

Contemporary Issues in the Assessment of Culturally and Linguistically Diverse Learners

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ABSTRACT. This article addresses issues faced by school psychologists when assessing students who are culturally and linguistically diverse (CLD). The authors describe the growing CLD population and legal requirements for assessment of CLD students for special education eligibility. Difficulties associated with referral and assessment procedures of CLD students and essential knowledge for examiners are explained, including second language acquisition at the level of basic interpersonal communication skills (BICS) and cognitive-academic language proficiency (CALP). Recommendations for the pre-referral process and assessment of CLD students are presented and discussed. This article will be useful for school psychologists who are unfamiliar with concepts and procedures for assessing second language learners. This article addresses current issues in the evaluation of students for whom English is not their primary language. For a number of reasons, the assessment of this group of learners is at the forefront of education in general and school psychology in particular. Some of these reasons include the recent increase in this population of students, difficulty finding examiners who are appropriately trained, and the challenge of finding and using appropriate

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assessment tools. Each of these issues will be addressed along with the laws related to the evaluation of these students and the steps that should be taken to ensure that the evaluation process is as valid and appropriate as possible.

KEYWORDS. English language learners, cultural diversity, assessment

CULTURALLY AND LINGUISTICALLY DIVERSE LEARNERS

Students for whom English is not the primary language are referred to by a variety of terms including “English Language Learners” (ELL), “Second Language Learners” (SLL), “English as a Second Language” (ESL), “Limited English Proficient” (LEP), and “Culturally and Linguistically Diverse” (CLD). The preferred terms have changed over the years with a contemporary focus on the strength-based “Culturally and Linguistically Diverse” rather than the deficit model implied by the term “Limited English Proficient.” In this article these students will be referred to “Culturally and Linguistically Diverse” or CLD unless citing a source where a different term is used.

The federal government, as a part of Title VII of the Improving America’s Schools Act of 1994 (IASA; pp. 103–382), provided a definition of LEP students. This law defines an LEP student as a person who:

has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in the classrooms where the language of instruction is in English or to participate fully in our society due to one or more of the following reasons: was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; is a Native American or Alaska Native or who is a native resident of the Outlying Areas and comes from an environment where a language other than English has had a significant impact on such individual’s level of English language proficiency; or is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant. (§7501)

Although the federal government provides this definition of a LEP student, how each state defines LEP and the methods used for determining LEP status vary (Ochoa, 2005b). While some states use a home-language survey, others use teacher observation, language testing, informal assessment, or a variety of these approaches. Forty-nine states use a home-language survey and forty-eight states use a language-proficiency test in their identification of students as LEP (Ochoa, 2005b).

The number of LEP students is increasing at a rapid rate. Data from the National Clearinghouse for English Language Acquisition (NCELA) indicate that in the 1994–1995 school year there were 3.2 million LEP students. This number grew to 5.1 million in the 2004–2005 school year, an increase of 60.76% (NCELA, 2006c). Twenty-three states had 100% or greater growth in their LEP populations from the 1994–1995 to 2004–2005 school years (NCELA, 2006c). LEP students are projected to be 40% of the school-age population by the 2030's (Thomas & Collier, 2002). Spanish is generally the most common native language for these LEP students, with 79%, or over 3.5 million, LEP students speaking Spanish as their primary language (NCELA, 2006b).

In the 2003–2004 school year, 11% of students in the United States were learning English as a second language (Institute of Education Sciences, n.d.). California has 1.6 million LEP students, who comprise 26% of the student population (NCELA, 2006a). NCELA data from 2004–2005 showed that 11 states—Alaska, Arizona, California, Colorado, Florida, Hawaii, Nevada, New Mexico, Oregon, Utah, and Texas—had LEP student populations of 10% or more (NCELA, 2006c). By comparison, during the 1999–2000 school year only four states—California, Arizona, New Mexico, and Texas—had LEP student populations of 10% or more (NCELA, 2002).

SPECIAL EDUCATION PARTICIPATION OF CLD STUDENTS

The Office of Special Education and Rehabilitation Services, Office of Special Education Programs Twenty-third Annual Report to Congress on the Implementation of IDEA (Office of Special Education and Rehabilitation Services, Office of Special Education Programs, 2001) contained a special section on Limited English Proficient students with Disabilities. This report stated that 5.5% of students enrolled in LEP services had a disability. The report concluded by commenting that:

In spite of research that shows that LEP students are often assessed and inappropriately placed within special education, information provided on the OCR [Office for Civil Rights] 1997 Elementary and Secondary School Civil Rights Compliance Report indicates that disproportionately fewer LEP children receive special education compared to their enrollment in schools. This may suggest that many LEP children who are in need of special education services are not being assessed and appropriately provided special education. (Section II, p. 36)

Delgado and Scott (2006) confirmed the underrepresentation of Hispanic children in special education programming in Florida. They hypothesized causes including lack of awareness of services, cultural differences in attitudes toward disability, and communication barriers between families and agencies as a result of reduced English proficiency.

