their native language and English in all subject areas, and to maintain that level of high achievement, or reach even higher levels through the end of their schooling. The fewest dropouts come from these programs.
- ELs who attended English-only mainstream programs because their parents refused language support services showed large decreases in reading and math achievement by Grade 5 when compared to students who participated in language support programs. The largest number of dropouts came from this group.
- When ELs initially exit a language support program into the English mainstream, those schooled in all-English programs (ESL) outperform those schooled in the bilingual programs when tested in English. The students schooled in bilingual programs, however, reach the same levels of achievement as those schooled in all-English by the middle school years. Further, during the high school years, the students schooled in bilingual programs outperform the students schooled in all-English.
- The amount of formal primary language schooling that a student has received is the strongest predictor of second language student achievement. That is, the greater the number of years of primary language, grade-level schooling a student has received, the higher his/her English achievement is shown to be (Thomas, et al., 2002).

Policy recommendations

- Parents who choose not to enroll their children in language support programs should be informed that the long-term academic achievement of their children will probably be much lower as a result. They should strongly be counseled against refusing language support services if their child is eligible for them. Research findings have indicated that language support services, as required by Lau vs. Nichols (1974), raise EL student achievement levels by significant amounts.
- In order to close the average achievement gap between ELs and native English speakers, language support programs must be well implemented, not segregated, sustained for 5-6 years, and demonstrate achievement gains of more than the average yearly progress of the non-EL group each year until the gap is closed. Even the most effective language support programs can close only half of the achievement gap in 2-3 years.

Appendix G

Culturally Responsive Pedagogy

Wlodkowski & Ginsberg (1995) borrow Hill's (1991) ideal of "conversations of respect" to illustrate the tone in the process of culturally responsive teaching:

> Conversations of respect between diverse communities are characterized by intellectual reciprocity. They are the ones in which the participants expect to learn from each other, expect to learn non-incidental things, expect to change at least intellectually as a result of the encounter. In such conversations, one participant does not treat the other as an illustration of, or variation of, or a dollop upon a truth or insight already fully possessed. There is no will to incorporate the other in any sense into one's belief system. In such conversations, one participant does not presume that the relationship is one of teacher to student (in any traditional sense of that relationship), or parent to child, of developed to underdeveloped. The participants are co-learners (Hill, 1991, p. 284).

Culturally responsive pedagogy delineates and promotes the achievement of all students. Effective teaching and learning take place "in a culturally supported, learner-centered context, whereby the strengths students bring to school are identified, nurtured, and utilized to promote student achievement" (Richards, Brown, & Forde, 2004). Culturally responsive pedagogy encompasses three areas of focus: (a) institutional, (b) personal, and (c) instructional.

Institutional

This focus area refers to administration, policies and its values. Little (1999) recommends that educational reform efforts that wish to establish culturally responsive institutions must implement them in three different areas:

1. Organization of the school – This includes the administrative structure and the way it relates to diversity, and the use of physical space in planning schools and arranging classrooms.
2. School policies and procedures – This refers to those policies and practices that impact the delivery of services to students from diverse backgrounds.
3. Community involvement – This is concerned with the institutional approach to community involvement in which families and communities are expected to find ways to become involved in the school, rather than the school seeking connections with families and communities.

Personal

This area refers to the cognitive and emotional process teachers need to engage in to become culturally responsive. This process comprises two dimensions: **self-reflection** and **exploration.**

(1) **Self-reflection** is essential in order for teachers to examine their attitudes and beliefs about themselves and others and understand why they are who they are, with the ultimate goal of confronting biases influencing their value system. This will help teachers "reconcile negative feelings towards any cultural, language, or ethnic group" (Richards, et al., 2004) and diminish the likelihood of reflecting prejudice or racism towards certain groups. When teachers have successfully rid themselves of their biases, they will be able to create a welcoming and safe environment for their students and their families.

(2) **Self-Exploration** allows teachers the opportunity to "explore their personal histories and experiences, as well as the history and current experiences of their students and families" (Richards, et al., 2004).

