

**Washington State Association of School Psychologists  
Professional Practice Standards Guidelines in  
Evaluation and Identification of Students from Bilingual or Culturally Diverse Backgrounds**

## **Background**

The focus of this paper is to describe recommended practice for determining the need for evaluation and eligibility for special education services for students for whom English is a Second Language (ESL) and/or for whom cultural factors may contribute to educational performance. The primary regulations governing ESL students and special education services include the Bilingual Education Act (BEA), the Equal Educational Opportunities Act (EEOA), and the Individuals with Disabilities Education Act (IDEA). For these specific students, language proficiency and appropriate educational interventions need to be assessed when evaluating a student from another culture who may also have a primary language other than English.

In brief, the Bilingual Education Act (BEA) which took effect in 1968 (as a Title VII amendment to the Elementary and Secondary Education Act) provided federal funding to encourage school districts to incorporate native language instructional approaches for ESL students. The Equal Educational Opportunities Act of 1974 and the Supreme Court's landmark Lau decision and remedies legally required districts to take "affirmative steps" to overcome language barriers which affect students with Limited English Proficiency (LEP) access to curriculum. The intent of the Federal legislation is to equalize educational opportunities for students with LEP to acquire competency in English and proficiency in the use of two languages. For the purposes of this paper, the acronyms ESL, LEP, and ELL (English Language Learner) will be used interchangeably to describe these students.

Within Washington State, urban and rural school districts are experiencing changing demographic variables in the ethnic, racial, economic, and language characteristics of students and their families. All educators need to be sensitive to and knowledgeable about the needs of culturally and linguistically diverse students. These students include refugee, immigrant, and native born such as American Indian and African American. The differences in the experiential, cultural, language, and educational backgrounds of these students vary widely. In making hypotheses about the learning abilities or disabilities of these students, it is important to broaden the focus of assessment beyond traditionally evaluated areas such as academic skill levels and cognitive functioning using standardized measures alone. Interviews, observations, and non-standardized procedures need to be integral in understanding the learning needs of the student. The ecosystem of school, home, and community should be considered when developing interventions and making special education decisions.

Refugees, in particular, from war-torn countries may have a greater likelihood of conditions such as grief/loss reactions, post traumatic stress disorder (PTSD), traumatic injuries, sensory impairments, and malnutrition for which Section 504 accommodations may first need to be considered. Prior experiences may also contribute to an understandable learned distrust of authority figures and government institutions. Furthermore, there may be negative feelings associated with the evaluation process based upon the cultural attitudes toward disability and/or prior experiences with special education.

Special education services are not the appropriate program for students whose unmet educational need is solely the acquisition of English language proficiency. Therefore, it is extremely important to recognize that different types of language proficiencies require different types of educational support. There is, however, no predetermined period of time to wait before making a special education referral if a student is not making expected progress in learning in comparison to peers from similar backgrounds or a parent requests a referral.

## Language Proficiency

Language proficiency refers to the level of skill or fluency in using a specific language. For students who come from a home where English is not the native language, language proficiency in both the native language (L1 or primary language) and English (L2 or second language) must be evaluated. The evaluation process must consider the student's primary, dominant, and English language fluency in relationship to the student's academic, cognitive, behavioral, and adaptive strengths and weaknesses. Primary language refers to the student's first language learned in the home and used most frequently during the early stages of language development. Determination of primary language is usually made through carefully conducted parent interviews and home language surveys. Dominant language is the language that the student prefers to speak when given a choice and can change depending on language use patterns, context, and setting.

Becoming proficient in a second language takes time and usually occurs in a predictable sequence similar to the acquisition of the primary language. In the first stage, **Preproduction** or "silent stage", the student actively listens to the new language to develop receptive vocabulary. Next, in **Early Production**, the student begins to use expressive vocabulary. Third, in **Speech Emergence**, the student begins to speak in phrases and short sentences. This conversational period may take two years as vocabulary is developed and the student becomes more verbally fluent and grammatically accurate. In the fourth stage, **Intermediate Fluency**, the student has acquired **Basic Interpersonal Communication Skills (BICS)** or "surface fluency" as described by Cummins (1981). Although the student can converse in social situations about casual topics, the student lacks sufficient language proficiency for competency in academic tasks.