Regulations for The Individuals with Disabilities Education Improvement Act (IDEIA, 2004) were released on August 14, 2006. Just as in IDEA 1997, these regulations contain requirements related to assessment of CLD students. Some of the regulations specifically applicable to CLD students involve consent, the definition of native language, evaluation procedures, and determining eligibility. The consent section requires that parents be fully informed in their native language. Native language is defined as “the language normally used by the individual or, in the case of a child, the language normally used by the parents of the child” (IDEIA Final Regulations, 2006, p. 46759).

The Evaluation Procedures section outlines the process for conducting the evaluation (IDEIA Final Regulations, 2006). After the agency has obtained consent from the parent to conduct the evaluation, it must “use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent” (p. 46785) to determine if the child has a disability and to provide information for Individualized Education Program (IEP) goals. This regulation also requires that assessments to be selected and administered are not racially or culturally discriminatory and are provided and administered in the native language of the child unless it is clearly not feasible to do so. Assessments must be administered by “trained and knowledgeable personnel” (p. 46785). After the student evaluation is completed, a group of qualified professionals meets to determine eligibility. A child may not be determined to be eligible for special education services primarily as a result of “limited English proficiency” if the child

does not otherwise meet special education eligibility criteria (p. 46787). In spite of this criterion, a review of the literature of assessment practices for CLD students over the past 20 years concluded that examiners “give inadequate attention to language acquisition issues as a possible explanation for students’ struggles to learn” (Klingner, Artiles, & Barletta, 2006, p. 117).

INSUFFICIENT NUMBERS OF TRAINED EXAMINERS

The National Association of School Psychologists (NASP) provides several documents that guide the practice of school psychologists. These documents include Principles for Professional Ethics (NASP, 2002a) and Guidelines for the Provision of School Psychological Services (NASP, 2002b). The Principles for Professional Ethics (NASP, 2002a) include specific principles that relate to culturally and linguistically diverse students from section IV.C.1.b: “School psychologists respect differences in age, gender, sexual orientation, and socioeconomic, cultural and ethnic backgrounds. They select and use appropriate assessment or treatment procedures, techniques, and strategies. Decision-making related to assessment and subsequent interventions is primarily data-based” (p. 1620). As Practice Guideline 5 of the Guidelines for the Provision of School Psychological Services (NASP, 2002b) states, school psychologists are to have the “sensitivity, knowledge, and skills to work with individuals and groups with diverse range of strengths and needs from a variety of racial, cultural, ethnic, experiential, and linguistic backgrounds” (p. 1640).

However, not all school psychologists are adequately trained to evaluate second language learners. Ochoa, Rivera, and Ford (1997) surveyed more than 1,500 school psychologists from eight states with high numbers of LEP students. They report that:

Nearly 70% of the respondents described their training with respect to cross cultural issues involved in bilingual assessment as less than adequate. At least 80% stated their level of training was less than adequate on the following three competencies: (a) knowledge of second language acquisition factors and their relationship to assessment; (b) knowledge of methods to conduct bilingual psychoeducational assessments; and (c) the ability to interpret the results of bilingual psychoeducational assessments. (p. 329)

Few school psychology programs offer training in working with the LEP population (Ochoa, Rivera, & Ford, 1997). Traditionally, because few school psychology programs have offered training in bilingual assessment, practitioners have had to develop these skills on their own (Paredes Scribner, 2002). Fortunately, the number of school psychology training programs that offer bilingual specialization or certification is increasing. New York State, which serves more than 200,000 LEP students (NCELA, 2006d), has eight colleges or universities offering a bilingual school psychology specialization (Bilingual Psychological and Educational Assessment Support Center, n.d.). The Bilingual School Psychology Programs of Brooklyn College, Queens College, the New York State Education Department, and the Office of Vocational and Educational Services for Individuals with Disabilities have developed the Bilingual Psychological and Educational Assessment Support Center. This support center has a Web site that offers training materials (Bilingual Psychological and Educational Assessment Support Center, n.d.). However, it is clear that every school psychology program needs to address this issue to make sure that all currently graduating school psychologists have adequate training.

LACK OF APPROPRIATE ASSESSMENTS

School psychologists are required to use nonbiased and nondiscriminatory assessments (S. O. Ortiz & Ochoa, 2005b). Issues to be considered when using tests to evaluate CLD students include reliability, validity, cultural loading v. cultural bias, language bias v. language demands, norm sample inclusion v. representation, and native-language testing. A test is reliable if it provides consistency in its measurement (Sattler, 2001). Most of the commonly used tests for evaluating students for special education services have high reliability coefficients for their intended populations. Validity is the “extent to which a test measures what it is supposed to measure, and therefore the appropriateness with which we can make inferences based on the test results” (Sattler, p. 115). However, validity does not reside solely in the test but is a function of the appropriate use of the test, including the individuals evaluated with that test.