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Teachers who have knowledge and understanding about themselves and others are better able to appreciate differences and deliver unbiased instruction, which ultimately will prepare them to address the needs of all their students. Teachers interested in becoming culturally responsive are encouraged to conduct the following eight activities (engage in reflective thinking and writing, explore their personal and family history, acknowledge membership in different groups, learn about the history and experiences of diverse groups, visit students' families and communities, visit or read about successful teachers in diverse settings, develop an appreciation of diversity and participate in reforming the institution. (For detailed description of recommended activities on becoming a culturally responsive teacher, go to www.nccrest.org)

Instructional
This focus area is comprised of the materials, strategies and activities that form the basis of instruction.

Culturally Responsive Instructional Guidelines
- A climate of caring, respect, and the valuing of student's cultures is fostered in the school and classroom.
- Bridges are built between academic learning and student's prior understanding, knowledge, native language and values through thematic teaching.
- Educators learn from and about their students' culture, language, and learning styles to make instruction more meaningful and relevant to their student's lives.
- Local knowledge, language, and culture are fully integrated into the curriculum, not added on to it. Instruction is delivered in the native language and in English.
- Staff members hold students to high standards and have high expectations for all students.
- Effective classroom practices are challenging, cooperative, and hands-on, with less emphasis on rote memorization and lecture formats.
- School staff builds trust and partnerships with families, especially with families marginalized by schools in the past.
- Meaningful language use across the curriculum.
- Pair auditory instruction with visuals to reinforce concepts and vocabulary.
- Organize content into themes that acknowledge students' life experiences and background knowledge.
- Promote active learning.
- Provide information in context.
- Pre-teach vocabulary.
- Continuous review.
- Engage in more opportunities for practice during the day.
- Cooperative learning, collaborative learning and/or peer tutoring – changing groups frequently.
- Present instruction interactively and make frequent comprehension checks.
- Reinforce meaning through the use of gestures, concrete materials, etc.
- Encourage effort through sensitive correction of errors.
- Create a learning climate by reviewing expectations and students responsibilities.
- Promote the maintenance and development of L1.
- Linguistic demands should be adapted to reflect the level of second language acquisition, i.e. allow code mixing.
- Allow time for individual guidance and support.
- Scaffold instruction.

Adapted from Klump, J, McNeir, G. (2005) and Artiles & Ortiz (2002)

(Richards et al., 2004) recommend ten additional guidelines for culturally responsive instruction:

1. Acknowledge students' differences as well as their commonalities.
2. Validate students' cultural identity in classroom practices and instructional materials.
3. Educate students about the diversity of the world around them.
4. Promote equity and mutual respect among students.
5. Assess students' ability and achievement validly.
6. Foster a positive interrelationship among students, their families, the community and school.
7. Motivate students to become active participants in their learning.
8. Encourage students to think critically.
9. Challenge students to strive for excellence as defined by their potential.
10. Assist students in becoming socially and politically conscious.

Appendix H

Assessment Resources

Functional Assessment Checklist

Name:_____

Is the student experiencing difficulties in any of the following?

Y	N	DK		Y	N	DK	
❑	❑	❑	Reading	❑	❑	❑	Interaction with authority
❑	❑	❑	Written language/spelling	❑	❑	❑	Exercising good judgment
❑	❑	❑	Math	❑	❑	❑	Too aggressive
❑	❑	❑	Passing classes	❑	❑	❑	Too withdrawn
❑	❑	❑	Test taking	❑	❑	❑	Accepting criticism
❑	❑	❑	Independent work habits	❑	❑	❑	Cooperation
❑	❑	❑	Organizational skills	❑	❑	❑	Defensive
❑	❑	❑	Time management	❑	❑	❑	Confusion
❑	❑	❑	Problem solving	❑	❑	❑	Post Traumatic Stress Chronic Disorder Symptoms
❑	❑	❑	Slowness	❑	❑	❑	Anxiety
❑	❑	❑	Persistence to task	❑	❑	❑	Sadness/Depression
❑	❑	❑	Decision making skills	❑	❑	❑	Fatigue
❑	❑	❑	Hyperactivity	❑	❑	❑	Resistance to change
❑	❑	❑	Concentration/attention				
❑	❑	❑	Communication				
❑	❑	❑	Following verbal directions	❑	❑	❑	Physical limitations
❑	❑	❑	Following written directions	❑	❑	❑	Health
❑	❑	❑	Speaking skills	❑	❑	❑	Grooming
❑	❑	❑	Listening skills				
❑	❑	❑	Memory				
❑	❑	❑	Friendships	❑	❑	❑	Family support
❑	❑	❑	Social skills	❑	❑	❑	Other
❑	❑	❑	Interaction with cultural linguistic peers				
❑	❑	❑	Interaction with English-speaking peers				

