

New York State Education Department  
Office of Special Education

## Addressing Disproportionality through Culturally and Linguistically Appropriate Evaluations

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Teachers College Columbia University October 2016

## Resources

- [Bilingual Extension Institute](http://www.tc.columbia.edu/bbs/speech/index.asp?id=bilingual+extension+institute+info&info=overview+and+faculty) 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](http://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-evaluaci%C3%B3n-en-tratamientos-playlist>
- [Bilingual Extension Institute](https://www.facebook.com/pages/The-Bilingual-Extension-Institute-at-Teachers-College-Columbia-University/265511882871) 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*.



### What about ELLs? :

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



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## 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.”

<http://www.p12.nysed.gov/specialed/publications/ells-disabilities-standardized-scores-dec-2014.htm>

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## 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.”

<http://www.p12.nysed.gov/specialed/publications/ells-disabilities-standardized-scores-dec-2014.htm>

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## 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.”

<http://www.p12.nysed.gov/specialed/publications/ells-disabilities-standardized-scores-dec-2014.htm>

### 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!

## 2014 NYSED SPED Field Advisory

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

“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.”

<http://www.p12.nysed.gov/specialed/publications/ells-disabilities-standardized-scores-dec-2014.htm>

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?**

- Mislabeled 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!!!



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## 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.

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**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.



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



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**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???**

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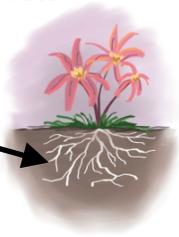
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**“The student has problems with reading comprehension.”**

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



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**“The student has reading comprehension 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?**



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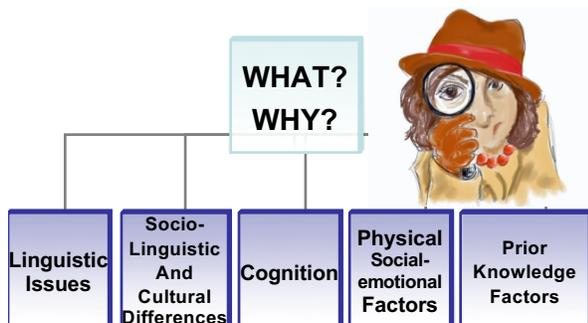
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**Traits shared by students with language/learning disabilities and ELLs**

- 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)

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**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.

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**Why?**

(Paradis et al., 2010).

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**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.....

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**POP QUIZ**

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



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**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.

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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"!

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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*"

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**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(b)(5).

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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.



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## 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?



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**Why is it so challenging to identify disability with ELLs?**

**Not all ELLs are alike!**

How are they different?

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**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.

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



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These people can no longer be allowed to continue with practices that are illegal and biased and lead directly to disproportionality.



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If I cannot use a standardized test score to identify disability, what can I do???

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**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.

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**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.”



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**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)

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

## Who is this student?



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### 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?

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## 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.



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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.**

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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.**

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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

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

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

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

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**School-age Language Assessment Measures** (Crowley & Baigorri, 2014)  
Available for free download at  
[LEADERSproject.org](http://LEADERSproject.org)

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## School-age Language Assessment Measures (Crowley & Baigorri, 2014)

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



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## Following Directions



### FOLLOWING DIRECTIONS

#### Notebook

Before showing the bus stop picture, place a notebook on your desk and have the student follow these directions:

- Get the notebook on my desk and turn to the third page. Write your name on the top of the page.
- Turn to the back of the notebook and write the name of your school.
- Put the notebook back on my desk and put your pencil to the right of the notebook.

#### Bus Stop Picture

These are all students waiting for the school bus.

- Show me the tallest student there.
- First show me the girl eating chips then point to the boy reading a book.
- Show me the girl who is drinking juice.
- Point to the boy with the headphones then point to the boy with glasses.
- Point to the two oldest boys at the same time.
- Before you point to the basketball player, point to the boy wearing the white socks.

Crowley and Baigorri SLAM (School-age Language Assessment Measures)  
© Teachers College Columbia U 2014

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## Understanding Spoken Stories

Crowley & Baigorri SLAM School Age Language Assessment Measures  
Understanding Spoken Stories: Receptive and Expressive Language

### SNOW DAY

(Do not grade the student on boredom)

5-7 years

Danny was sitting in class looking out the window. The skies were grey and it looked freezing cold out. Then snowflakes started falling. At first there were just a few but in a few minutes all Danny could see was falling snowflakes. Just then the teacher told the class that this was going to be a big storm and tomorrow would be a snow day. Everyone started clapping and laughing and high fiving each other!

- What did the sky look like when Danny looked out the window?
- What did the teacher tell the students?
- How do you think the teacher found out that there was going to be a big storm?
- Why did the students start clapping and laughing and high fiving each other?

### PROBLEMS AT BURGER KING

(Do not grade the student on boredom)

5-7 years

Everyone was coming for dinner to celebrate Matthew's 10th birthday. Matthew wanted Burger King for dinner. Sofie and her big sister were chosen to pick up the food. When they got to the Burger King they had to wait a long time because it was really busy. Finally they ordered the food, but when it was time to pay, Sofie and her sister realized they did not have the money. They must have left it on the kitchen table!

- Why was everyone coming to dinner?
- Whose birthday was it?
- Why did they have to wait at Burger King?
- Where was the money they were supposed to use to pay for the food?
- What do you think Sofie was going to do now that she didn't have the money?

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## 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?



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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.



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### 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.

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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]”)

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Vocabulary Word Definitions

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




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**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.

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## 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.

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## 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.
- ✗

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To watch the entire Sofie evaluation, read the written report and the recommendations, go to [LEADERSproject.org](http://LEADERSproject.org) CEUs

The screenshot shows the LEADERSproject.org website with the following course options:

- CEUs: Focuses on the step-by-step evaluation process for school-age (8-18).** Gathering assessment data by using a variety of sources and strategies, synthesizing an analysis, and writing the evaluation report. [Please take your CEUs!](#) [Get Started](#)
- CEUs: Focuses on the grammar of the dialect of Standard American English and several other common U.S. dialects of English, African American English, Spanish-influenced English, and Chinese-influenced English.** [Please take your CEUs!](#) [Get Started](#)
- CEUs: Focuses on the evaluation and treatment of speech impairments due to Cleft palate.** [Please take your CEUs!](#) [Get Started](#)
- CEUs: Focuses on the evaluation and treatment of bilingual Spanish-English school-age children in a variety of settings.** [Please take your CEUs!](#) [Get Started](#)

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## 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.

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Each evaluation should have a similar framework

**BUT**

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



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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.



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**Our goal: To provide more accurate disability determinations for our ELLs**



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For more information about the problems with disability evaluations:

- <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.

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