New York State Education Department
Office of Special Education

Addressing Disproportionality through Culturally and Linguistically Appropriate Evaluations

John Boniello, Janety Encarnación, MariLuz Genao, Margarita Gonzalez-Martinez, Aleksandra López, Alison Provencher, Daliz Vásquez, and Marta Villarroel

NYSED Bilingual Special Education Specialists

Alexia Rodriguez-Thompson, Associate in Bilingual Education

Prepared by Catherine J. Crowley, J.D., Ph.D., CCC-SLP
Teachers College Columbia University October 2016

Resources

- Bilingual Extension Institute at Teachers College, Columbia University. SLP-discipline specific bilingual extension certificate program over 6 weekends, May to December. http://www.tc.columbia.edu/bbs/speech/index.asp?id=bilingual+extension+institute+info&info=overview+and+faculty
- LEADERSproject.org Test reviews, model evaluations, important research, videos on preschool evaluation modules, etc., etc., etc. FREE CEUs.
  http://leadersproject.org/media/video/terapia-para-paladar-hendido-evaluacion-C3%83n-en-tratamientos-playlist
- Bilingual Extension Institute Facebook page.
  https://www.facebook.com/pages/The-Bilingual-Extension-Institute-at-Teachers-College-Columbia-University/265511882871

New Research Explains Disproportionality
By Rachel Elizabeth Fish, Sept. 2016

The racialized construction of exceptionality: Experimental evidence of race/ethnicity effects on teachers’ interventions. In Social Science Research.
Latino students who did not speak English natively were more likely to be perceived as having behavioral issues.

• Less likely to perceive white ELL students as having behavioral issues than white non-ELL peers.

White ELL students more likely to be referred to special education for mild academic difficulties than black or Latino ELL peers.

2014 NYSED SPED Field Advisory

Use of Standardized Scores in Individual Evaluations of Culturally and Linguistically Diverse ELLs Ages 3 through 21

“NYSED ELLs are disproportionately identified as students with disabilities. While overall classification rate of all students with disabilities is just under 14 percent, the classification rates for ELLs is closer to 19 percent.”


2014 NYSED SPED Field Advisory

Use of Standardized Scores in Individual Evaluations of Culturally and Linguistically Diverse ELLs Ages 3 through 21

“The accurate identification of ELLs with disabilities can be challenging given the lack of valid and reliable individualized assessments with representative norm samples of ELL populations.”

2014 NYSED SPED Field Advisory
Use of Standardized Scores in Individual Evaluations of Culturally and Linguistically Diverse English Language Learners Ages 3 through 21

“In particular, ELLs are significantly over identified as students with speech and language impairments, learning disabilities and emotional disabilities as compared to students who are not ELLs.”


What do you notice?
Please answer these questions with your neighbor.

ELLs are overidentified as speech-language impaired and cognitively impaired.

ELLs are under-identified as “Other health impaired” and “emotionally disturbed”.

USDOE: Shifting Focus
June 24, 2014

Up to 2013: COMPLIANCE
2014: RESULTS DRIVEN ACCOUNTABILITY
Raises bar for state SPED programs and show RESULTS!
“Assessment materials and procedures used to assess an ELL must be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measure the student’s English language skills.”


Why is special education BAD for students who don’t have disabilities?

Aren’t Special Education Services like Chicken Soup?

“They couldn’t hurt. . .”

What’s wrong with identifying a student with a disability when the student does not have a disability?

- Mislabeling students creates a false impression of the child’s intelligence and academic potential.
- Students are likely to encounter a limited, less rigorous curriculum (Harry & Klingner, 2006).
- Lower expectations can lead to diminished academic and post-secondary opportunities (National Research Council, 2002; Harry & Klingner, 2006).
Why can’t score-based evaluations work to identify whether a student has a disability? MAGIC!!

What is the problem with using a standard score to identify disability?

We have an enormous amount of research showing that the use of standard scores to identify disability will result in virtually every bilingual, lower income, and/or minority student who may be having trouble in the classroom will be identified as having a disability.
If they are misidentified, won’t they end up doing better than the other students with IEPs?

