

BILINGUAL SPECIAL EDUCATION

The Special Education (SPED)
Limited English Proficient (LEP)
Learning Disabled (LD)
Student

A GROUP PRESENTATION
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Introduction to Learning Disabilities
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PART I. LITIGATION AND LEGISLATION

Background Information

Legislation passed concerning the Spanish speaking students began with the Civil Rights Act of 1964, Title VI, prohibiting segregation and discrimination of students in the public schools. In October 1969, Public Law 93-230 (Education of the Handicapped) included specific standards relating to testing and assessment. Public Law 93-380 amended PL 93-230 and required the states to adopt plans which guaranteed due process in educational decisions.

In the pursuit of both quality and equal education for their children, parents of NES (Non English Speaking) and LEP (Limited English Proficient) children and community groups have had a number of court cases brought against school districts and school boards. From this need there has also come about pieces of legislation under Public Law 94-142 to hopefully rectify these inadequacies. Summarized below we will present some of the more publicized court cases that have had an impact on discriminatory practices of child placement in Special Classes by different school districts in the state of California.

Court Cases

Arreola Vs. Board of Education, Orange County Calif., 1968.

This court action secured parental participation in the decision to place Hispanic students in educable mentally retarded classes.

Diane Vs. The State Education Dept., Calif., 1970.

In Diana Vs. State Ed. Dept., the case claims that placement ignored their own native or primary language skills, and relied on verbal English skills. The decision of the court rendered that the inherent cultural bias of the tests discriminated against the Mexican-American plaintiff.

Spangler Vs. Board of Ed. Pasadena, Calif., 1970.

Continuing with the same year 1970 came another case out of Pasadena. The court actually held this district under jurisdiction for almost seven years. During these years the district was found to be in and out of compliance during this time.

In this case a "racial imbalance" was found both in the student population and faculty of this school district. The segregation was attributed to the practice of assigning groups primarily on the basis of student scores obtained on racially discriminatory achievement and intelligence tests.

Covarrubias Vs. San Diego Unified School District, San Diego, Ca., 1971.

In the following year (1971) came the case out of San Diego. Again, intelligence tests were used to place both Blacks and Mexican-American children in an educable mentally retarded class.

Lau Vs. Nichols, San Francisco, 1974.

This was a class action suit on behalf of 1800 Chinese children brought before the Supreme Court. The suit claimed lack of programs designed to meet linguistic needs of Non-English speaking children. This failure violated Title VI of the Civil Rights Act of 1964 and the Equal Protection clause of the 14th Amendment. The argument was that if children could not understand the language used in instruction they were deprived of an equal education.

Legislation

Public Law 94-142, The Education for All Handicapped Children Act of 1975.

This law became operative in October 1977. The Rules and Regulations have required schools to provide a free and appropriate education for handicapped students and prohibit any form of discrimination against these children. It insures that testing, screening and assessment procedures do not discriminate because of language or cultural differences by requiring the use of ethnically appropriate and nondiscriminatory tests. Additional criteria should include the impact of social and cultural background information. Parents must receive all communications in their native language (including and especially the IEP). Students need to be assessed in their native language.

1987-1988 California Compliance Review Manual

The Special Education Section of this manual reflects the requirements stipulated by the above court cases and legislation.

Summary

In summary, legislation has been passed and court cases have been brought against School Boards and State Departments of Education. These have all affected the field of Special Education and especially as it relates to the Spanish speaking child. They have brought forth an awareness and a need that must be addressed if the pursuit of equal education for all is to be met. We have before us good public laws that are workable instruments to follow to meet this challenge.

PART II. ASSESSING THE BILINGUAL CHILD REFERRED TO SPECIAL EDUCATION

The Importance Of A Multifactored Assessment

The assessment of the student referred to Special Education has been the topic of many books, seminars, journals, and conferences. PL94-142 (1975) outlines the need for a multi-disciplinarian, multi-factored assessment of the whole child.

Laosa provides an excellent article entitled "Non Biased Assessment of Children's Abilities." Some of Laosa's recommendations for a non biased assessment include a pluralistic assessment, individualizing instruction, using criterion referenced tests, using Piagetian tasks, observations, using diagnostic tests, and considering a Parent Board to review language minority student (LMS) testing and placements.

The IEP team needs to insist that all bilingual interventions be utilized before referring the LMS student to special education. The IEP team must also insure that the bilingual student has received bilingual instruction to allow him/her to develop his highest potential. The school program needs to include the student's language/culture as an integral part of the curriculum to provide a familiar, success oriented, least restrictive environment.

What Is The Primary Language

Most LMS students referred to special education have a primary language that is not English and are considered limited English proficient students (LEP: a student who speaks a language other than English and is below his English speaking peers in understanding, speaking, reading, and/or writing the English language skills.)

