



REFERRING AND EVALUATING ENGLISH LANGUAGE LEARNERS FOR PROGRAMS AND SERVICES FOR CHILDREN WITH SPECIAL NEEDS Professional Practices

Determining the appropriateness of referring an English Language Learner (ELL) to the special education referral committee is a difficult decision in light of the student's limited proficiency in English, amount of formal education, and potential cultural differences. Care must be taken to determine whether learning and behavior problems demonstrated by the student indicate a disability or, instead, are a manifestation of language, cultural, experiential, and/or sociolinguistic differences. Historically, language-minority students have been over represented in special education classes and a number of lawsuits were the result of misdiagnosis and placement of ELL students in special education. Several states in the United States (including North Carolina and South Carolina) are currently under a Federal "watch list" to monitor the issue of disproportionality of minorities and ELL students placed in special education.

Title VI of the Civil Rights Act of 1964 (Title VI) and the Individuals with Disabilities Act (IDEA) provide protection against discrimination based upon race, color, or national origin. Decisions affecting students' educational opportunities must be made fairly and accurately. The referral, evaluation, and placement decisions must be made based upon information that accurately reflects what the student knows or is able to do. These laws also prohibit the discriminatory denial of educational opportunities based upon race, color, or national origin. Thus, a student may not be denied an evaluation for special education services solely due to the lack of proficiency in English.

In order to avoid the issue of disproportionality, it is imperative to determine whether an ELL student who is experiencing academic or behavioral difficulties has a disability or in fact, the problems are the result of second language and/or acculturation issues. As professionals in the field of School Psychology, it is our duty to ensure that evaluations of ELL students are culturally sensitive and fairly assess the students' acquired skills.

As with all students experiencing learning problems, most schools have a process to assist in developing scientifically and evidence based interventions to help address students' needs. Through problem-solving models, such as the Responsiveness to Instruction (RTI) process developed by the North Carolina Department of Public Instruction for use in the schools, one must initially look at the environment and strategies in place in the student's regular classroom. This is particularly important with ELL students due to the following reasons:

1. Typically second language acquisition affects language skills as well as academic skill attainment:

- a. Language development/acquisition is affected by many cultural and social factors including socioeconomic status, family constellation, parental education background, country and culture of origin, and particulars of language exposure. In addition, physical factors such as motor and sensory impairments may affect language development.
- b. **Language proficiency** refers to the degree of a person's competence and fluency in a language and is an absolute measure of linguistic abilities in that language. **Language dominance** refers to the language in which a person is more proficient at a particular time and implies a comparison to another language. Dominance in one language does not necessarily imply proficiency in that language, as is not unusual for many ELL students.
- c. Research suggests that the higher the level of proficiency and literacy in the native language (L1), the faster and less problematic will be the acquisition of the second language (L2). Ideally and in most cases, the child exposed largely to one language prior to age 3 attains language development in the native language better and, consequently, also in L2.
- d. Normal patterns of second language acquisition suggest that understanding L2 occurs prior to speaking L2. This results in a "silent period" during which the child appears delayed in language usage. Language arrest refers to losses in L1 for a time period while the child is acquiring L2 and does not constitute a language disability by itself.
- e. Sequential acquisition refers to the learning of L2 after mastering L1. Simultaneous acquisition refers to being exposed to the two languages before attaining proficiency in one. In general, simultaneous acquisition results in more problems attaining proficiency and dominance in either or both languages.
- f. **BICS (Basic Interpersonal Communication Skills)** refers to "conversational language," the language used in context-embedded, interpersonal situations. Generally BICS is acquired within two years of exposure to L2. An effective informal way to determine the social language skills is by observing the language preferred in peer interactions.
- g. **CALP (Cognitive Academic Language Proficiency)** refers to the "more complex language" used in context-reduced learning and academic situations. It is greatly influenced by the literacy level of the home, the educational background of the student, and the general cognitive abilities of the student. Full mastery is highly variable and could take as much as seven to ten years to acquire.

2. Cultural differences impact the way education is viewed in the home and the way a student behaves at school.

- a. In some cultures, students may not speak out or ask questions. A lack of assertive behavior may signify deference rather than disinterest.
- b. In some cultures, such as Asian cultures, lack of eye contact is a sign of respect for elders or authority figures and not a sign of anxiety or interpersonal problems.
- c. Parents/guardians may not speak English, making it very difficult to assist with homework. No one may be available to check homework.
- d. Oftentimes, “survival skills” may have a priority over “academic skills.”
- e. Students may not have attended school every year, may have had a high number of absences, or may have attended many different schools.

General Guidelines for the School-Based Intervention Team

As with any student experiencing learning difficulties, the intervention or student support team is an appropriate vehicle for teachers to receive advice in dealing with students’ difficulties. Committee members collect and analyze information in order to assist in determining whether an ELL student’s problems are primarily related to his/her limited proficiency in English or whether a disability might be contributing to the student’s school difficulties. It is particularly important to gather data about the student’s background, home language, acculturation level, sociolinguistic development, and response to the school and classroom environment. This should include information regarding the number of schools attended, interruptions in schooling, the number of years in the U.S., language used in former schools, school curricula, English as a Second Language (ESL) instruction, and methods of instruction in the regular classroom. Attached is a sample form used to obtain such information (Appendix A). The school psychologist may play an important role in completing this process due to his/her knowledge in data collection, data interpretation, and differences due to socioeconomic, cultural, and ethnic background. He/she may assist the teacher and/or team in employing a variety of evidence based intervention techniques within the general education classroom to accommodate the student’s language and cultural background and to help resolve the student’s learning and behavior problems. Additionally, a school psychologist may facilitate progress monitoring throughout the intervention implementation.