Validity is a central issue in the assessment of CLD students. When a Spanish-speaking student is assessed using an intelligence test in English and judgments are made about the student as a consequence, validity must be evaluated. In this case, test scores may not be valid as a measure of intelligence because what was measured was the language ability required to

take a test in English. If we tested the student several times using different intelligence tests in English, we would likely find the scores to be similar because it is likely that the student's English skills (or lack of them) are consistent. One of the major issues of concern with these types of tests is the potential for bias. While studies have not found evidence of cultural bias with respect to linguistically and culturally diverse groups within the United States (Sattler, p. 658), others claim that tests may still be culturally loaded or contain "cultural content or culturally specific knowledge embedded in both the test items and in the testing method that may differentially influence the ability of individuals of diverse backgrounds to perform" (Warren, 2006, p. 106). Tests are devised by and represent mainstream middle-class culture. Students with little exposure to mainstream culture in the United States may do poorly on these types of assessments. The key is to recognize that all tests are culturally loaded to some degree and to use assessments that are less culturally loaded. As S. O. Ortiz and Ochoa (2005b, p. 156) state, "The validity of results obtained in the assessment of diverse individuals may therefore be improved if two important and interrelated pieces of information can be obtained: (1) the individual's level of acculturation as compared to age-related peers, and (2) the degree to which performance on a stand-alone test or a test from a battery is contingent upon possession of culture-specific knowledge."

An issue similar to cultural bias v. cultural loading is language bias v. linguistic demand. Tests of cognitive ability and achievement are based upon assumptions about the language level of the test taker. Consequently, when students have limited English skills, their scores will be lower solely because of the linguistic demands of the test (S. O. Ortiz & Ochoa, 2005b). As S. O. Ortiz and Ochoa (2005b) point out, "tests are linguistically biased not because of any inherent psychometric defect, but simply because of the expectations and assumptions regarding the comparability of language proficiency that are rarely met when working with diverse individuals" (p. 158). When a child's language background is different from that of the standardization group, test results should not be considered valid (Sattler, 2001, p. 659). Another concern relates to the makeup of the normative sample v. a representative sample. As Sattler points out, the most commonly used tests of cognitive ability have norm samples that reflect the representation of subgroups in the general population, including gender, geographic, and income breakdown and proportional representation of multiple racial and ethnic groups. While this may be true, S. O. Ortiz and Ochoa (2005b) state that "stratification in the norm sample on the basis of race is not equivalent to stratification of culture" (p. 158).

Additionally, students who are LEP do not just differ from English-speaking students because of their lack of skills in English but also because they are bilingual. This pattern of language development is very different from the mainstream monolingual pattern. The fact that students are bilingual leads to the last point, the use of tests that are normed on Spanish-speaking students, such as the *Batería Woodcock-Munoz: Pruebas de Habilidades Cognitiva - Revisada* (Woodcock & Munoz-Sandoval, 1996), which is the companion to the English language *Woodcock-Johnson III Tests of Cognitive Ability* (Woodcock, McGrew, & Mather, 2001a). The issue here is that when this test is used with bilingual students, students are not directly comparable to the norming group because they have a bilingual rather than a Spanish monolingual background (S. O. Ortiz & Ochoa, 2005b). S. O. Ortiz (2002) does acknowledge that the *Batería Woodcock-Munoz: Pruebas de Habilidades Cognitiva - Revisada* and the bilingual *Verbal Abilities Test* (Munoz-Sandoval, Cummins, Alvarado, & Ruef, 1998) are advancements in the field and provide a recognition that the testing of bilingual students is an area that needs further research.

Another issue related to native language testing is translation of tests into Spanish or another language or the intermixing of two languages during test administration (Ochoa, Powell, & Robles-Pina, 1996). The problem with this practice is that when items or directions are translated into the student's native language, the difficulty of the items may change because the target word or response may be more or less difficult in the native language. Additionally there may not be a direct translation for a word or words (Sattler, 2001). Moreover, CLD students are frequently taught academic content in English and simply have no knowledge of the equivalent words in their native language.

LANGUAGE ACQUISITION AND INSTRUCTIONAL PROGRAMS

School psychologists who work with CLD students must have a basic understanding of the second language acquisition process. Ochoa (2005a) suggested that school psychologists need to understand the stages that children go through as they acquire a second language and be familiar with different types of instructional programs and their associated outcomes.

According to second language acquisition theory, there are four stages that students learning a second language go through: preproduction, early

production, speech emergence, and intermediate fluency (Terrell, 1977). Stage one, preproduction, usually occurs during the first three months of exposure to a second language. During this time students may be silent as they focus on comprehension. Later in this period they may provide only “yes,” “no,” or one-word responses. Typically after three months the student enters into stage two, early production. During this stage there is still a focus on comprehension but students begin to use one- to three-word phrases. Stage two typically lasts from three to six months. Stage three is the speech emergence stage, generally lasting from six months to two years. During this stage there is increased comprehension. Sentence length increases as vocabulary expands. Intermediate fluency is usually reached after two to three years when vocabulary becomes more extensive with fewer grammatical errors made (Ochoa, 2005a).

Related to these four stages are concepts put forth by Cummins (1984), who proposed that students learning a second language develop two different types of language proficiency: basic interpersonal communication skills (BICS) and cognitive academic language proficiency (CALP). BICS is the type of language used in social settings and is contextualized to the situation. In contrast, CALP refers to the language skills needed to be successful in decontextualized academic settings. While students develop peer appropriate conversation or BICS within two years, it takes students five to seven years to acquire CALP (Collier, 1989) and approach grade-level norms in the second language. Unfortunately, some professionals who are not knowledgeable about these developmental processes make the assumption that when children demonstrate BICS they should also be able to complete academic work in English.