What concerns you the most?
_____
_____

What information would you like from this assessment? Please list in order of importance.
_____
_____

Person completing this form _____Date _____

Clinical Judgment Checklist

Whenever you, the assessor, are in the process of considering the educational needs and diagnosis of the Culturally and Linguistically Different Exceptional Student (CLDE), be sure to include the following factors in your summary:

Name:_____ Date of Birth:_____

School:_____ Date of Report:_____

Language Dominance: Test:_____ Test:_____

                    Date:_____ Date:_____

                Score for L1:_____ Score for L2:_____

Country or Origin:_____ Years in U.S.:_____

Total Years of Formal Instruction:_____ Number of Schools Attended:_____

Attendance:_____ Transience Patterns:_____

1. What information do you have about this student's culture?

                                                                     ⇨

   Is the information significant?

2. What impact does the student's culture have upon the classroom teacher?

                                                                     ⇨

   Is the information significant?

3. What information do you have about the student's command of social English (BICS) and academic English (CALPs)?

   What impact does this have on his/her academic achievement?

                                                                     ⇨

   Is the information significant?

4. What information do you have from the CST/SST about this student?

⇨

    Is the information significant?

5. If you used standardized measures, did you check to ensure that they are technically adequate?

6. What standardized assessment information do you have?

Test	Score	Significance

⇨

    What do these scores tell you about instructional needs?

7. Did you modify any of the standardized measures that you used?

    What effect does this have on the information that you gained?

⇨

    Is the information significant?

    How will you report this information?

8. What informal assessment information do you have?

Measure	Score	Significance

What do these scores tell you about instructional needs?　　　　　　　　⇨

9. Are there any discrepancies in your assessment data?

　　　　　　　　　　　　　　　　　　　　　　　　　　　　⇨

Is the information significant?

10. How does your informal assessment information cross-validate with your informal assessment information?

Informal Data　　　　　　　　　　　　　Formal Data

11. Did you use an interpreter/translator for any of your assessment?

Measure　　　　　Information Gained　　　　　Significance

12. What information did you gain from your interpreter/translator about the student?

　　　　　　　　　　　　　　　　　　　　　　　　　　　　⇨

Is the information significant?

13. What information did you gain from your interpreter/translator about the student?

Instructional Presentation:

Classroom Environment:

Teacher Expectations:

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Cognitive Emphasis:

Motivational Strategies:

Relevant Practice:

Academic Engaged Time:

Informal Feedback:

Adaptive Instruction:

Progress Evaluation:

⇨

14.   What is the learning (or teaching) style of the

	Student?	Teacher?

Field

Tolerance:

Tempo:

Categorization:

Persistence:

Anxiety:

Locus of control:

⇨

15.   Summarize the overall educational needs of this student:

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Assessment Tools in Spanish

Be aware that some English/Spanish versions of a test are Spanish translations of an English test and may use English norms. As much as possible be sure the norms fit the student you are assessing. Otherwise caution is recommended when interpreting results. Included in this listing are informal assessment tools (such as criterion referenced tests), rating scales and interview/observation forms as well as tests available in other languages. Nonverbal Cognitive Tests are listed separately at the end of this section.