Suggestions:

- Observational data should be collected in a variety of settings, reflecting interactions with peers and adults. If possible, these observations should include comparisons with same-age culturally/linguistically similar and culturally/linguistically different peers.
- Meetings should be held with parents, using a qualified interpreter when necessary, to determine their perceptions of the problem, to discuss suggestions for helping the student, and to obtain background information.
- Standardized screening instruments should not be used as the only method to determine academic functioning levels for ELL students due to the heavy reliance on language. However, they could be used in conjunction to work samples and curriculum-based assessment to help determine achievement levels and patterns.
- A language proficiency assessment should be administered if it has not been given within the past six months. Students in North Carolina are required to receive a language proficiency evaluation to access the school English as a Second Language program. Re-evaluations are

conducted at least once a year. Oftentimes the assessment may only be assessing basic interpersonal communication skills. The intervention teams should examine these results to assist in determining needs.

- Input from migrant education and/or ELL/ESL teachers is also an important resource for information regarding the child's functioning level.
- Given the language difficulties normally expected when acquiring a second language, careful consideration should be given before referring students for special education unless he/she has the chance to learn English and adjust to the school environment for a reasonable length of time. Of course, timelines would not apply to those students who are exhibiting global developmental delays. The practice of waiting, however, should not be construed as a policy prohibiting the referral of an ELL student for a specific period of time as such a policy would be discriminatory.

The student should be referred for a special education assessment only when (1) it appears that socio-cultural factors may not be the primary contributors to the student's learning and/or behavioral problems and (2) the student, after reasonable monitoring, has demonstrated insufficient progress in response to scientifically-based/evidence-based interventions including ESL instruction among other interventions. Verification should be provided regarding the appropriateness of the school's curriculum and the appropriateness of instruction provided to the student (continuity, proper sequencing, and teaching of prerequisite skills). Documentation of the student's problems across settings should be included, along with evidence that the student's difficulties are present in both languages and across multiple assessments or forms of assessments, and that he/she has not made satisfactory progress despite having received competent instruction (Garcia & Ortiz, 1988). Attached is a sample form that may be used by the school-based intervention team to ensure that all needed information has been collected before making a decision regarding referral, evaluation, and placement (Appendix B).

Issues Related to Evaluation

When the special education referral committee recommends an evaluation, the parents must be "fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication" (IDEIA 2007). This includes providing the written procedural safeguards notice and the written prior notice in the parents' dominant language unless it is clearly not feasible to do so. If forms are not available in the dominant language or if the parents are not literate, then an interpreter should be used to ensure informed consent. Furthermore, IDEIA 2007 states that tests and other evaluation materials must be administered in the student's dominant language or mode of communication unless it is clearly not feasible to do so. "When tests are used in making educational decisions for individual students, they should accurately measure the student's abilities, knowledge, skills, and/or needs, and they should do so in ways that do not discriminate in violation of federal law on the basis of the student's race, national origin, sex, or disability" (U.S. Dept of Education, 2000). Both, Title VI and IDEIA 2007 require that a public agency ensure that students with limited English proficiency are not evaluated on the basis of criteria that essentially measure English language skills.

Competencies of the Examiner

If possible, the examiner in any testing situation should be proficient in the student's dominant language or dialect, as well as trained in conducting bilingual assessments. It is often difficult, however, to find school psychologists fluent in all the languages spoken in the United States. A school psychologist who has been trained in understanding cultural diversity, in working with an

interpreter, in ecological assessment, and in integrating language proficiency data, can be capable of assessing ELL students (GoPaul-McNicol, 1997). However, mere possession of the ability to communicate with the child in his/her native language does not provide one with the necessary knowledge or skills with which to engage in nondiscriminatory assessment.

In addition to language proficiency, a major factor influencing the behavior of a student in any given test situation relates to cultural differences. To develop cross-cultural competencies, evaluators need to be well informed about a range of topics, including language development, second-language acquisition, culturally sensitive environmental and individual evaluation procedures, and nonbiased assessment techniques. The examiner needs to understand the construction, selection, use, and interpretation of tests, along with the strengths and limitations of norm-referenced tests. He/she needs to be skilled in assessing the degree to which bias is present in the school environment and in identifying techniques designed to reduce or eliminate the bias. The examiner should be knowledgeable about “Bilingual” and “English as a Second Language” instructional programs. He/she should have knowledge of how a particular culture influences such things as test performance, school performance, classroom behavior, interpersonal skills, adaptive behavior, and have skill in using the cultural context to interpret any such data. The examiner must also be aware of the impact of migration and relocation. Often times there are stressors in the student’s family such as unemployment and financial difficulties that could affect school performance.

Test Selection and Standardization Issues

Special attention must be given to the careful selection and use of appropriate techniques and instruments given the student’s cultural, linguistic, and socioeconomic background. There must be consideration given to reliability, validity, standards for administration, test interpretation, and test limitations. Problems with inadequate representation in standardization groups, inappropriate test content, and questionable item relevancy have all been cited as significant difficulties with traditional standardized tests (Fradd, Barona, & Santos de Barona, 1989). To help control for socio-cultural factors, the evaluation should not be limited only to formal assessment. Clinical observations and curriculum based assessments are important tools in the evaluation process.

In measuring the knowledge and skills of ELL students, it is especially important that the tests actually measure the intended knowledge and skills and not other factors which are extraneous to the intended construct (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999). Any test that uses written or oral skills in English or in another language is, in part, a measure of those language skills. Tests used with individuals who have not sufficiently acquired the literacy or linguistic skills in the language of the test may not reflect the competencies intended to be measured. Thus it is important to reduce the confounding conditions in the test or testing conditions through accommodations, modifications, or, when possible, testing in the student’s dominant language.