The concepts of BICS and CALP are also supported by research (Collier, 1989; Cummins, 1992; Ramirez, 1992). Ramirez found that students who received substantial instruction in their primary language performed better in English language arts, English reading and math than students who received little instruction in their primary language. This supports the notion that development of CALP in the first language enables students to transfer CALP skills into English. This report also documented that learning a second language will take six years or more, also supporting the long-term development of CALP.

In addition to knowledge about the second language acquisition process, school psychologists need to be familiar with different types of instructional programs as well as typical outcomes related to these programs. Lessow-Hurley (2005) presented an overview of different types of instructional programs for second language learners. One factor that

distinguishes different programs is the goal. Is the focus on learning the new language (L2) or on maintaining the native language (L1) while learning L2? Transitional programs focus on a development of L2 skills with the expectation that most children within three years of participation will be ready to move into an English-only classroom. This type of program is one of the most common today and has been favored by US governmental policy. Another program with a focus on learning L2 is English Immersion or Structured Immersion, where the student is in an English-speaking classroom with supports. Other programs focus on maintaining L1 while learning L2. The Two-way Immersion Program groups students from two language backgrounds with an emphasis on fluency for both groups in both languages. Research in this area has found that Two-way Immersion programs are most effective and English Immersion programs are least effective (Lessow-Hurley, 2005).

Thomas and Collier (1997) conducted a comprehensive evaluation of longitudinal data on more than 700,000 minority language students from five large urban and suburban school districts across the United States. They noted that students being schooled in English Immersion settings made dramatic gains in the early grades that often led them to be dismissed from services with the assumption that they would continue to make great gains. Often these students are exited with no follow-up and their achievement scores subsequently decrease. Research from this study also confirmed that it takes five to seven years for students to reach CALP if they had previous school experience in their L1. For young students with no previous school experience, eight to ten years are often required for them to reach CALP.

Thomas and Collier (2002) summarized the main points that we know about instructional programs. First, the best predictor of L2 student achievement is the amount of L1 schooling. Second, providing bilingual or ESL services will increase student achievement significantly when compared with those who receive no services. Third, one-way (the minority language group receiving instruction in two languages for up to six years in length) and two-way (two language groups receiving instruction in both languages) developmental bilingual education programs are the only models so far that have been found to enable students to reach average performance in both L1 and L2. Fourth, the minimum amount of time it takes to reach grade-level performance in a second language is four years, and students without any primary language schooling may never reach grade-level performance in L2.

WORKING WITH INTERPRETERS

In order to work effectively with CLD students and their families, school psychologists must display cross-cultural awareness and knowledge regarding how to work with interpreters (Figuroa, Sandoval, & Merino, 1984). Cross-cultural awareness involves understanding variations in family structure and roles, socialization patterns, expectations related to exceptionality, and core beliefs of different cultural groups (Figuroa, Sandoval, & Merino). Some of the cross-cultural issues faced by school psychologists will be addressed with reference to parent interviews and obtaining child background information. The use of interpreters is probably an unfamiliar practice for most school psychologists and will be discussed in this section.

Ochoa, Gonzalez, Galarza, and Guillemard (1996) conducted a comprehensive survey of school-based use of interpretation services. They found that 77% of school psychologists who had used interpreters had no training in using interpreters. Only 37% reported that the individual who was interpreting had formal training in interpretation. Seven percent reported that both they and the interpreter had training in the interpretation process.

Since school psychologists and interpreters have such little training in this area, they may be unaware of the issues involved in using an interpreter. Sattler (2001) pointed out some of these difficulties. One problem that can come up when working with an interpreter is that the interpreter may not relay the information as it was stated; the interpreter may omit or modify what is said as information is relayed. These distortions can lead to inaccurate information being conveyed. Another problem that can arise when using an interpreter for testing is that the question may be phrased differently or cues may be provided to the student. Unfortunately, because examiners using interpreters are not fluent in the client's language, they are unaware that these problems occur. Furthermore, an interpreter may not fully relay information to the examiner or reveal symptoms that they feel may portray the family in a negative light, or the parents or children may not trust the interpreter so do not share information. Additionally, there can be a lack of equivalent concepts between two languages and/or the interpreter and parent or child may have dialectal or regional differences in language. Sometimes when words are translated, the meaning is altered or the level of difficulty of a word may change.

Paredes Scribner (2002) provides a list of topics that should be addressed when training interpreters. These include "cultural consultant" training, legal requirements, assessment terminology, confidentiality and neutrality,

and administration skills. Cultural consultant training might involve assisting the assessment team to build a positive relationship with the family and helping the team become aware of any sensitive issues that might impact communication with the family. Ensuring that the interpreter is familiar with legal requirements such as parent rights and due process, as well as understanding the special education process and services offered, are critical concepts for the interpreter. It is essential that the interpreter understand and use appropriate terminology specific to the assessment in the native language and in English. The interpreter must understand that his or her role is to be neutral, to simply relay information, and to maintain confidentiality. If interpreters are expected to assist with assessments, such as obtaining language samples or conducting informal assessments of literacy skills in the native language, then they need to be specifically trained in these areas.