These students were referred because they were not doing well in the classroom. If they need tutoring or counseling, but instead get an IEP, they will not get the help they need to achieve academically.

What are we supposed to do when a student is having trouble reading in the classroom?

What do we know for certain about that 4th grader?

1) There is an academic gap; and
2) There is most likely a language or dialect difference; and
3) The student may come from a lower SES;

BUT

Is there a disorder???
“The student has problems with reading comprehension.”

WHY?
What are the underpinnings this student’s problems?

“Is it a gap?
Limited English proficiency?
Lack of prior exposure?
Lack of adequate instruction?

Is it a disability?
Is it something else?
Is it a combination?

Linguistic Issues
Socio-Linguistic And Cultural Differences
Cognition
Physical Social-emotional Factors
Prior Knowledge Factors
Traits shared by students with language/learning disabilities and ELLs

- Low vocabulary and comprehension
- Difficulty following oral directions
- Reading below grade level
  - Confusion in sound/symbol associations
  - Reversing words and letters
  - Poor recall of sequences of syllables
  - Difficulty in thinking, organizing, and structuring ideas

(Kohnert, 2008)

Traits shared by language/learning disabled students and ELLs

- The syntax and morphology of children acquiring English will have the same characteristics of the most common speech and language disability--SLI.

Why?

(Paradis et al, 2010)

Traits shared by language/learning disabled students and ELLs. Think about:

- ELLs' varying levels of exposure to rich language input in English;
- ELLs' lack of exposure to experiences at home that prepare them for the classroom;
- Morphosyntactic differences between English and the student's L1 or home dialect; and
- Sociocultural norms for using language in the child's culture that differ from the ways we use SAE in school.

We must think about the child's prior experiences and language acquisitional history.
How do we distinguish a difference from a disorder?
Through culturally and linguistically appropriate evaluations.

How do we do that?
That is where we are going today.....

POP QUIZ
What standardized tests to identify IQ, speech-language, or learning disabilities can distinguish the disability from second language acquisition?

What can we do?
1. Ensure that evaluators know how to differentiate disorder, difference, and gap.
2. Provide evaluators with quality evaluation materials with reduced cultural, linguistic, and socio-economic biases.
3. Train administrators in how to identify a quality disability evaluation.
4. Provide ongoing quality PD for evaluators.
5. Support universities who train students appropriately.
How can grammatical “errors” be merely differences?

Normal process of second language learning means that an ELL is likely to omit the “s” on sleeps.

He goes: Spanish: Él duerme Could correctly be “He sleep”

He goes: Mandarin/Cantonese do not use morphemes and do not distinguish gender in pronouns. Could correctly be “He sleep” or even “She sleep” or “It sleep”!

How can grammatical “errors” be merely differences?

Here are some problematical test items:

Comparatives and superlatives

Normal process of second language learning means the following “errors” could be correct.

Faster: más rápido. could correctly be “more faster” or “more fast”

Fastest: el más rápido. could be “the more faster” or “more faster” or “more fastest”

BUT

Under IDEA 2004, all students are entitled to an evaluation with evaluation materials that are:

Able to distinguish a disability from:
- Lack of adequate instruction in reading
- Lack of adequate instruction in math, and
- Limited English proficiency

20 U.S.C. § 1414(a)(5)
Why do we have such disproportionate referral of ELLs in NYS?

Too often in NYS clinicians and administrators use scores from these tests to identify disability. This leads directly to over-referral of ELLs for SPED.

POP QUIZ

What standardized tests to identify disability including IQ, speech-language, or academic skills can distinguish the characteristics of disability from differences in prior experiences due to SES or cultural background?

Why is it so challenging to identify disability with ELLs?

Not all ELLs are alike!

How are they different?
But

Under IDEA 2004, all students are entitled to an evaluation with evaluation materials that are:

- Not discriminatory on a racial or cultural basis


Addressing Disproportionality Requires a Paradigm Shift in Current Evaluation Practices

The distinction of “formal” versus “informal” assessment is quite old fashioned.

It leads to inaccurate identifications, especially with our bilingual students and students from lower SES.

Evaluators must adopt an approach that works to distinguish a disorder from “something else”, such as an academic gap, SES, prior experience, dialect, second language acquisition, etc.