Language Proficiency/Dominance

Bilingual Language Proficiency Questionnaire (1985)
Parent Interview
Academic Communication Associates, Inc.
Educational Book division, Bldg. 102
4001 Avenida de la Plata
P.O. Box 4279
Oceanside, CA 92052-4279
1-888-758-9558
www.acadcom.com

Language Assessments Scales (1990)
Speaking, listening, reading, writing
Grades Pre-K through 12
CTB/McGraw Hill Book Co.
20 Ryan Ranch Rd
Monterey, CA 93940
1-800-538-9547
www.ctb.com

Bilingual Verbal Ability Test (BVAT) Normative Update (2005)
Ages 5 to 90+
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Woodcock-Munoz Language Survey Revised (WMLS-R) (2005)
Ages 2 to 90+
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Speech

Spanish Articulation Measures, Revised Edition (1995)
Ages 3 and up
Academic Communication Associates, Inc.
Educational Book division, Bldg. 102
4001 Avenida de la Plata
P.O. Box 4279
Oceanside, CA 92052-4279
1-888-758-9558
www.acadcom.com

Test of Phonological Awareness in Spanish (TPAS) (2004)
Ages 4-10 through 10-11
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Language

Test de Vocabulario en Imagenes Peabody (TVIP) (1986)
Ages 2-6 to 17-11
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Clinical Evaluation of Language Fundamentals, 4th Ed. (2006)
Ages 6 to 21
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

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Medida de Sintaxis Bilingue (Bilingual Syntax Measure I and II) (1978)
Grades preschool to grade 12
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Boehm Test of Basic Concepts, 3rd Edition (2000)
Ages 5-0 through 7-11
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Cognitive

Bateria III Woodcock-Munoz (Bateria III) (2001)
Ages 2 to 90+
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Behavior/Adaptive Behavior

Behavior Assessment System for Children (BASC-2) (2004)
Ages 2 through college age
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Adaptive Behavior Assessment Scales – Second Edition (ABAS-2nd Ed.) (2003)
Ages 0 – 89
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Vineland Adaptive Behavior Scales, Second Edition (Vineland-II) (2004)
Ages 0 to 90
Survey Interview Form
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Beck Depression Inventory II (BDI-II) (1996)
Ages 13 to 80
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Academic

Bateria III Woodcock-Munoz (Bateria III) (2001)
Ages 2 to 90+
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Brigance Assessment of Basic Skills, Revised Spanish Edition (ABS-R) (2007)
Grades Pre K to 9
Curriculum Associates, Inc.
P.O. Box 2001
North Billerica, MA 01862-9914
1-800-225-0248
www.curriculumassociates.com

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Vocational

CDM: Harrington-O'Shea Career Decision Making System, Revised (2000)
Grades middle school to adult
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Preschool

Battelle Developmental Inventory, 2nd Ed. Spanish (DBI-2 Spanish) (2005)
Birth to age 7-11
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Preschool Language Scale, 5th Edition (2011)
Birth to age 7
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Assessment Tools in Other Languages

Bilingual Language Proficiency Questionnaire English/Vietnamese (1985)
Parent Interview
Academic Communication Associates
Educational Book division, Bldg. 102
4001 Avenida de la Plata
P.O. Box 4279
Oceanside, CA 92052-4279
1-888-758-9558
www.acadcom.com

Bilingual Vocabulary Assessment Measure (1995)
Record forms in English, Spanish, French, Italian, and Vietnamese
Ages 3 and up
Academic Communication Associates, Inc.
Educational Book division, Bldg. 102
4001 Avenida de la Plata
P.O. Box 4279
Oceanside, CA 92052-4279
1-888-758-9558
www.acadcom.com

Bilingual Verbal Ability Test (BVAT) Normative Update (2005)
In 17 languages plus English
Ages 5 to adult
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Nonverbal Cognitive Tests

Kaufman Assessment Battery for Children, 2ⁿᵈ Ed. (KABC-II) (2004)