THE PRE-REFERRAL PROCESS

Concerns about how pre-referral teams function regarding CLD students include the fact that most referrals end with special education testing and placement (Ysseldyke, Vanderwood, & Shriner, 1997). Because CLD students tend to be referred for reasons that have to do with second language acquisition (Ochoa, Robles-Pina, Garcia, & Breunig, 1999), this process may not provide any instructional changes for the student. Klingner, Artiles, and Barletta (2006) concluded from their literature review that pre-referral interventions for all students referred to their schools' Child Study Teams were not systematically applied, possibly because teachers already believed that they had done everything they could. A survey of special education directors was conducted by Ysseldyke, Vanderwood, and Shriner (1997), which asked directors to report the percent of students brought to a pre-referral process that are tested and the percent of these students who are found eligible for services. The special education directors, representing 40 different states, reported that 92% of students who were referred to a pre-referral team were tested and 73% of these students were placed in special education. This study was a replication of a 1982 study by Algozzine, Christenson, and Ysseldyke that found similar results within five percentage points for each of the figures.

Ochoa, Robles-Pina, Garcia, and Breunig (1999) found that oral language issues were a common reason why CLD students were referred to a pre-referral team. In fact, most of the reasons that students were referred could be linked to language or cultural factors. A study conducted

by Rodriguez and Carrassquillo (1997) found that of 46 students referred through a pre-referral process, 43% had had no interventions attempted to remediate their difficulties and 63% had been in the United States fewer than three years. Ninety-two percent of these students were found to be eligible for learning disability or speech and language services.

Willig (1986) pointed out that as part of the pre-referral process it is often required that a classroom observation be made and that changes in the instructional methods utilized with the student be documented; however, these changes rarely occur. Because of research findings that the pre-referral process is not always effective or properly implemented (Klingner, Artiles, & Barletta, 2006), students are often referred for evaluation for language-related issues. Once referred to a team, the student has a greater than 50% chance of being placed in special education. As a result of these outcomes, many researchers in the field are working toward implementation of more effective and responsive pre-referral models. As stated by A. A. Ortiz (1997):

Referral data should provide verification that (a) the school's curriculum is appropriate; (b) the child's problems are documented across settings and personnel, not only in school but also at home; (c) difficulties are present both in the native language or dialect and in English; (d) the child has been taught but has not made satisfactory progress; (e) the teacher has the qualifications and experience to effectively teach the student; and (f) instruction has been continuous and appropriately sequenced and has included teaching of skills prerequisite to success. A student who does not learn after this type of systematic, quality intervention is likely to have a learning disability. If the student qualifies for special education services, the records maintained by teachers and team members can guide the development of the IEP, as effective and ineffective strategies have already been identified. (p. 328)

Key data in the pre-referral process must be collected about the student's educational history, language acquisition, culture, home environment, classroom performance and progress, instructional strategies, and services received. One model designed to investigate all these variables is "AIM for the BEST" by A. A. Ortiz and Wilkinson (1991). This model has three types of interventions, effective instructional practices, problem-solving teams, and the use of criterion-based or curriculum-based assessment. The first intervention is using instructional strategies that are effective for students

learning a second language, such as reciprocal teaching, cooperative learning, and peer tutoring. If there is a concern about a student, the teacher implements a 12-week clinical teaching period. If the problem continues, then the student is referred to the problem-solving team or Teacher Assistance Team, where data from the clinical teaching period are reviewed and an intervention plan is developed and implemented. Data are collected using criterion- and curriculum-based assessment, and, if the difficulties persist, referral back to the Teacher Assistance Team for continued problem solving takes place, or the concern can be sent to the Referral Committee. This committee ensures that family input, current performance in L1 and L2, language proficiency, and other relevant data are gathered. This committee may design and implement additional interventions or refer for a special education evaluation. The special education evaluation is then conducted using a variety of instruments including curriculum-based assessment, criterion measures and norm-referenced tests in both L1 and L2.

This model has some similarities to a problem-solving model put forth by Tilly (2001). The Heartland Problem-Solving Approach (Tilly) consists of a four-level sequence that is based on consistent implementation of targeted instructional strategies and data collection. Level one is consultation between the parent and teacher to develop an intervention plan. When level one interventions are not successful, level two consists of systematically collecting more information about the problem to develop and to monitor an intervention plan. If interventions at this level are not successful, the level three team reviews the data and interventions from levels one and two as well as gathering additional information to develop an effective intervention based on the problem analysis. A student advances to level four when the team determines from the interventions and data that special education services may be warranted. This model has been termed an example of a Response to Intervention (RTI) model, and its use has been approved as one way to determine if a student has a learning disability under IDEIA 2004. The main differences between this model and AIM for the BESt and other similar models are the particular evaluation components and determination of need for services. Both models place an emphasis on effective instructional interventions and use of curriculum-based assessment.