The question of "what is the student's primary language" frequently arises. Oakland reflects back on the August 1975 LAU Remedies to help clarify the issue. The LAU Remedies define the "primary or home language" as:

- "A. The student's first acquired language
- B. The language most often spoken by the student...(and/or)
- C. The language most often spoken in the student's home."

Need To Assess Student In Both Languages

McLoughlin describes the need for assessment in the primary language as a requisite of PL94-142. The LAU Remedies describe the need to assess students "in all the necessary languages" by "persons who can speak and understand the necessary languages." The Diana Case, the

Guadalupe Case, the Spangler Case, and the other court cases described in section one of this paper direct themselves to the need to assess students in their home (primary) language. Several sources also cite the need to provide assessment in the student's primary language. The California Coordinated Compliance Manual also addresses the need for assessments in the primary language.

It is vital that the IEP team assess the bilingual student in both languages to determine the levels of language proficiencies (and implications), to determine current levels, and to verify the existence of a handicapping condition in both languages throughout the entire day.

Factors To Consider In Interpreting Test Results

LMS students come to school from a different cultural and linguistic background and traditionally score low on commonly used assessment instruments. Their low test scores in English can be misinterpreted to qualify them for special education. The LMS students can also display many of the characteristics of the retarded, learning disabled, and communicatively handicapped students while they are in the process of learning English. The low scores and disturbing characteristics slowly diminish as the student acquires skills in the conversational/social (BICS) and the academic (CALPS) levels of the English language. The process of acquiring English takes 1-2 years for BICS and 5-7 years for CALPS according to Cummins.

Laosa describes the tendency of minority children to score consistently lower than the Anglo student on standardized, norm referenced tests. He explains the difficulties involved in trying to translate and/or develop culturally fair, culture free, and culture selective tests. A large portion of the article focuses on the inappropriateness of IQ tests for minority students. The California Coordinated Compliance Manual also addresses the need for the IEP team to consider environmental, cultural, economic and familiarity with the English language.

Dr. Alba Ortiz, leading national researcher in the field of bilingual special education (University of Texas-Austin), insists that regular education is failing to instruct the LMS students and thus creating students with learning problems. She stresses the need to adapt the existing school curriculum to match the student's language and culture and his/her learning style. Dr. Ortiz states that "...the problem is in the school, not the child." She also stresses the need to teach the LMS student in the primary language (a strength, not a disadvantage).

The IEP team must also search through all available records and meet with the parents (a home visit is preferable) to uncover any other factors that may be the underlying cause of the poor academic

achievement. The IEP teams need to carefully examine the effects of other factors on the student's lack of academic progress: Poor school attendance, low socio-economic status, inappropriate education, limited English skills, medical history, student behavior, home/community problems, student's self concept, attitudes towards school, school history, developmental milestones, prior testing patterns, etc..

Distinguishing between LEP and LD

Dr. Ortiz emphasizes the importance of distinguishing between learning problems and other factors with the following statement: "It is impossible for a child to be handicapped in English and not in the primary language." Dr. Alba Ortiz cites Juarez and Ortiz regarding the need to verify the existence of a suspected learning disability in both languages. Dr. Benavidez cites Cummins regarding "language minority students placed in special classes because of limited proficiency in English." Dr. Benavidez also quotes Ortiz: "significant discrepancies between intelligence and achievement...may have been an artifact of testing conducted in English." He also quotes Garcia in saying that the failure "to recognize characteristics of second language acquisition" has been the reason for placing children in special education.

Summary

Assessing the bilingual student involves an extensive multifactored assessment. Some important items to remember include:

1. LMS students score low on norm referenced tests.
2. LMS students come from a different linguistic/cultural background.
3. The assessors must possess knowledge of the student's language and culture.
4. The basic processing problem must exist in both languages and at home as well as at school.
5. Care needs to be taken to distinguish between second language acquisition and a basic processing problem.
6. All environmental, cultural, and economic factors need to be carefully examined to determine if they are the cause of the student's problems.
7. The student's language dominance (levels of proficiency) may affect the test results.
8. Formal testing is just one part of the assessment of the bilingual student.

PART III. INSTRUCTIONAL PROGRAM

The Bilingual Special Education Teacher

In teaching individuals with special education problems, a teacher should keep in mind and use certain guidelines as a basis for implementation of instruction. Looking at a still different view, we are adding the Limited English Proficient Special Education Students (SPED/LEP).

The teacher must have a definite plan to help this type of student learn all of the subject matter (as well as to learn English) to allow the student to reach his highest potential. This in turn will make the acquisition of English easier and faster.

There must be individualized instruction, adaptations in materials, methods, and content. The teacher also has to be aware of and provide counseling to students who may be in a crisis situation or experiencing growing pains. It is believed that students with emotional problems have not had sufficient of sustained contact with well adjusted adults. Thus the teacher has to provide good adult role models for them.