**Cognitive Academic Language Proficiency (CALP)**, also described by Cummins (1981), is acquired through exposure to English in a formal educational setting. CALP or "deep structure" of language is needed for academic content and literacy. Recent research (Collier, 1995) indicates that the rate of CALP in L2 is positively correlated with CALP in L1. If CALP was not obtained in L1, a student may take a minimum of seven to ten years to achieve CALP in L2. These students have to simultaneously learn both language and academic concepts. All ESL students, however, should make steady progress in both language and literacy when instruction is modified to their level of language proficiency. At all stages of language proficiency, appropriate levels of instruction need to occur in the four domains of literacy (listening, speaking, reading, and writing).

## Language Proficiency Assessment Instruments

Washington State recognizes several measures of oral language proficiency for ESL students. These instruments measure receptive and expressive oral language and are administered by ESL or Bilingual Department staff. The LAS has a reading/writing component to provide a separate estimate of these academic skills. The following tests rate the student's language ability from non-speaker to fluent and are approved to determine eligibility for Transitional Bilingual Education (TBE) programs:

- Language Assessment Scales (LAS)
- Basic Inventory of Natural Language (BINL)
- Language Assessment Battery (LAB)
- Bilingual Syntax Measure (BSM)

The Woodcock-Munoz Language Survey (English and Spanish) is useful for determining cognitive-academic language proficiency (CALP) levels for oral language (picture vocabulary and analogies), reading, and writing. It also provides an overall measure of language competence (Broad English Ability, Broad Spanish Ability) with five proficiency levels assigned. The Bilingual Verbal Ability Test (BVAT) is also useful in determining CALP levels in English as well as 15 other languages. The BVAT measures receptive (picture vocabulary) and expressive oral language (oral vocabulary and verbal analogies) abilities. The overall score on the BVAT, rather than determining "bilingual ability", may actually be measuring dual language proficiency or "Common Underlying Proficiency." If CALP has not been obtained in the student's primary language, results must be interpreted with caution. Other measures useful for determining level of language comprehension include Basic Concepts Scales such as the Bracken or the Boehm which are both available in English and Spanish. Other possibilities include administering a receptive vocabulary test in English such as the Peabody Picture Vocabulary Test (PPVT-R or PPVT-III) and comparing the results to the Spanish counterpart (TVIP-R) to compare vocabulary understanding in both languages.

## Interventions

An intervention plan that is designed and overseen by a bilingual education specialist or other knowledgeable staff is highly recommended prior to making a referral for special education evaluation. This intervention step is particularly important when the concern involves a possible learning disability (SLD), emotional/behavioral disability (EBD), mild mental retardation (MR), or communication disorder (CD) rather than a sensory, medical, or other diagnosis such as autism. Students should be referred to a student assistance team which includes the parent. Parents are crucial members of this group as they can provide information that is not possible to obtain through other sources. A native language member of the team is also valuable not only to provide interpreter assistance and translation of documents but to assist in understanding the cultural experiences of the student and their family. The team's purpose is to gather background information and review educational and instructional history such as the following:

- Duration and quality of instruction in L1 and/or L2
- Parent's fluency and level of literacy in L1 and L2
- Acculturation levels of parent and student
- Language dominance and proficiency
- Educational history and attendance patterns
- Cultural relevance of curriculum and instruction
- Teaching styles, strategies, and expectations of staff
- Student's interaction and communication with peers and staff across settings
- Student's strengths, assets, and interests
- Family, cultural, economic, and environmental factors that may affect and promote learning

Based upon the information gathered during this process, interventions are planned and implemented for at least from six weeks. Progress is documented with pre- and post-test measures to evaluate the rate of student academic growth during this time period. Such interventions may include Chapter 1 (reading and math), migrant services, language assistance program (LAP), and English as a second language (ESL) services.

Additional questions to consider in the special education referral process include the following:

### Developmental History and Health Factors

Is the student's birth date and age accurate?

What is the student's history of adaptive, motor, emotional, social, behavioral, and communication skills?

What is the student's history of illness, health, medical care, and sensory functioning?

Have there been any concerns or changes with the student's eating or sleep patterns?

Is documentation available for any of these concerns (obtain relevant releases)?

### Family History, Assets, and Stressors

What country and city are the student and their family from (rural or urban setting)?