A problem with the assessment of ELL students is that psychologists had commonly been using monolingual assessment measures to evaluate the abilities of bilingual students. Assessing ability in the second language (English) often yields lowered scores because the bilingual student has not had the same amount of language exposure as the test’s norming population. Testing in the native language, however, may also yield lowered scores because that test is normed on students who are “monolingual” speakers of that language. Frequently, Bilingual individuals who are not regularly exposed to both languages in the natural environment may experience the phenomenon of native language loss while English is being learned. When students start learning and using a

second language, it is not unusual for them to plateau or even regress in the first language. Bilingual ability is not merely the sum of the different language parts. Therefore it would be incorrect to assume that just because a student exhibits deficits in both languages that student is in some way disabled.

Newer instruments published in the last few years for the use with ELL (Spanish bilingual) students, are normed on bilingual populations. Examples of these measures are the Bilingual Verbal Ability Test-NU (2000) and the WISC IV Spanish (2004). It is therefore advisable, that when relevant, examiners consider those tests when selecting adequate instruments. (Appendix C provides a list of presently available instruments that may be appropriate for evaluating ELL students. It should be noted that not all of the instruments included on this list have been normed on bilingual populations)

Accommodations

When evaluating bilingual students, psychologists may consider using accommodations to standardized procedures in order to obtain valid information that reflects the students' mastery of the intended constructs. When considering accommodations, two questions should be examined:

- 1) What is being measured if conditions are changed from standardization?
- 2) What is being measured if the conditions remain the same?

The decision to use an accommodation or not should be determined by the goal of collecting test information that accurately and fairly represents the knowledge and skills of the student on the intended constructs (U.S. Dept. of Education, 2000). Accommodations may include paraphrasing or rewording instructions, repeating directions, using familiar vocabulary, providing a demonstration of how test tasks are to be performed, reading test items to the student, allowing the student to respond verbally rather than in writing, accepting student responses in any language, and giving fewer items per page. Processing information in the weaker language produces slower functioning. There may also be less importance placed on speed of performance in other cultures. Thus, the ELL student could be given additional time for taking the test. If any such alterations are made to the testing, it is important to recognize that standardization has been broken, potentially limiting the usefulness and applicability of the test norms. Results should be cautiously interpreted and all alterations made to the testing procedures must be fully documented in the evaluation report. That is the reason why it is essential that other assessment approaches be an integral part of collecting information about the student.

Translating/Interpreting

The practice of translating English-language instruments to assess bilingual students is discouraged. This practice can lead to misinterpretations. While it is not difficult to translate a test, it is impossible to translate psychometric properties from one language to another. A word in English does not necessarily have the same level of difficulty in other languages. A straight translation of a third-grade test of reading ability will not necessarily yield a third-grade reading test in the other language. There may also be problems with concepts that cannot be directly translated and concepts that may change meaning once translated into a different language. Current viewpoints indicate that a translated test is inappropriate as it may be measuring constructs and knowledge different from what was intended.

Although individuals with limited proficiency in the language of the test should ideally be tested by professionally trained, culturally knowledgeable, bilingual examiners, the use of qualified interpreters may be necessary in the case a bilingual examiner is not available. It is therefore

necessary for those school psychologists who will assess ELL students to develop competencies in the interpretation process. Some of these skills range from establishing rapport with the interpreter, knowing the kinds of information that tends to get lost during the interpretation procedure, understanding nonverbal communication clues, and recognizing the importance of securing accurate translation. Interpreters may substitute words, speak a different dialect, or engage in subtle prompting behaviors that may affect a student's responses (Nuttall, Medinos-Landurand, & Goldman, 1984).

The examiner is responsible for ensuring that the interpreter has the appropriate qualifications to assist properly. Adequate training is essential in order to defend the assessment practices to any degree. Section 9.11 of the Joint Standards (American Educational Research Association, American Psychological Association, & National Council on Measurement in Education, 1999) states, "When an interpreter is used in testing, the interpreter should be fluent in both the language of the test and the examinee's native language, should have expertise in translating, and should have a basic understanding of the assessment process." It is necessary for the interpreter to understand the importance of following standardized procedures, how testing is conducted typically, and the importance of accurately conveying an examinee's actual responses. It is recommended that the use of an interpreter be referenced in the psychological report and that documentation of the interpreter's training and qualifications be maintained by the school district. A sample documentation form is attached as Appendix D. In addition, the examiner should discuss the testing expectations with the interpreter, review the assessment practices noted on Appendix D, and provide a copy of the exact language to be interpreted prior to the actual assessment.

There continues to be an absence of data that substantiates the assumption that it is possible to use an interpreter without severely and negatively affecting the standardization requisites, psychometric properties and the interpretation of test scores (President's Advisory Commission of Educational Excellence for Hispanic Americans, 2000). The use of interpreters is often viewed as increasing the "fairness" of the testing, but that idea is very misleading. The norm group remains an obstacle to valid and reliable interpretation. The use of interpreters, however, may be beneficial in gathering qualitative information about performance. Interpreters, if properly trained, may help in ruling out various language-related problems, provide informative opinions regarding behaviors and development, and assist the examiner in better understanding the performance within the context of the individual's culture.