PARADIGM SHIFT IN LANGUAGE

DO NOT SAY:
“I will test the student”

SAY:
““I will assess the student”

OR
“I will evaluate the student”

PARADIGM SHIFT ALERT!!
Standardized test scores are appropriate ONLY IF:

• Student’s cultural and linguistic background is adequately represented in the normative sample;

• Student is exposed only to Standard American English OR only Standard Spanish (All other tests are translated or assess different dialects);

• No modifications made in standard protocol; and

• Test meets federal law and NYSED regulations:
  • Valid and Reliable;
  • Without cultural or racial bias; and
  • Can distinguish lack of adequate instruction in reading or math and Limited English Proficiency.

There are people who only want test scores, no matter what the research or the law says.

These people can no longer be allowed to continue with practices that are illegal and biased and lead directly to disproportionality.
If I cannot use a standardized test score to identify disability, what can I do???

How to increase validity and reliability?

• Gather data from a variety of sources and over time.
• Know your own personal weaknesses in evaluations.
• Confirm the validity of the data with caregiver/teacher reports.
• Develop clinical judgment—Informed Clinical Opinion—by evaluating typically developing peers.
• On a regular basis work with colleagues and compare results.

The Bottom Line to Address Disproportionality:

“Evaluators must adopt an approach that works to distinguish a disorder from ‘something else’, such as an academic gap, SES, prior experience, dialect, second language acquisition, etc.”
The key consideration in distinguishing between a difference and a disorder is whether the child’s performance differs significantly from peers with similar experiences. (Wolfram, Adger & Christian 1999:105)

To determine whether a student differs significantly from peers with similar experiences, we must find out . . .

Who is this student?

Who is this student?
THE CRITICAL QUESTIONS
• Developmental milestones
• Significant medical history
• Parent concerns
  • Language and dialect exposure over time
• Parent highest education level
• Language and dialect exposure over time
• Family history of speech-language or academic problems
• Significant changes to family structure?
  Moving? Migration/Immigration history?
Sofie’s evaluation background

"From birth until she was 7, Sofie reportedly heard Puerto Rican Spanish, Puerto Rican English, African American English, and American English. Sofie herself said that her biological mother and maternal grandfather spoke both English and Spanish. Sofie went to school in the nearby large city, where her peers also spoke those languages and dialects. She and her sister were placed in homes where the families were Puerto Rican and depending on the foster family spoke SAE, Puerto Rican English, Puerto Rican Spanish, and African American English."

"When Sofie and her sister came to live with her adoptive family, the only dialect her parents spoke was SAE."

Parent’s highest education level tells us something about quality of educational experiences the student has had and vocabulary and concept exposure.

AND

Family history of speech-language problems or academic problems tell us about possible genetic factors.

“From birth through 7 years old, Sofie lived with her mother and maternal grandfather in the nearby large city. For purposes of this evaluation, the details will be left out, but there were such significant issues in the family that Sofie and her sister and brother were removed from the home 6 years ago and spent 4 years in various foster homes . . . before being adopted by this family 2 ½ years ago.”

Her current adoptive parents both have Ph.Ds. and are professors at universities.
The Critical Questions begin the discussion with the parent/caregiver to discover who the student is and how student’s prior experiences might affect school performance.

From the Critical Questions we know:

• Sofie has been in 5 schools by the time she was in 5th grade.
• Prior to her current school she was in poor schools in a lower SES urban center.

Based on this info, we would expect academic gaps.

From the Critical Questions we know:

• Sofie has been exposed to at least 5 different dialects of English.
• For the past 2 years she has been exposed to only Standard American English, and before that she had little exposure to SAE.

Based on this info, we would expect language differences.
From the teacher interview we know:

- Sofie has weaknesses in vocabulary and doing grade level work for the high quality school she is in now.
- The teacher taught in a similar urban environment as Sofie spent her time until two years ago.
- The teacher believes Sofie is showing academic gaps and language differences, but not a disability.
  - Sofie is closing the gaps very quickly
  - Sofie knows strategies to close the gap

What can we learn from clinical interactions and observations with the student?

We are looking at what she knows and what she has learned.