What are the family's child rearing practices and disciplinary measures?

Are there any family stresses that might impact learning?

Have there been any changes in the student's behavior or emotional adjustment?

In what ways can family or community members promote learning?

### Educational History in Native Country and Expectations about Education

What sort of expectations do people from this culture typically have about school?

What is the parental educational background and level of education?

What is the attitude and motivation of the student to learning and school?

What is the student's educational history of instruction in their native country?

What is the student's past school attendance history (opportunity for learning)?

What methods of instruction are typically used in the native country?

Does the native country provide educational services for disabled students?

### Native Language and Acquisition of English Language Skills

What is their expressive and comprehension level in their native language versus English?

In what language has the student been educated in their native country?

Does this culture have traditions of oral and/or written language?

What symbols are used to form numbers and letters in this culture/language?

What are their spoken and written language and reading patterns like?

What symbols are used for arithmetic operations, money, and measurement?

### Educational History in the United States

Has the student had sufficient practice time to achieve mastery in the skills being taught?

Was the instruction sensitive to the student's levels (instructional/frustrational/independent)?

Does the learning environment promote motivation (consider student interests)?

Does the teacher use strategies that are known to be effective for language and culturally diverse students (i.e., genuine dialogue with students, contextualized instruction, language experience, journals, collaborative learning, self-regulated learning, use of multimodalities)?

### **Special Education Evaluation Decision**

At the end of the intervention period (refer to articles such as Gersten & Baker, 2000 and Williams, 2000 for a discussion of appropriate interventions to consider), the team reviews student progress and information gathered with the parent to make a decision as to whether or not a special education evaluation should be pursued. The student is likely to be considered as a candidate for special education evaluation if:

- the student's curriculum and instruction are appropriate for ESL or culturally diverse students;
- delays are evident in both the native language and English;
- the student has been taught the skills that are being evaluated;
- instruction has been continuous and appropriately sequenced; and
- despite being taught at the appropriate instructional level, the student has not made documented satisfactory progress in comparison to similar peers.

If there is good reason to complete a special education evaluation, then the Federal and State evaluations procedures are followed with first obtaining informed consent from the parent/guardian with explanation in the native language. All information gathered becomes a vital part of the evaluation procedures and should be included in the evaluation report and determination of eligibility for special education.

### **General Assessment Concerns, Testing Considerations, and Cautions**

Assessment of culturally diverse or ESL students is challenging since there are few guidelines or appropriate measures normed on such students. Most bilingual and culturally diverse students are not represented in the standardization sample of the various tests available. Therefore, caution in test selection and interpretation of scores is required. The test manual needs to be reviewed to determine any suggested administration modifications. It is unlikely that any test can be equally "fair" to more than one cultural group, especially if the cultures are quite dissimilar. Due to cultural, linguistic, and/or economic experiences, a student may be asked to respond to items or tasks that are unfamiliar. For this reason, analysis of the pattern of scores (strengths and weaknesses) may provide much more helpful information than overall scores which likely lack validity.

Flanagan and Ortiz (1998) indicate that merely communicating in the student's or parent's native language does not ensure appropriate non-discriminatory assessment. "Traditional assessment practices and all their inherent biases can be quite easily replicated in any number of languages" according to Flanagan, McGrew, and Ortiz (2000). Many translated tests were not developed specifically for the intended cultural/linguistic group on which they may be used, and the test content may be culturally biased. Even those tests available in Spanish generally use the English-speaking norms or a Spanish-speaking population that is dissimilar to the student. In particular, the difficulty level of the words used can vary from one language to another, and there may be a lack of parallel words of similar meaning.

If no staff speak the student's native language, an interpreter may need to assist during interviews, meetings, and testing sessions. Careful selection, training, and monitoring of interpreters is critical. Interpreters need to be trained to interview parents carefully, to not modify communication, to not let their perceptions or bias affect the communication, to translate regulations and documents accurately, and to understand test administration procedures. Although family members or friends may occasionally serve

as interpreters, the parent should help determine who should assist in communicating sensitive background and educational information. Another student or child should not serve as an interpreter for a special education evaluation.