Evaluation

Language Evaluation

When evaluating ELL students it is necessary to initially conduct an assessment of language proficiency. This approach helps determine the language(s) used for subsequent assessments and the interpretations made of assessment results are based on these language competencies (Rogers, 1997). It is therefore necessary to consider the level of linguistic and literacy proficiencies of ELL students in both their home language and in English. Proficiency and dominance testing is important in test selection decisions and in deciding which accommodations to standardized testing conditions, if any, might be useful. This information is also important for test interpretation. Two students, testing at the same level in English and with the same native language, may have completely different test interpretations depending on the strength of their native language. Assessing proficiency in both languages is essential in order to determine if the student's academic difficulties are due to an inherent disability versus normal second language acquisition effects. A true disability must be apparent in both languages; however, deficiency in

both languages is not in and of itself necessarily indicative of a disability.

Critical to distinguishing learning disabilities from linguistic differences is the assessment of a student's academic language proficiency. In addition to evaluating interpersonal communication skills, assessments should also measure the literacy-related aspects of language. Cognitive academic language proficiency development is affected by age, ability level, previous schooling, language(s) of instruction, cultural experiences, and amount of exposure to the native language and English. A misconception is that the more time ELL students spend immersed in the second language, the faster that language may be learned. Generally, those students who have developed CALP in their native language are the first to develop academic proficiency in English (Wilén & Diaz, 1998). Students who are introduced to the second language prior to developing competence in the native language will generally take longer to obtain academic proficiency in English. It is essential to determine the CALP level in both English and the native language. These levels can be obtained from certain standardized language assessments, but it is also beneficial to obtain verifying information from informal language assessments. During the informal assessment, attention should be given to the use of nonspecific vocabulary, poor topic maintenance, long response times, gaze inefficiency, lack of fluency, inability to give appropriate information, and message inaccuracy. These behaviors should be compared during English-speaking situations and native language situations.

Environmental Evaluation

An environmental assessment is essential in helping the evaluator understand the environmental and instructional factors that influence a student's performance. Much of this information should be collected early in the problem-solving process and prior to a referral to the school intervention team. The assessment should include an analysis of the student characteristics as well as the characteristics of the classroom, school, home, and community environments in which the student functions. Behavior that may be considered appropriate within the context of the home or community may not be construed similarly within the classroom (Rogers, 1997). Cultural mismatches in norms and expectations between the home and school may create confusion for the student and can affect day-to-day functioning in the classroom and academic progress. Techniques utilized for this evaluation include, but are not limited to, interviews with relevant individuals from school and home, observations, work samples, and evaluation of interventions/treatment procedures. This information should include determining whether the student has received adequate ESL instruction. Observations should be across multiple settings and within a variety of instructional contexts. Comparisons with same-age culturally/linguistically similar as well as culturally/linguistically different peers should be included. Work samples can help assess the relationship between task requirements and the student's skill. The assessment of the instructional environment should help to answer the following questions:

- Are the appropriate languages being used for instruction based upon the student's proficiency levels?
- Is the level of the language used in the instructional tasks comprehensible to the student?
- Are the classroom materials appropriate for the language and academic skills of the student?
- Does the student have the background knowledge to understand the content of the instructional materials?
- Can the student relate to the content of the instructional materials from a cultural perspective?
- Are instructional activities and materials used for the purposes of developing literacy skills?

If these questions are answered “no”, be cautious in the interpretation of the test results and in determining a disability. Consider additional interventions/modifications to address the above issues prior to determining eligibility for Exceptional Children services.

Cognitive Assessment

There is no single instrument or procedure that can yield an accurate representation of all cognitive abilities. The information obtained through the language assessment, however, will help guide the selection of the cognitive assessment instruments to fit the unique characteristics and assessment needs of the referred ELL student. It is recommended that the examiner include verbal and non-verbal tests. Data indicate, however, that the verbal ability score may be depressed by one standard deviation for ELL students depending upon the student’s age, experience, and cultural background. The language proficiency results will assist in determining whether to use an English test or a test in the student’s native language. One test, however, the Bilingual Verbal Ability Tests (BVAT), is comprised of three verbal ability subtests administered in a combination of English and the bilingual individual’s native language.

Evaluators have assumed that nonverbal tests are more culturally fair than conventional intelligence scales because they eliminate the culture-loading dimension of tests that rely on verbal abilities (Rogers, 1997). Caution, however, should be exercised in interpreting the results of nonverbal assessments as the most valid estimate of the IQ of a bilingual student, especially if verbal ability data have not been collected in both languages. Despite appearances, these instruments may be hypersensitive to language background and performance on them may still be dependent upon the person’s familiarity with test-taking skills and with the test content (Lopez, 1995). ELL students have also been noted as having difficulty on timed tasks. Consideration should be given to students who may have visual processing deficits. In those cases, the use of nonverbal tests or scales alone may not be the best way to determine cognitive ability. The scores from the various nonverbal measures, however, do give excellent information that helps to support the hypotheses being developed from the information collected through other methods and sources.

Educational Evaluation

Educational Assessments should only be conducted in the language in which the student received academic instruction. As with the cognitive assessment, the use of language assessment information will help direct the choice of assessment instruments. It should be noted as a general rule, that academic measures in English, tend to be influenced by the bilingual students’ language proficiency in English and fail to assess achievement or knowledge of academic content (Figueroa, 1989). If the student has never received academic instruction in the native language (and only if he or she received academic instruction in English), assessments should be conducted in English. If the student has been learning academic skills in his/her native language, then the assessment in the native language should be implemented. If the student has received academic instruction in both languages or he/she already crossed over to English, the educational evaluation may need to be conducted in both languages. It is important to consider the instructional level achieved in each language, as well as the present and possibly lost skills due to discontinued instruction in either language. It is recommended the use of curriculum based assessment, criterion referenced tests, and/or portfolio assessments in addition to formal standardized tests. This practice will help gain valuable information regarding the student’s overall academic functioning,

Adaptive Behavior Assessment/Behavioral Assessment

A major caution should be taken in the assessments of behavior and adaptive skills of students who are not culturally similar to the majority culture. The normative samples used in the majority

of available scales, are not adequate comparison groups for this population due to different cultural expectations. School psychologists should “incorporate different methods of adaptive behavior assessments, including traditional norm-referenced scales and alternative methods of assessment in order to obtain ecologically valid information about children’s functional strengths and limitations” (Harrison & Robinson, 1995). These alternative methods may include observations, interviews, self-reports, and sociometric techniques. They should be used across a number of settings (home, community, school). Throughout the process of assessing social and adaptive skills, the school psychologist can help minimize bias by comparing the performance of individual bilingual students to other students of the same age, socioeconomic level, and linguistic and cultural backgrounds (Lopez, 1995).