What materials can we use if the standardized tests are so biased and invalid?

School-age Language Assessment Measures (Crowley & Baigorri, 2014)
Available for free download at LEADERSproject.org
School-age Language Assessment Measures (Crowley & Baigorri, 2014)

Bunny Goes to School -- Pre-K thru Early Elementary -- Dog Comes Home

Following Directions

Understanding Spoken Stories

Crowley & Baigorri NLAtl School Age Language Assessment Measures Understanding Spoken Stories: Recognition and Expressive Language
Subway

What happened? How did this happen? Did this ever happen to you? (Can add your own personal narrative.) What would you do if this happened to you?

Watch the clip as you watch it write down what you hear that is remarkable about her language comprehension and expression and her problem solving skills.

Show Sofie clip: Subway

We see an age appropriate ability to
– follow a line of questions
– integrate and organize her thoughts
– express them with SAE grammar

Examiner: ["What happened?"]
Sofie: There was probably a big crowd and he didn’t get out so then his foot got stuck.

Examiner: ["Did this ever happen to you?"]
Sofie: Almost. When we were going back to the apartment, it happened to my mom because she was swiping it the wrong way.

Examiner: ["What would you do if this happened to you?"]
Sofie: I would probably start yelling. I know it would hurt.
Sofie clip: Subway

Sofie has acquired all the features of SAE

• Modal and conditional tenses (“I would probably” and “It would hurt”)
• SAE noun-verb agreement (“we were”)
• Use of copula and auxiliary be form (“there was” and “she was swiping”)
• Complex sentences including causation and temporal elements (“when”, “so then”, “because”, and “I know [that]”)

Vocabulary Word Definitions

Watch the clip. As you watch write down what you hear that is remarkable about her vocabulary skills.

What about Sofie’s vocabulary skills?

Strong linguistic and problem solving skills:

– described “treaty” as “A treaty is like a contract”
– a “souvenir” as “something to remember where you were, something precious to someone who got it”
– a “committee” as “a whole group of people in deciding what to do”
– a “negotiation” as “trying to work something out”
– a “decade” as “a very long time”
– an “award” as “you achieved in something, a reward, you get an award to show your effort.”

Family works together building vocabulary for Sofie and her sister at breakfast and there is a big focus in school as well.
What do we know now?

• Over two years, Sofie has acquired all the features of Standard American English indicating no language disorder.
• Sofie is closing the gap quickly in academic language and vocabulary skills, indicating with exposure language skills are age appropriate.
• Sofie can follow complex plots and character development on television, indicating that she does not have a language processing problem.

Is it a Gap? Disorder? Or Difference?

Sofie has a academic gaps.
Sofie had language differences and has fully acquired Standard American English.
Sofie’s teacher and her mother agree.
Sofie does not have disorders in either language or cognition.

To watch the entire Sofie evaluation, read the written report and the recommendations, go to LEADERSpjroject.org CEUs
Indicators of a Comprehensive Evaluation

- Evaluators must use their clinical judgment, informed by the law and evidence-based practice.
- Evaluators cannot simply list what a student answered right or answered wrong on a test instead of giving scores.
- Evaluators must write holograms so the student “comes to life” for the reader.
- Evaluations must contain data—specific quotes of the student’s relevant speech/language and cognitive/problem-solving skills—so a reader can see the basis for the evaluator’s conclusions.

Each evaluation should have a similar framework

**BUT**

Every evaluation is different based on the student’s experiences and background.

Every evaluation is different

Sofie’s case was unusual. We used the CELF even though it has serious construct validity and bias issues. But in Sofie’s case, her recent performance on the CELF showed how Sofie was initially misidentified.

The first evaluation found Sofie had a “severe language deficit” using a score-based approach that failed to consider her cultural, linguistic, familial, or educational background.
Our goal: To provide more accurate disability determinations for our ELLs

For more information about the problems with disability evaluations:

• [http://leadersproject.org/](http://leadersproject.org/)

• Videos, analyses of current standardized disability evaluations, model evaluations, memos on current federal, state, and local requirements re disability evaluations.

• For psychologists, speech-language pathologists, academic achievement evaluators.