### **Cross-Battery or Alternative Assessment and Interpretation Approaches**

Curriculum-based assessment (CBA) and functional assessment approaches provide useful information about the student's instructional and frustration levels. Observation of the classroom to determine the student's strategies for learning is also necessary. Authentic and alternative forms of assessment would include portfolios, work samples, and dynamic approaches. Modification and adaptation of standardized measures is not recommended due to the lack of normative criteria or research to guide such practice. Rather the Cross-Battery approach (Flanagan, McGrew, & Ortiz, 2000) based upon the models of intelligence of Carroll and Horn-Cattell (CHC) is highly recommended as a method for nondiscriminatory interpretation of standardized test data that is based on established research and current literature. In this method, a wide variety of skills are sampled using a sampling of the best available instruments. Results are then analyzed along dimensions of cultural loading (or level of acculturation) and linguistic demand (or language proficiency) in order to determine the effect of these variables on measured performance. Areas to sample include the following: crystallized knowledge (Gc), fluid reasoning (Gf), short-term memory (Gsm), visual processing (Gv), auditory processing (Ga), long-term retrieval (Glr), and processing speed (Gs). The cross-battery approach identifies normative and intra-individual strengths and weaknesses.

### **Assessment: Academic**

A variety of skills in this area need to be sampled such as basic reading, reading comprehension, arithmetic operations, mathematics reasoning, and written expression. If the native language or culture does not emphasize reading or writing, the student's acquisition of such skills in English may be affected. Depending on prior exposure to numbers or letters, there may be different patterns of academic achievement (such as arithmetic skills higher than other academic areas, word recognition higher than reading comprehension or writing). For students who have mastered some degree of oral and written English, measures such as the Wechsler Individual Achievement Test (WIAT) and Woodcock Johnson – Revised (WJ-III) allow a broad sampling of many skill areas. These include oral expression and listening comprehension as well as reading, math and writing. However, success on subtests such as listening comprehension is highly dependent on knowledge of mainstream culture.

Academic functioning levels can be obtained in Spanish through the use of the criterion-referenced Spanish Brigance for readiness skills. Norm referenced measures in Spanish include the Bateria Woodcock Psico-Educativa en Espanol (reading, writing, math), the Bateria Woodcock de Proficiencia en el Idioma - Revisada (oral, reading, written), and the Woodcock-Munoz (letter/word identification, dictation). The Bateria Woodcock-Munoz-Revisada is a comprehensive measure which parallels the Woodcock Johnson – Revised with both an academic (Pruebas de Aprovechamiento-Revisada) and cognitive (Pruebas de habilidad cognitiva-Revisada) section.

### **Assessment: Intelligence and Cognitive Functioning**

The need and purpose for intelligence testing should be carefully considered prior to administration of such measures with LEP or culturally diverse students. Scores on intelligence or cognitive tests can be strongly influenced by cultural experiences and language functioning. The value that a culture places on a particular activity can also affect motivation and pace in responding during a testing situation. Generally language and academic measures have already been obtained, and the purpose of cognitive assessment may focus on identifying current strengths and weaknesses on a variety of verbal and nonverbal tasks rather than overall intelligence scores. Use of intelligence testing for prediction of potential is highly inappropriate. It is often helpful to use multiple cognitive measures and include fluid reasoning (novel tasks) and nonverbal clusters. A test-teach-test approach could also be used to supplement the information gained from a cognitive measure in order to see how the student learns and how quickly they are able to grasp a new concept.

Tests such as the Wechsler scales that emphasize crystallized knowledge, have more rigid English language demands in directions and responses, and have many timed sections are not generally recommended. Translations of such intelligence tests are also not valid unless so indicated in the test manual. It is important to review the test's manual to determine standardization, item bias, use in specialized populations, any cross-cultural studies, and any recommendations for use with ESL students.

The Stanford-Binet: Fourth Edition (SBFE), Differential Ability Scales (DAS), and the Cognitive Assessment System (CAS) are adaptable to having a variety of clusters, including a nonverbal one. The DAS also allows directions for the nonverbal reasoning and spatial scales to be given in the student's primary language or by gesture. The DAS manual cautions that subtests with verbal content should not be translated. The CAS provides accommodations for students with limited English proficiency in giving the examiner the flexibility to "provide additional help when needed" with the initial items of the subtests. Such help could include interaction with the student in their native language or through other means such as sign language. For native language Spanish students, the Bateria Woodcock-Munoz-Revisada: Pruebas de Habilidad Cognitiva includes both standard and supplemental subtests (a total of 21) and samples a variety of cognitive skills. Again as with all standardized measures, the normative group in reference to the student being evaluated needs to be cautiously reported.