Interpretation of Test Results

The difficulty of gauging the cognitive and academic status of ELL students in schools is significant given the complex nature of emerging bilingualism. Differences in culture within any community are substantial and influence second language acquisition. Usually there is also an absence of a normative sample that can be used as a peer group. Thus the evaluation should include dynamic assessment whereby information is obtained through multiple procedures (e.g., interviews, observations, rating scales), not simply based on objective criteria based on national norms. Evaluators must attend to the overall picture of a student’s background and performance, using information obtained from multiple sources (parent, student, school personnel). Assessment also cannot be complete without an understanding of whether prior instruction has been adequate and appropriate. There are, of course, no best practices that will entirely eliminate the influence of language and culture in situations where standardized tests are used. However, one can apply a careful, deliberate, and systematic approach that is specifically designed to reduce the potential discriminatory aspects of the assessment process. Subsequent interpretation must also be made within a broad, comprehensive framework for less discriminatory assessment.

General Guidelines for Evaluation and Test Interpretation

- Carefully evaluate the technical merits and qualities of an instrument before selecting it for use with a particular minority student.
- Use tests with demonstration, practice, and sample items, and tests that allow extended time limits.
- Test scores should not be used as the sole basis for identifying ELL students with disabilities.
- The extent to which test performance is influenced by cultural and environmental factors unique to the individual being assessed needs to be explored.
- Test results should always be used in conjunction with information obtained from other areas, i.e., interviews, background information, natural communication samples, curriculum based assessment, portfolio assessment, and progress monitoring information.
- Observe and note the student’s task approach and problem solving strategies.
- Observe/evaluate processing skills.
- Evaluate and interpret data qualitatively, not just quantitatively.
- Remember that there are many reasons, other than the presence of a disability, which may cause a student to score poorly on tests, including: (a) Limited English Proficiency, (b) use of inappropriate instruments, (c) inappropriate adaptations or modifications, (d) poor

- testing conditions, (e) lack of exposure to this type of tests (f) lack of rapport, and (g) differences in cultural rules for interaction.
- Examine the data to answer questions such as the following (Wrigley):
 - Are there any overt variables that immediately explain the problematic behaviors in English?
 - Does the student exhibit the same types of problematic behaviors in the first language?
 - Is there evidence that the problematic behaviors noted in English can be explained according to normal second-language acquisition?
 - Is there evidence that the problematic behaviors noted in English can be explained according to cross-cultural interference or related cultural phenomena?
 - Is there any evidence that the problematic behaviors noted in English can be explained according to any bias effect that was in operation before, during, or after the referral?

References and Suggested Reading

- American Educational Research Association, American Psychological Association, & National Council on Measurement in Education. (1999). *The Standards for Educational and Psychological Testing*. Washington, DC: American Psychological Association.
- Blatchley, L.A. & Lau, M. (2010). Culturally Competent Assessment of English Language Learners for Special Education Services. *NASP Communique Handout*, 38 (7), 1-8.
- Cummins, J. C. (1984). *Bilingualism and special education: Issues in assessment and pedagogy*. Austin, TX: Pro-Ed.
- Figueroa, R. A. (1989). Psychological testing of linguistic-minority students: Knowledge gaps and regulations. *Exceptional Children*, 56, 145-152.
- Flanagan, Dawn P., Ortiz, Samuel O., Alfonso, Vincent C. (2007). *Essentials of Cross-Battery Assessment-Second Edition*. John Wiley & Sons, Inc.
- Fradd, S. H., Barona, A., & Santos de Barona, M. (1989). Implementing change and monitoring progress. In S. H. Fradd & M. J. Wesmantel (Eds.), *Meeting the needs of culturally and linguistically different students: A handbook for educators* (pp.63-105). Boston: College-Hill.
- Garcia, S., & Ortiz, A. (1988). *Preventing inappropriate referrals of language minority students to special education*. Occasional papers in Bilingual Education. NCBE New Focus No. 5. Silver Springs, MD: National Clearinghouse for Bilingual Education.
- Gonzalez, V., Brusca-Vega, R., & Yawkey, T. (1997). *Assessment and instruction of culturally and linguistically diverse students with or at-risk of learning problems: From research to practice*. Needham Heights, MA: Allyn & Bacon.
- GoPaul-McNicol, S. (1997). A theoretical framework for training monolingual school

psychologists to work with multilingual/multicultural children: An exploration of the major competencies. *Psychology in the Schools*, 34(1).

GoPaul-McNicol, S., & Thomas-Presswood, T. (1998). *Working with linguistically and culturally different children: Innovative clinical and educational approaches*. Needham Heights, MA: Allyn & Bacon.

Hamayan, E. V., & Damico, J. S. (1991). *Limiting bias in the assessment of bilingual students*. Austin, TX: Pro-Ed.