LANGUAGE PROFICIENCY DETERMINATION

One of the most critical pieces of data to review as part of the pre-referral process is the issue of English and native language proficiency

(Klingner, Artiles, & Barletta, 2006). Language proficiency can be measured in several ways, by formal measures such as the Woodcock-Munoz Language Survey (Woodcock & Munoz-Sandoval, 2001), or through informal methods such as rating scales or questionnaires. Ochoa, Galarza, and Gonzalez (1996) found that 62% of school psychologists conduct their own language proficiency assessments. The most commonly used tests for the assessment of language proficiency were the Spanish and English versions of the Peabody Picture Vocabulary Test (PPVT-III; Dunn & Dunn, 1997; Test de Vocabulario en Imagenes Peabody, TVIP; Dunn, Lugo, Padilla, & Dunn, 1986) and the Receptive and Expressive One-Word Picture Vocabulary Tests (Brownell, 2000a, 2000b). This is a concern as these tests measure only one aspect of language, namely vocabulary. Of the 38% of school psychologists who report using test results from sources other than their own assessments for proficiency information, 46% reported that the information they used was more than six months old (Ochoa, Galarza, & Gonzalez, 1996).

Ochoa and Ortiz (2005) stated that it is important to use both formal and informal measures and that assessment results should be less than six months old to ensure accuracy of information. It is also essential to obtain information about the child's language proficiency skills in his/her native language as well as English. One must ascertain if the child has reached CALP in one or both languages or if he or she is still at the BICS level. CALP must be achieved at a level of four or above to be considered proficient (Ochoa & Ortiz, 2005). One formal measure that has incorporated the BICS/CALP model in its development is the Woodcock-Munoz Language Survey (WMLS; Woodcock & Munoz-Sandoval, 2001). The WMLS provides scores in oral language, reading/writing, and a broad language category. The WMLS also has Spanish and English versions so scores can be provided in each language.

Informal measures such as teacher rating scales, storytelling, story retelling, cloze techniques, language samples, and observations are additional options for obtaining more information about students' language proficiency levels (Ochoa & Ortiz, 2005). The Student Oral Language Observation Matrix (SOLOM; San Jose Area Bilingual Consortium, n.d.) is a rating scale that teachers can use to rate students' oral language skills. Ratings are completed in the areas of comprehension, fluency, vocabulary, and grammar. SOLOM is available in the public domain and can be downloaded from the Internet. A. A. Ortiz (1997) describes the use of dictation, storytelling, story retelling, cloze techniques, and language samples. Storytelling can be used to ascertain a child's expressive language

skills as well as the ability to sequence events and to organize information. Dictation and story retelling can provide a measure of receptive language skills. A cloze technique, where every n th word is omitted, can provide information about the ability to predict a word based on the context of a reading passage. Language samples and observations can be obtained by observing the student during classroom interactions; here the observer is looking to see if the student can engage in conversation with others, can respond appropriately, and can handle changes in topics.

Ochoa and Ortiz (2005) describe four factors that should be considered and applied when reviewing language proficiency data. The first factor is to consider the student's language proficiency scores in relation to educational history and home literacy factors. For example, consider the case of a fifth grade student in an ESL pullout program since first grade. If she has not received any instruction in her native language, we would not yet expect her to have fully developed CALP in English since this takes five to seven years and she has never developed CALP in her native language. A second factor to consider is to compare this child's language skills with similar second language learner peers. If the student's language skills are the same or close to similar second language peers then language skills might not be the cause of the learning concerns. A third factor to consider is consistency of language proficiency across formal and informal measures. If the data are not consistent, further investigation into the discrepancy will be necessary. The fourth factor is to use all the data to determine the student's location on the continuum of the second language acquisition process. This factor is important as the language proficiency levels in both L1 and L2 will help determine which assessments are given and in which language they are administered. Beyond these four factors, the quality of the ESL instruction should be considered and the influence of the child's home environment, including parent education and exposure to literacy in both L1 and L2, must be assessed.

ACCULTURATION

In addition to language proficiency, behavioral observations, and information about previous interventions, other essential components of the referral process include comprehensive background information and assessment of acculturation level. An interview with parent(s) can provide information about the student's development as well as educational, environmental, and family history. Generally, parent interview protocols should

cover birth and development, family, language, health, behavior, education, and include strengths and aspirations as well as concerns. For contact with the parents and family of a CLD student, collaboration with other professionals or school staff, including social workers and translators knowledgeable about that culture, may facilitate data collection and initiate a working relationship with the family. Recognition must be given to effects that may unconsciously be produced when a member of a dominant culture assumes the role of an authority figure with respect to a minority culture family (Sattler, 2001). For the family of a CLD student, however, acculturation is a key factor to address with parents and students at this stage.

Acculturation can be evaluated by interview, by observation, or by completing a questionnaire (S. O. Ortiz, 2005). Students can provide a unique perspective to complement that of the parents, particularly when the students' level of language proficiency and acculturation differs from that of parents (Sattler, 2001). The information that needs to be obtained is the student's acculturation level in relation to the mainstream culture. If it is determined that the level of acculturation is very close to that of the mainstream, then expectations of classroom performance could be compared to peers in the same grade. This task can be accomplished by asking questions regarding language use and preference, social affiliation, daily living habits, cultural traditions, communication style, cultural identity, perceived discrimination, family socialization, and cultural values. S. O. Ortiz (2005) provides sample questions for each of these areas. Sattler (2001) also offers numerous interview questions related to family, culture, and acculturation as well as assessment recommendations that may assist the interviewer in understanding the family and child (pp. 667–672).