In an effort to decrease cultural factors, language, or environmentally dependent content, nonverbal measures are also available. Such measures include the Comprehensive Test of Nonverbal Intelligence (CTONI), Leiter International Performance Scale – Revised (LIPS-R), Raven's Progressive Matrices (RPM), and Universal Nonverbal Intelligence Test (UNIT). Such tests however, have the disadvantage of sampling a narrowly defined area (such as spatial or analytic ability) rather than comprehensively measuring a variety of skills. Prior experience with visual/figural information, analogies, or problem-solving strategies can affect performance on such tests, just as one's language background contributes to one's performance on verbal measures. Again, the standardization of the measure needs to be examined to determine whether ESL or culturally diverse were represented. Overall, it is likely that scores on "nonverbal" tests are culturally influenced in some way. Cultural bias may be reduced, but never truly eliminated.

### **Assessment: Adaptive Behavior and Behavioral Ratings Scales**

In the area of adaptive behavior, parental input is essential. A classroom adaptive measure such as the Vineland, using only the teacher as informant, is insufficient in understanding home and community functioning of a student from a different cultural, linguistic and economic background. For Spanish speaking parents, the Scales of Independent Behavior, Vineland Adaptive Behavior Scales, Child Behavior Checklist, and Behavior Assessment Scales for Children are available in Spanish. It is important to remember, however, that environments and cultures vary with respect to expectations for children and adults as well as the kinds of opportunities provided for, or demands placed on, individuals. Rural families and some cultures may expect more independence and responsibilities in children. In contrast, other cultures may not place as much value on "independence" but group cooperative effort instead. Thus, some of the items on standardized measures of adaptive behavior and behavior rating scales may be culturally dependent. Therefore, the scores on these measures may be more a reflection of level of acculturation and cultural values than level of adaptive behavior or behavioral adjustment.

### **Conclusion**

The pre-referral, referral and evaluation process for bilingual/bicultural students can be time-consuming. The evaluation team needs to comprehensively consider the many factors that may affect educational performance to make an appropriate decision regarding the student's eligibility for special education services. Consultation with a bilingual education specialist or native language specialist is imperative. It is also important for all who are members of the evaluation group (such as teachers, school psychologist, social worker, school nurse, speech/language pathologist) to work together to share information with each other and the parent/guardian.

Use of a wide variety of measures and assessment methods, as well as input from a variety of people familiar with the student and his/her culture and primary language, will greatly enhance educational decisions. The inclusion of those familiar with the student's culture and language can greatly assist in identification of strength and deficit areas and appropriate instructional methods. In addition, interpreters need training in understanding special education regulations. The manner and words used to convey information to the student's family affects not only the information acquired but also the collaboration of the family in working together with school staff. All school psychologists should seek specific training in this area as the number of bilingual and culturally diverse students in this nation, and in Washington State, is increasing.