Harrison, P., & Robinson, B. (1995). Best practices in the assessment of adaptive behavior. In A. Thomas and J. Grimes (Eds.), *Best practices in school psychology III* (pp. 753-762). Washington, DC: National Association of School Psychologists.

Krashen, S. D. (1985). *Inquiries and insights: Second language teaching, immersion and bilingual education, literacy*. Englewood Cliffs, NJ: Alemany Press.

Lopez, E. C. (1995). Best practices in working with bilingual children. In A. Thomas & J. Grimes (Eds.), *Best practices in school psychology III* (pp. 1111-1121). Washington, DC: National Association of School Psychologists.

Martines, Danielle (2008). *Multicultural School Psychology Competencies-A practical Guide*. Sage Publications, Inc.

Nuttall, E. V., Medinos-Landurand, P., & Goldman, P. (1984). A critical look at testing and evaluation from a cross-cultural perspective. In P. C. Chinn (Ed.), *Education of culturally and linguistically different exceptional children* (pp. 42-62). Reston, VA: The Council for Exceptional Children.

Ochoa, S. H., Powell, M. P., & Robles-Pina, R. (1996). School psychologists' assessment practices with bilingual and limited-English-proficient students. *Journal of Psychoeducational Assessment*, 14, 250-275.

Ochoa, S. H., Rivera, B., & Powell, M. P. (1997). Factors used to comply with the exclusionary clause with bilingual and limited-English-proficient pupils: Initial guidelines. *Learning Disabilities Research and Practice*, 12, 161-167.

President's Advisory Commission of Educational Excellence for Hispanic Americans. (2000). *Testing Hispanic students in the United States: Technical and policy issues*. Washington, DC.

Rhodes, Robert L., Ochoa, Salvador Hector, and Ortiz, Samuel O. (2005) *Assessing Culturally and Linguistically Diverse Students-A Practical Guide*. The Guilford Press

Rogers, M. R. (1997). Psychoeducational assessment of culturally and linguistically diverse children and youth. In H. B. Vance (Ed.), *Psychological assessment of children: Best practices in school and clinical settings, 2nd edition* (pp. 355-384). New York: John Wiley & Sons.

Samuda, R. J., Kong, S. L., Cummins, J., Pascual-Leone, J., & Lewis, J. (1991). *Assessment and placement of minority students*. New York: C. J. Hogrefe/Intercultural Social Sciences Publications.

U.S. Department of Education, Office for Civil Rights. (2000). *The use of tests when making high-stakes decisions for students: A resource guide for educators and policymakers*. Washington, DC.

Valdes, G., & Figueroa, R. A. (1994). *Bilingualism and testing: A special case of bias*. Norwood, N.J.: Ablex Publishing Corporation.

Wilen, D., and Diaz, B. (1998). Second language acquisition: a handout for educators. In A. Canter & S. Carroll (Eds.), *Helping children at home and school: Handouts from your school psychologist* (pp. 489-492). Washington, DC: National Association of School Psychologists.

Wrigley, P. G. *Difference or disorder? Does Jose belong in special education?* In-service papers. Region IV Comprehensive Center/Eastern Stream Center on Resources and Training (ESCORT).

North Carolina Department of Public instruction: Information regarding testing students identified as Limited English Proficient

<http://www.ncpublicschools.org/accountability/policies/slep/>

Appendix A

LEA: _____

Questionnaire for ELL Students Referred to the School Intervention Team

Student: _____ DOB: _____ ID# _____
 School: _____ Teacher: _____ Date: _____

I. Attendance and Enrollment History:

- Enrollment date _____
- Name of Previous Schools Attended: _____
- Number of schools enrolled or re-enrolled: _____
- Has the student’s schedule/classroom placement been changed this year? Yes No
 Explain: _____

School History					
Date	Daycare/Preschool/Schools Attended (name and/or place)	Language(s) of Formal Instruction	Grade Equivalent	Days Attended	Tardies
09-10					

Student’s Current Schedule / School Caregiver			
	Subject or Service	Caregiver Providing Service	Number of Times Service is Provided Per Week
1			
2			
3			
4			
5			
6			
7			

II. Academic Performance Information:

Assessment (Standardized and Curriculum Based)		
Date	Assessment	Results

Research Based Interventions			
Date	Type of intervention	Length of Intervention	Results

II. Exceptional Education / Related Service History:

Does the student have a history of Exceptional Children’s Services Yes No

If yes, the type(s) of:

Exceptionality: _____

Related services: SLI OT PT PSY

If Exited, What Date? _____

Does the student have a current IEP?

Yes No

Does the student have a 504 plan?

Yes No

If yes, explain: _____

III. Social Developmental History (Additional Questions) – Attach comprehensive social history form if available:

1. Place of Birth*: _____

Birth Certificate Verified: Yes No

Legal Guardianship Verified: Yes No

2. Country (ies) of Origin for family members*: _____

*Include as much detail as possible (e.g., country, region, state, city/town, etc.)