Another method of assessing a student's level of acculturation is observation. This is likely to be the most difficult way to assess acculturation because the observations that one makes will focus on preferences and identification but will be limited to the school setting (S. O. Ortiz, 2005). The student could be observed at lunch, recess, and in the classroom, with the observer looking for who the child interacts with, what language he/she uses, the topics of conversation, etc. Acculturation can also be assessed by use of a questionnaire completed by the parent or student. Zane and Mak (2003) describe over 20 different scales that can measure acculturation. Most of these scales focus on the acculturation process of Hispanic Americans.

Also, not all scales measure all of the domains of acculturation (i.e., language use and preference, social affiliation, daily living habits, cultural traditions, communication style, cultural identity, perceived discrimination,

family socialization, and cultural values). These scales also vary greatly in psychometric properties. One scale to consider is the Children's Acculturation Scale (CAS; Franco, 1983). This scale has ten items regarding language preference and proficiency, language usage, cultural identification, and social affiliation and can be completed by a teacher or someone who knows the student well. It has good internal consistency (.77) and test-retest reliability (.97). The CAS has also clearly differentiated between Anglo and Mexican-American students.

COGNITIVE AND ACADEMIC ASSESSMENT

If referral of a child for assessment is recommended following pre-referral data collection and intervention, examiners might have a difficult time knowing which measures to administer. Surveys of school psychologists indicate that the Wechsler Scales administered in English are most commonly used for assessment with this population (Ochoa, Powell, & Robles-Pina, 1996; McCloskey & Athanasiou, 2000). However, these instruments may underestimate the cognitive ability of CLD students and may lead to a misinterpretation of lack of English language proficiency as a pervasive cognitive, language, or academic deficit (Klingner, Artiles, & Barletta, 2006).

S. O. Ortiz and Ochoa (2005a) have developed a model for practitioners to determine which assessments are appropriate based on a variety of factors, the Ochoa and Ortiz Multidimensional Assessment Model for Bilingual Individuals (MAMBI). Practitioners must determine the student's grade, language proficiency in both languages, and past and current instructional programs to determine what types of assessments are appropriate. The examinee's grade level is simply the grade in which the student is enrolled. Determining the student's language profile is the next step, and this is accomplished by reviewing the information collected on language proficiency as a part of the pre-referral process. This is critical as these language levels will determine in large part if the individual should be assessed in the native language, English or both. For example, if the student is in third grade and has received pull-out model ESL services since kindergarten and it was determined through the language proficiency assessment that the child was L1 emergent/L2 minimal, then the recommended mode of assessment should be that the assessment would be conducted primarily in a nonverbal manner. An optional or secondary approach would be to test in L1 and L2, with the knowledge that this will be a low estimate of the student's

abilities. S. O. Ortiz and Ochoa (2005a) outline the nine different possible language proficiency profiles with recommended assessments for each.

S. O. Ortiz and Ochoa (2005) advocate using a CHC cross-battery approach as outlined by Flanagan and Ortiz (2001). Flanagan and Ortiz provide information about the linguistic demands and cultural loading required for different subtests of different batteries. They have developed a matrix that allows the examiner to record scores from different subtests to observe patterns across linguistic demands and cultural loading. For example, with the hypothetical third grade student, higher scores on subtests with low-linguistic demands and low-cultural loading would be expected, with lower scores on tests with higher linguistic demands or higher cultural loading. The advantage of this matrix is that it allows:

- (1) the ability to quickly select tests that may provide more accurate or fairer estimates of true ability; and
- (2) the ability to systematically evaluate the relative influence of cultural or linguistic factors on test performance. In both cases, a reduction in potential bias, which could affect the validity of the results, leads to more confidence in conclusions and inferences drawn from the data. (S. O. Ortiz & Ochoa, 2005a, p. 188)

Besides cognitive assessment, the assessment of a student's academic achievement is also a part of the comprehensive evaluation. It is likely that through the pre-referral process relevant data were gathered on a student's academic skills using informal tools such as CBM. Many advocate CBM as a useful tool for culturally and linguistically diverse learners (Baker & Good, 1995; Baker, Plasencia-Peinado, & Lezcano-Lytle, 1998; Bentz & Pavri, 2000).

McCloskey and Athanasiou (2000) found that 51% of school psychologists reported using CBM as one of the assessment procedures in determining eligibility for special education services for second language learners. CBM data could be gathered on the referred student as well as the performance of similar second language learners. For example, Barrera (2003) used CBM in a dynamic assessment model to track the rate of acquisition of classroom content for LEP students with and without learning disabilities. CBM reading probes are available in English and Spanish on the Dynamic Indicators of Basic Early Literacy Skills (DIBELS, n.d.) Web site sponsored by the University of Oregon. An advantage of using CBM is that these measures are sensitive to growth over time and can be easily incorporated into annual or quarterly goals for the student.

Information from other criterion-based measures, such as the Brigance Assessments, which are available in both English and Spanish, can also be used (Brigance, n.d.). Reviewing work samples from the classroom as well as teacher-made tests is another way to collect information about the achievement of CLD students.