### **References**

- Anastasi, A. (1982). Psychological testing: Fifth Edition. NY: MacMillan.
- Boehm, A.E. (1986). Boehm Tests of Basic Concepts Scale-Revised. (English and Spanish). San Antonio, TX: Psychological Corporation.
- Bracken, B.A. (1998). Bracken Basic Concepts Scale-Revised. (English and Spanish). San Antonio, TX: Psychological Corporation.
- Bracken, B.A., & McCallum, R.S. (1998). Universal Nonverbal Intelligence Test (UNIT). Itasca, IL: Riverside.
- Coballes-Vega, C., & Sallend, S.J. (1988). Guidelines for assessing migrant handicapped students. Diagnostique, 13, 64-75.
- Collier, V.P. (1987). Age and rate of acquisition of second language for academic purposes. TESOL Quarterly, 21, 617-641.
- Collier, V.P. (1995). Promoting academic success for ESL students: Understanding second language acquisition for school. Jersey City, NJ: NJTESOL-BE.
- Cummins, J. (1981). Schooling and language minority students. Sacramento, CA: California Department of Education.
- Cummins, J. (1981). Age on arrival and immigrant second language learning in Canada: A reassessment. Applied Linguistics, 2, 132-149.
- Cummins, J. (1984). Bilingualism and special education: Issues in assessment and pedagogy. Clevedon, England: Multilingual Matters.
- De Avila, E.A., & Duncan, S.E. (1987, 1988, 1989, 1990). Language Assessment Scales. San Rafael, CA: Linguametrics.
- Dunn, L.M., & Dunn, L.M. (199 ). PPVT-III: Peabody Picture Vocabulary Test Third Edition. Circle Pines, MN: American Guidance Services.
- Dunn, L.M., & Lugo, D.E., Padilla, E.R., & Dunn, L.M. (1986). TVIP: Test de Vocabulario en Imagenes Peabody. Circle Pines, MN: American Guidance Services.
- Esquivel, G.B. (1985). Best practices in the assessment of limited English proficient and bilingual children. In A. Thomas & J. Grimes (Eds.), Best practices in school psychology. Kent, Ohio: NASP Publications, pp. 113-123.
- Figuroa, R.A., Fradd, S.H., & Correa, V.I. (Guest Eds.) (1989). Meeting the multicultural needs of the Hispanic students in special education [Special Issue]. Exceptional Children, 56 (2).
- Flanagan, D., McGrew, K., & Ortiz, S. (2000). The Wechsler intelligence scales and gf-gc theory. Needham, MA: Allyn and Bacon.
- Gardner, H. (1993). Multiple intelligences: The theory in practice. NY: Basic Books.
- Gersten, R., & Baker, S. (2000). What we know about effective instructional practices for English-language learners. Exceptional Children, 66, 454-470.
- Golden, C.J. (1979). Clinical interpretation of objective psychological tests. NY: Grune & Stratton.
- Hammill, D.D., Pearson, N.A., & Wiederholt, J.L. (1996). CTONI: Comprehensive Test of Nonverbal Intelligence. Circle Pines, MN: American Guidance Services.
- Horn, J.L. (1979). Trends in the measurement of intelligence. In R.J. Sternberg & D.K. Detterman (Eds.), Human intelligence. Norwood, NY: Ablex.

Irvine, S.H., & Berry, J.W. (Eds.). (1988). Human abilities in cultural context. Cambridge, GB: Cambridge University Press.

Kaplan, R.M., & Saccuzzo, D.P. (1989). Psychological testing: Principles, applications, & issues: Second Edition. Pacific Grove, CA: Brooks Cole.

Kline, P. (1991). Intelligence: The psychometric view. London & NY: Routledge.

McGrew, K. S., & Flanagan, D. P. (Eds.). (1998). The intelligence test desk reference (ITDR). Needham Heights, MA: Allyn & Bacon.

Munoz-Sandoval, A.F., Cummins, J., Alvarado, C.G., & Ruff, M.L. (1998). Bilingual Verbal Ability Tests. Itasca, IL: Riverside.

Reschly, D.J., Kicklighter, R., & McKee, P. (1988). Recent placement litigation: Part I, grouping litigation; Part II, EMR overrepresentation litigation; and Part III, implications of placement litigation, School Psychology Review, 17, 9-50.

Rowe, H.A.H. (Ed.). (1991). Intelligence: Reconceptualization and measurement. Hillsdale, NJ: Erlbaum.

Sattler, J.M.(1988). Assessment of Children: Third Edition. San Diego, CA: Sattler.

Williams, B. (Ed.). (2000). Closing the achievement gap: A vision for changing beliefs and practices. Alexandria, VA: ASCD.

Woodcock, R.W., & Munoz-Sandoval, A.F. (1993). Woodcock-Munoz Language Survey. Itasca, IL: Riverside.

Woodcock, R.W., & Munoz-Sandoval, A.F. (1995). Woodcock Language Proficiency Battery-Revised, Spanish Form, Itasca, IL: Riverside.

Woodcock, R.W., & Munoz-Sandoval, A.F. (1996). Bateria Woodcock-Munoz: Pruebas de aprovechamiento-Revisada. Itasca, IL: Riverside.

Woodcock, R.W., & Munoz-Sandoval, A.F. (1996). Bateria Woodcock-Munoz: Pruebas de habilidad cognitiva-Revisada. Itasca, IL: Riverside.

**Approved by WSASP Board – 9/9/00**