3. How did the family come to be in the U.S.? North Carolina?

4. How did the student come to be in the U.S.? North Carolina?

5. Has the student consistently resided with the current guardians?

Yes No

If NO, brief explanation: _____

6. Are you aware of any learning difficulties in the student's native language?

7. What are parent concerns? Is there any family history of learning problems?

8. How does the student interact and communicate with peers? What language does he/she use?

9. What is the student's level of motivation to learn English?

High Average Below Average

10. Did the student attend school in his native country? No Yes

__If yes, what was the highest level achieved? _____

11. Parents educational history: Elementary School High school
 College Graduate School

Student: _____ DOB: _____ ID# _____
 School: _____ Teacher: _____ Date: _____

ELL/ESL History (to be completed by ESL teacher)

- Is the student ELL (English language learner)? Yes No
 From the Home Language survey, list the:
 First language student learned to speak: _____
 Language most often spoken by the student: _____
 Language most often spoken by the family: _____
 Other language spoken at home on a regular basis: _____
- Does the school site offers ESL services? Yes No
- Is the student LEP (limited English proficient)? Yes No
- Is the student currently receiving ESL (English as a second language)?
 Yes No
 If no, the reason is the student is enrolled in Kindergarten Waiver Other: _____
 If yes, instructional model(s):
 ESL Two-way Bilingual Transitional Bilingual
 Co-teaching, subject(s): _____ Pull-out, number of minutes/week: _____
 Inclusion Sheltered Instruction/SIOP, subject(s): _____
- Has the student obtained cognitive academic language proficiency in his/her native language? Yes No
- Are the suspected areas of difficulty noted in both the student’s native language and in English? Yes No

ESL PROFICIENCY LEVELS (or Estimates)					
Date					
Language Proficiency Measure					
Speaking					
Listening					
Reading					
Writing					
Service Model(s)					
Progress Relative to Peers (<i>very limited, limited, average, above average</i>)					

CURRENT LEVEL OF ESL SERVICES:

Please include number of ours daily/weekly

Appendix B

LEA : _____

SCHOOL: _____

ELL Checklist

This checklist is designed to help the intervention team make an informed decision about whether to refer the student to the special education referral committee. Use this form in conjunction with the ELL Questionnaire and RE-1 forms when making the decision. Attach this checklist and the ELL Questionnaire to the RE-1.

Name: _____ **Date of Birth:** _____ **Date:** _____

Has the intervention team done the following? (Involved English as a Second Language teacher, Speech/Language Pathologist, and School Psychologist)

- ___ 1. Waited a sufficient period of time for adjustment and adaptation to the school setting
(A reasonable length of time in an English speaking environment and receiving English as a Second Language instruction, unless global delays are evident).
- ___ 2. Determined proficiency in both languages within the last six months. Results: _____
- ___ 3. Determined language development history and first language proficiency. Established the most proficient language for assessment? What is the most proficient language?
- ___ 4. Identified cultural differences and how they impact school performance.
- ___ 5. Met with parents, using an interpreter if necessary, to obtain background information and developmental and health history and to discuss their suggestions for helping the student..
- ___ 6. Implemented regular classroom interventions developed in consultation with the ESL teacher, monitored progress, and documented the results.
- ___ 7. Provided hearing/vision exams and evaluated the results.
- ___ 8. Pinpointed the student’s academic strengths and weaknesses in both languages if possible. (Please attach work samples to illustrate)
- ___ 9. Systematically observed the student across multiple settings in a variety of interactions with peers and adults.
- ___ 10. Systematically compared and contrasted the student’s home and school behaviors, language use, and confidence.
- ___ 11. Provided ESL instruction and documented the rate of learning.
- ___ 12. Gathered and reviewed data from teacher anecdotal notes, testing data, writing samples, cumulative folder, and progress monitoring.

Appendix C

Instruments Available for the Assessment of ELL Students

The following list includes some of the tests available that may be appropriate for evaluating ELL students, to be selected at the discretion of the school psychologist. This list is not all-inclusive or limiting.

Intellectual Ability/Cognitive:

Batería III Woodcock-Muñoz (2004) – This is a comprehensive set of tests that assesses both **cognitive** abilities and achievement levels of Spanish-speaking individuals between the ages of 2 years and 90+ years.

Bilingual Verbal Ability Tests-Normative Update (2000) – The Bilingual Verbal Ability Tests-Normative Update (BVAT-NU) measure bilingual verbal ability, or the unique combination of cognitive/academic language abilities possessed by bilingual individuals in English and another language. The test can be used for individuals 5 years old to Adults. The BVAT-NU use the same print materials as the original BVAT (1998), and the normative update provides year-2000 norms that can be used in conjunction with the Woodcock-Johnson III Tests of Achievement. The BVAT-NU can also be used in place of Tests 1 and 31 in the WJ III Tests of Cognitive Abilities to provide a general intellectual ability-bilingual (GIA-Bil) score. It is available in 17 different languages.

Differential Ability Scales-II: (2007) – The DAS–II is a comprehensive, individually administered, clinical instrument for assessing the cognitive abilities that are important to learning. The test may be administered to children ages 2 years 6 months (2:6) through 17 years 11 months (17:11) across a broad range of developmental levels. The DAS-II offers Spanish translation and American Sign Language translation of the nonverbal subtest administration instructions.

Kaufman Assessment Battery for Children, 2nd Edition (2004) – KABC -II is an individually administered measure of cognitive ability. KABC-II subtests were designed to minimize verbal instructions and responses. Test items contain little cultural content, so children of diverse backgrounds can be assessed more fairly.

Leiter International Performance Scale -Revised (1997) – The Leiter-R is completely nonverbal. Neither the examiner nor the child is required to speak, and the child doesn't need to read or write, either. Because the Leiter-R is nonverbal, it is especially suitable for children and adolescents who are cognitively delayed, disadvantaged, nonverbal or non-English speaking, and other disabilities. It spans ages 2 years, 0 months through 20 years, 11 months.

Merrill-Palmer-Revised Scales of Development (2004) Assessment of general cognitive development in English- and Spanish-speaking children .Screening of infants and children who have been referred for the evaluation of possible developmental delays or disabilities. Assessment of children with hearing impairments/deafness, autism or other disabilities with limited language skills. Re-evaluations of individuals previously identified as “developmentally delayed. “

Stanford-Binet Intelligence Scales, Fifth Edition (2003) – The enhanced nonverbal/low verbal content may make it appropriate for some students, especially younger ones.