Nonverbal scale
Ages 3 to 18
American Guidance Service (Pearson Assessments)
5601 Green Valley Dr.
Bloomington, MN 55437-1187
1-800-627-7271
http://pearsonassessments.com

Universal Nonverbal Intelligence Test (UNIT) (1998)

Ages 5-0 to 17-11
Riverside Publishing
3800 Golf Rd., Suite 100
Rolling Meadows, IL 60008
1-800-323-9540
www.riverpub.com

Wechsler Nonverbal Scale of Ability (WNV) (2006)

PreK – college
Pearson
19500 Bulverde Road
San Antonio, TX 78259
1-800-211-8378
http://www.pearsonclinical.com/

Think-Alouds to Assess Comprehension
(Wade, 1990)

1. Think-alouds are an excellent way to obtain information about both the individual's product and the performance process.

2. Think-alouds are individuals' verbal self-reports about thinking processes.

3. Think-alouds allow us to obtain information re: how they attempt to construct meaning from text.

4. The general process of "think-alouds":
   - Examiner provides a task and asks the individual to say aloud everything that comes to mind as they are performing it.
   - Only indirect cues are used to elicit information when necessary: "Can you tell me more"?
   - The remarks are recorded on a recorder and the nonverbals are also jotted down.
   - When used to assess comprehension, the examiner usually has students think aloud after reading short segments of passage.

5. For Wade's application, it is important that the reading passages are selected/written so the readers cannot know for sure what the topic is until they have read the last segment.

6. Readers must generate hypotheses during the think-alouds about the text's meaning from the clues in each text segment.

7. Wade has found that there are descriptive categories of comprehenders:

A. THE GOOD COMPREHENDER
   - Is the interactive reader who constructs meaning and monitors comprehension
   - Tends to draw on background knowledge
   - Makes reasonable inferences about the passages
   - Recognizes when information is needed to confirm hypotheses
   - Abandons ideas inconsistent with further passages but constructs another that is consistent

B. THE NON-RISK TAKER
   - Is a bottom-up processor
   - Takes passive role by failing to go beyond the text to develop hypotheses
   - May look for clues from the examiner, not the text
   - May frequently respond "I don't know" or may repeat words or phrases verbatim
   - When they develop a hypothesis, it is often given in a questioning manner

C. THE NON-INTEGRATOR
   - Draws on text clues and prior knowledge, developing new hypotheses for every segment of the text
   - Typically never relates to the previous hypotheses or to information presented earlier in the text
   - Appears a curious mixture of top-down/bottom-up processing

D. **THE SCHEMA IMPOSER**
  - Is a top-down processor who holds an initial hypotheses despite incoming information that conflicts with that schema
  - Appears unaware of alternative hypotheses

E. **THE STORY TELLER**
  - Is an extreme example of a top-down processor
  - Draws far more on prior knowledge or experience than on information stated in the text
  - Seems to identify strongly with a character and makes causal inferences based on what they would do

Procedure for a Comprehension Think-Aloud
(Wade, 1990)

PREPARING THE TEXT
Choose a short passage (expository or narrative) written to meet the following criteria:
1. Text should be from 80 to 200 words in length, depending on the reader's age and reading ability.
2. The text should be new to the reader but on a topic that is familiar to him or her. (Determine by means of interview or questionnaire prior to this assessment).
3. The text should be at the reader's instructional level, which can be determined by use of an informal reading inventory.
4. Topic sentence should appear last, the passage should be untitled.
5. The text should be divided into segments of one to four sentences each.

ADMINISTERING THE THINK ALOUD PROCEDURE
1. Tell the reader that he or she will be reading a story in short segments of one or more sentences.
2. Tell the reader that after reading each section, he or she will be asked to tell what the story is about.
3. Have the student read a segment aloud. After each segment is read, ask the reader to tell what is happening, followed by nondirective probe questions as necessary. The questions should encourage the reader to generate hypotheses (what do you think this is about?) and to describe what he or she based the hypotheses on (what clues in the story helped you?).
4. Continue procedure until the entire passage is read. Then ask the reader to retell the entire passage in his or her own words. (The reader may reread the story first).
5. The examiner might also ask the reader to find the most important sentences(s).
6. The sessions should be tape recorded and transcribed. Observations should also be recorded.