Bilingual/Bicultural Education

The teacher needs to understand the language and the culture of the bilingual student to help him/her develop a sense of self-esteem. Experts agree that bilingual education is important and essential for LEP students and they have proposed different methods of teaching through the primary language. Several suggestions include: alternate day approach, dual language models, team teaching, cooperative learning, etc.

Once the students have developed proficiency in their own language, it is easier for them to learn English. The following are some methods that have been suggested by experts to teach the SPED/LEP students English: Natural approach, language experience approach, whole language approach, total physical response, sheltered English, cooperative learning, and comprehensible input.

Learning Styles

Some students learn better from reading, some from listening, some from seeing, and some from doing. Certainly, all these different methods should be varied to cover all the different modalities in which students learn. There should be a lot of visuals and

manipulatives. We should provide every child with the opportunity to learn how to read and write that which he can say. It should be possible for each individual to learn in his own language and learning style.

There are many ways in which the curriculum can be modified and adapted to meet the needs of the students. Refer to the handout entitled "Teaching Ideas" for more details. For the SPED/LEP student, additional modifications must also be incorporated. Refer to the handout entitled "Educating Hispanic Students" for more details.

Summary

The Bilingual Special Education Teacher needs to convey to other teachers that he or she is first of all a teacher. The "Bilingual" says that the teacher will use both of the student's languages to help him/her reach his/her highest potential and to promote positive self esteem. The "Special" refers to the specialized needs of the students. If negative attitudes towards special education exist, they must be dispelled by the special education teacher and the principal.

PART IV. SUMMARY OF INTERVIEWS

Organizing the Interviews

As a team, we decided to identify and then interview local Bilingual Special Education professionals working in the field of Bilingual Special Education. We composed an interview form consisting of nine basic questions. We interviewed the following individuals:

Janice Chavez	CSU-Fresno	Director, BSEP Program
Jessie Flores	Madera Unified	Bilingual SDC Teacher
Cindy Gallo	Madera Unified	Psychologist
Eloya Segura	Earlimart Elem.	Director, Special Education
Roberto Ségura	CSU-Fresno	Director, Support Services
Pam Vivas	Diagnostic Center	Speech Therapist

As a group, these individuals represent 2 Ph.D.s, 3 MAs, 1 Bilingual Teacher, 2 Psychologists, 1 Bilingual Assessor, 1 Speech Therapist, and many years of experience in Bilingual Special Education. We tallied their answers to the interview questions to identify commonalties. This section focuses on those items mentioned by two or more of the interviewees.

Regarding the assessment of a learning handicap and language acquisition.

It is very important to assess the students in both languages to identify the learning handicap (processing disorder) in both languages. A student with a suspected learning handicap that surfaces only in the second language (L2) is in the process of acquiring a second language. This student could be misidentified as an LH student. However, failure to assess in both languages could also exclude an LH student from Special Education. All other factors (background information, student history, school history, etc.) must be explored to interpret the results of formal assessment instruments. Districts who do not assess students in their first language (L1) are out of compliance with the Diana Case.

Regarding the instructional program.

The teacher needs to integrate and regularly use both languages in the curriculum. The teacher needs to understand, respect, know and use the student's language and culture. Cultural enrichment activities can be used to expand horizons and develop a positive self-esteem. By using language the teacher will help the student acquire BICS, CALPS, and allow the student to develop more skills. The teacher needs to provide cultural role models and us a variety of success oriented lessons. The curriculum needs to be adapted and modified to not only incorporate the students first language, but also address the student's modalities.

Language arts need to focus on oral language development in both languages. ESL needs to be comprehensible, meaningful and at the student's pace. Reading instruction is best taught through the language experience approach, whole language, and literature.

A key element will be to use the student's language and culture to develop positive self-esteem which will in turn lead to greater academic and social achievement.

Regarding Assessment Instruments

The interviewees felt that current formal, standardized tests have basic flaws and are not appropriate for bilingual children. The tests tend to measure knowledge of English and the American culture. The following instruments were most commonly mentioned: WISC-RM, SPANISH WOODCOCK JOHNSON, and SPANISH BRIGANCE .

Regarding Bilingual Special Education Programs

Very few sites are providing bilingual services to SPED/LEP students. A very great need exists in developing local Bilingual Special Education programs. The following were mentioned (in alphabetical order): Calwa Elementary (Fresno), Earlimart Elementary, Fresno County, Lodi School District, Madera Unified (Eastin Arcola Elementary and La Vina School), Montebello Schools, and San Joaquin County (Holt School).

Summary

SPED/LEP students are in great need of Bilingual Special Education. They need to be assessed and instructed in both languages with the focus on the first language. They need to be correctly identified and provided Bilingual Special Education services in the least restrictive environment. Care must be used with formal tests. All environmental, social and emotional factors need to be considered. Above all their self esteem needs to be positively reinforced.

SOURCE

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