Universal Nonverbal Intelligence Test (1998) – This test is standardized to be administered completely through gestures.

Wechsler Intelligence Scale for Children, Fourth Edition – Spanish (December 2004) – This individually administered battery provides a comprehensive measure of intellectual ability of **Spanish language-dominant** children ages 6 through 16 years. WISC-IV Spanish is ideal for use with Spanish-language dominant children who are gaining educational experience in the United States. This test is both a translation and adaptation of the WISC-IV.

Wechsler Nonverbal Scale of Ability (WNV) (2006): A nonverbal measure of ability for anyone. Especially designed for culturally and linguistically diverse groups. The WNV is ideal for psychologists who need a nonverbal measure of ability for individuals who are neither English-language nor Spanish-language proficient, or have other language considerations.

Language Development/Proficiency:

Clinical Evaluation of Language Fundamentals, Fourth Edition, Spanish Edition (2006) – CELF–4 Spanish has been enhanced from the CELF-3 to better address the needs of clinicians who serve Spanish-speaking children It is NOT a translation of the English edition of CELF–4. Test items incorporate grammatical forms appropriate for Spanish speakers and themes familiar to Spanish speaking students. This test is administered by Spanish speaking speech/language pathologists.

Expressive One-Word Picture Vocabulary Test – Spanish-Bilingual Edition (2000)
Receptive One-Word Picture Vocabulary Test – Spanish-Bilingual Edition (2000)
 These tests are very useful in assessing the student’s natural language pattern by allowing responses in both languages. They are co-normed on a national sample of Spanish-bilingual individuals.

Preschool Language Scale, Fourth Edition – Spanish Edition (2002) – This test is customized for Spanish speakers. There are separate norms based on Spanish-speaking children living in the U.S.

Contextual Probes of Articulation Competence™ - Spanish (2006)- CPAC™-S- assessment and therapy tool kit for working on Spanish articulation and phonology

Stanford English Language Proficiency Test – Measures English language acquisition with standards-based approach.

Test de Vocabulario en Imágenes Peabody (1986) – Spanish version of the PPVT-R. A newer version is currently being developed (2010)

Woodcock Language Proficiency Battery – Revised (1991) – Available in English and in Spanish that allow comparisons between these languages.

Woodcock-Muñoz Language Survey (2001 Normative Update) – Screener that establishes language proficiency levels in English and Spanish.

Achievement/Developmental:

Aprenda-3– La Prueba de Logros en Español – Third Edition (2006) – measures the academic achievement of K-12 Spanish-speaking students in their native language. Modeled after its companion English-language test, the *Stanford Achievement Test Series, Tenth Edition (Stanford 10)*

Battelle Developmental Inventory – 2nd Edition (Fall 2004) – The *BDI-2 Spanish* is an adaptation/translation of the *BDI-2* English materials and is designed for the screening, diagnosing, and evaluating of early childhood development of non-English proficient children and their caregivers. It allows both the child and parent to document the child's mastery of critical skills or behaviors of typically developing children. This assessment is designed for use by a bilingual examiner, by an English-speaking examiner and a Spanish-speaking colleague, or by a team of professionals.

Batería III Woodcock-Muñoz (2004) –This is a comprehensive set of tests that assesses both cognitive abilities and **achievement** levels of Spanish-speaking individuals between the ages of 2 years and 90+ years.

Bracken Basic Concept Scale—Third Edition: Receptive (BBCS-3:R) and Expressive (BBCS-3:E) (2006)- a revision of the popular *Bracken Basic Concept Scale--Revised*, is a developmentally sensitive measure that evaluates concepts essential to early communication development and school readiness. A Spanish edition of the record form assesses the same concepts as in English with adapted or modified, not directly translated, items.

Bayley Scales of Infant and Toddler Development-Third Edition (2005): The new Bayley-III is more comprehensive – a multi-scale, easy-to-administer battery that tests the five developmental domains. No Spanish Version is currently available.

Brigance Assessment of Basic Skills – Spanish Edition – May be used to quickly identify academic skill level in Spanish.

PrimerPASO (2003) – Screener to identify Spanish-speaking children at risk for developmental delays.

Adaptive Behavior/Behavior Rating Scales

Some scales have been translated into Spanish. Caution should be taken in regards to their validity and reliability given that standardization was in English. More recently developed scales, have been standardized based on a large, nationally representative population sample that includes ELL children.

Adaptive Behavior Assessment System – Second Edition (ABAS II) (2003)

Behavior Assessment System for Children – Second Edition (BASC-2) (Fall 2004)

Conners' Rating Scales – Third Edition (2008)

Reynolds Bully-Victimization Scales for Schools (2003)

Vineland Adaptive Behavior Scales-Second – II Edition (2005) – Survey Form and

Reports to Parents are available in Spanish (VABS-II currently being standardized)

Appendix D

Documentation of Interpreter Qualifications

LEA/School District: _____

Interpreter’s Name: _____ **Phone Number:** _____

Address: _____

A. Language(s) in which interpreter is fluent:

B. Previous formal experience as an interpreter:

C. The interpreter has been informed of the following assessment practices:

- ___ establishing rapport with student
- ___ cuing appropriately
- ___ securing an accurate translation
- ___ being aware of dialect differences
- ___ being aware of cultural as well as linguistic issues
- ___ maintaining confidentiality of all aspects of the process
- ___ understanding the purpose of standardized procedures
- ___ reviewing assessment methods prior to the evaluation
- ___ disclosing dual relationships and other potential conflicts

Interpreter’s Signature

Date

Psychologist/Trainer Signature

Date