Formal evaluation of achievement can be completed using a variety of norm-referenced assessments. When selecting these tests, the same cautions that relate to cognitive tests also apply. These tests are linguistically and culturally loaded along with having the previously discussed problems related to accurate norming for this group. The Woodcock-Johnson III Tests of Academic Achievement (Woodcock, McGrew, & Mather, 2001b) have two versions, one in English and one in Spanish. The Wechsler Individual Achievement Test - Second Edition (WIAT-II; Psychological Corporation, 2001) and Kaufman Test of Educational Achievement - Second Edition (KTEA-II; Kaufman and Kaufman, 2004) are also frequently administered. However, there are no Spanish or other language versions available for these assessments (Rhodes, 2005). As Duran (1989) pointed out, standardized aptitude and achievement tests do not provide prescriptive information that can be used to determine instructional interventions. This is why it is critical that informal and criterion-referenced measures are used to help fill in the gap and to provide information that is more diagnostic in nature.

SOCIAL, EMOTIONAL, AND BEHAVIORAL ASSESSMENT

Just as in the evaluation of cognitive and academic skills, social, emotional, and behavioral assessments must consider the impact of cultural norms and expectations that may be unfamiliar to many school psychologists. Unlike cognitive and academic testing that is typically conducted with children in school settings, this type of assessment relies upon obtaining sensitive information from the family and may be enhanced through collaboration with other professionals, such as social workers, who may have greater experience with a particular culture. Obtaining the parents' perspective about a child's behavior or emotional status that is troubling within the school setting is always necessary. Children's behavior must be interpreted within the context of the family's cultural framework as well as within the school's mainstream cultural expectations. Different views of the child from these two perspectives must be accepted as valid (Sattler & Hoge, 2006). Culturally diverse families may, however, be reluctant to

admit concern about a child's functioning because of stigma that may attach to the family as a whole, or because of lack of knowledge or anxiety about treatment options and their acceptability within the family's culture. All of these considerations require high levels of interpersonal consultative skills and raise the stakes for school psychologists who are initiating work with families from minority cultural backgrounds, whether or not English is their primary language.

Several well known tools for rating a student's social-emotional functioning and behavior are available in Spanish as well as English. These include the Behavior Assessment System for Children, Second Edition (Pearson Education, 2006a) and the Vineland Adaptive Behavior Scales, Second Edition (Pearson Education, 2006b). The Achenbach System of Empirically Based Assessment offers a range of instruments for the assessment of social and emotional issues from childhood through adulthood (Achenbach, 2006). Spanish versions are available as well as translations of some of the scales into 74 languages. These tools facilitate the collection of social and emotional data and the identification of issues of concern for families who speak languages other than Spanish.

PUTTING IT ALL TOGETHER

After all the evaluation information is gathered, the multidisciplinary team determines eligibility for special education services. Part of determining if a child is eligible for services is to review the three exclusionary factors. According to IDEIA 2004, the factors that need to be considered are adequate instruction in reading, adequate instruction in math, and limited English proficiency. If the student has not had adequate instruction in reading or math, that student would not be eligible for services. English proficiency cannot be the primary cause of the apparent disability. As Willig (1986) pointed out, to determine whether a child has an educational disability the distinction must be made between a true disability and the normal stages of second language acquisition. Further, "a true disability must be apparent in both languages. If there is no disability in the child's dominant language, there can be no disability. Any symptoms of disability must then be manifestations of the process of second language acquisition" (p. 164).

CONCLUSIONS

The evaluation of CLD students is a more complex process than the evaluation of monolingual English-speaking students. There are many factors

to consider when attempting to determine if a CLD student is also a student with a disability. Appropriate evaluation of these students requires examiners with specific skills and competencies. Knowledge of the student's proficiency levels in L1 and L2 as well as extensive information about rate of academic progress, type and quality of instructional program, and acculturation are all critical. It is essential that as the numbers of CLD students increase, so do the numbers of competent professionals, the amount of research attention, and awareness of sound instructional and assessment strategies and policies. This is crucial for the profession to ensure that students are evaluated in the most nonbiased, nondiscriminatory manner possible and to provide the best educational outcomes for CLD students.

This article has provided only an overview of important contemporary issues involved in the assessment of CLD children for the majority of school psychologists who report insufficient training and experience in this area. For each of the many topics broached in this article, including assessment of language proficiency, acculturation, social, emotional, and behavioral functioning, and cognitive and academic skills, school psychologists will need to access available resources as well as proactively search for relevant research. Widely used texts in school psychology, such as Sattler (2001; Sattler & Hoge, 2006) and numerous publications of the National Association of School Psychologists (e.g., Paredes Scribner, 2002), provide key information and guidelines. The work of Baker and colleagues (Baker & Good, 1995; Baker, Plasencia-Peinado, & Lezcano-Lytle, 1998) and Ochoa, Ortiz, and colleagues (e.g., Ochoa & Ortiz, 2005), among others, are excellent references for school psychologists learning these skills. Clearly, continued research on issues and methods is critical to improving the quality of assessment and eligibility determination for students with diverse language and cultural backgrounds.

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