ANALYZING THE RESULTS
Ask the following questions when analyzing the transcript:
1. Does the reader generate hypotheses? How confident of them is he/she?
2. Does he/she support hypotheses with information from the passage?
3. What information from the text does the reader use?
4. Does he/she relate material in the text to background knowledge and experience?
5. Does reader integrate new information with the schema already activated?
6. What does the reader do if there is information that conflicts with this schema?
7. At what point does the reader recognize what the story is about?
8. How does the reader deal with unfamiliar words?

Testing Language Ability with Cloze

Sample Cloze

Instructions

In the following passage, 33 words have been omitted. Read the passage and insert whatever word makes sense according to the meaning of the passage. The word should be grammatically correct. Remember: insert only ONE word in each space. Read the whole passage at least once before you start to write.

Example:

The boy _____ across the street and bumped _____ a lamppost.
         a   b
He _____ shaken up a little, but he managed to _____ walking.
   c   d

The Jet Age Malady

A U.S. male brought up on the east coast of America stands eighteen to twenty inches from another male

when in conversation. In talking to a woman he will increase the distance by about four inches. To stand

at a distance of about thirteen inches usually has a sexual or aggressive connotation. However, in most parts

of Latin America, thirteen _____ is just the right distance when talking _____ a person. When a man
                           1   2

who is brought up in a _____ American environment tries to talk to a _____ brought up on the East
                       3   4

Coast of _____ United States an interesting thing happens. The Latin will _____to maintain what
         5   6

he considers the _____ talking distance. The American will, of course, step _____. Both will feel
                 7   8

uncomfortable without quite _____ why. All they will know is that _____ is something wrong
                           9   10

with the other _____. Most culture-blind Latins feel that the Americans _____withdrawn and
               11   12

uncommunicative. Most culture-blind Americans _____that Latins are pushy.
                                              13

        In most American urban areas, _____ be two minutes _____ for an appointment is all right.
                                      14   15

Three _____is significant, but an apology is not expected. _____ five minutes the latecomer mutters
      16   17

an apology. In _____Latin countries a five-minute unit is not _____: an apology is expected only for a
                18   19

time _____ longer than twenty minutes. Latins, influenced by _____own cultural conditioning, feel
        20   21

that Americans are _____polite and are obsessed with time because they _____persons with whom
                    22   23

they have appointments to _____at a certain place at precisely a _____time. A person unfamiliar with
                            24   25

North American cultural conditioning _____difficulty realizing that Americans handle time much
                                        26

_____ some tangible material - spending it, taking _____, using it up, or wasting it. _____ a
  27   28   29

Spanish-American or a Spaniard comes to work _____, he says, "El bus me dejò" ("the bus _____me"),
                                                30   31

as opposed to the American, "____missed the bus." In English, the clock "runs." _____ Spanish, "El
                                32   33

reloj anda" ("the clock walks").

Appendix H - Assessment Resources

Further Online Resources

50 incredibly useful links for learning & teaching the English language
http://www.teachthought.com/learning/50-incredibly-useful-links-for-ell-educators/

Center for Research on Education, Diversity, and Excellence (CREDE)
http://manoa.hawaii.edu/coe/crede/

Council for Exceptional Children
http://www.cec.sped.org

CrossCultural Developmental Education Services (Catherine Collier)
http://www.crosscultured.com

Education Northwest
http://educationnorthwest.org/

International Literacy Association (formerly The International Reading Association)
http://www.reading.org

National Association for Bilingual Education
http://www.nabe.org

National Center for Culturally Responsive Educational Practices
http://www.nccrest.org

National Clearinghouse for English Language Acquisition & Language Instruction Educational Programs
http://www.ncela.us

Office of English Language Acquisition
http://www2.ed.gov/about/offices/list/oela/index.html

Teaching diverse learners
http://www.alliance.brown.edu/tdl