

## The Disproportionate Representation of English Language Learners for Special Education Services Along the Border

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The disproportionate representation of cultural groups at the national level and regional levels is a continued problem, and investigation into trends at the state and district levels is needed (Zhang & Katsiyannis, 2002). A problem facing educators along the Texas-Mexico border is the over representation of English language learners in special education programs. Many of the school districts along the Texas border are at-risk for having an over representation of English language learners in special education programs. The problem of over representation is complex and a variety of factors contribute to the dilemma. Factors thought to contribute to the problems of disproportionate representation include the lack of effective instruction in the general education programs, the lack of effective prereferral interventions, and use of inappropriate and/or inequitable assessment procedures (Baca, 1990; Barona & Santos de Barona, 1990; Collier, 1988, Mercer, 1977; Valles, 1998). As the number of students from diverse cultures and linguistic abilities increases, the concern for accurately identifying English language learners with disabilities increases (Gollnick & Chinn, 2001). The purpose of this article is to analyze the effect that language and culture have on the assessment of English language learners along the Texas border. Therefore, developing procedures for determining whether a child is having academic difficulties due to a disability or whether the academic difficulties are due to language proficiency difficulties is vital to meeting the needs of children in the public schools.

## Language and Cultural Components

According to the Individuals with Disabilities Education Act (IDEA), a child cannot be identified as having a disability if the academic difficulties are due to limited English proficiency. While studies (Baca, 1990; Lozano-Rodriguez & Castellano, 1999) suggest that assessing children in their native language is an appropriate procedure, the process becomes problematic when the child is not proficient in a standard language. This is especially true along the Texas-Mexico border where many denizens speak a combination of English and Spanish, sometimes known as Tex-Mex. The problem is further compounded when this language contains many oddities uncommon to both English and Spanish.

In certain areas of south Texas, a common example of this peculiarity is the word *mariachi*. In both English and Spanish, a *mariachi* is a musical group comprising guitars, horns, violins, and singers. However, only in one specific region of Texas, “*mariachi*” also means “breakfast taco.” Also, Spanish slang has developed extensively along the Texas-Mexico border. Often, the features of Spanish are integrated into English and become new words or phrases. The infinitive “to park” (as in a car) in Spanish is *estacionar*. Many individuals on the Texas-Mexican border use the word *parqear*, which does not exist in standard Spanish. Similarly, individuals on the border may use *Wátechate!* (Watch out!) instead of the Spanish *!Ten cuidado!* to warn others of impending harm. *Te devuelo la llamada* is correct Spanish for telling a person that you will return a phone call; however, in Tex-Mex, the phrase is transposed to *Te hablo pa’ tras*.

Standardized assessments, however, employ standard Spanish and do not consider the complex characteristics of the language spoken by bilingual students (Ascher, 1990). Another shortcoming of standardized tests is the categorizing of Mexicans, Puerto Ricans, Cubans and many other Spanish-speaking groups of people into one ethnic group (Ascher, 1990; Russell, 1996), even though each group is significantly different (Geisinger, 1992). These tests ignore the relationship between assessment results and the child’s experience (Sosa, 1990). For example, on the KeyMath Revised, a picture of a man raking leaves in front of pumpkins is displayed and the student is asked, “What season of the year does this picture show?” A

Hispanic student along the border living in a steppe environment will have difficulty identifying the season because little difference exists in the seasons in his geographic location. The test does not reflect the child's experience.

Standardized tests and testing practices do not consider the cultural background of Hispanic students. Often, the culture of minority children is different from the dominant culture represented in the norming sample, and culture influences how students take tests (Geisinger & Carlson, 1992). But culture must be taken into consideration whenever a child is being assessed for special education identification. The Individuals with Disabilities Education Act (IDEA) mandates that assessments teams must rule out the impact of cultural differences as the cause of learning difficulties before eligibility for special education services can be determined.

Cultural differences can even shape the testing environment. Many Hispanic cultures display *simpatía*, behavior that prompts pleasant social relationships and minimizes conflict with others (Marin & Marin, 1991). As a result of *simpatía*, a student being assessed may nod in agreement with the tester's instructions without understanding the given directions. Used extensively in the south-west Texas region, the Comprehensive Test of Nonverbal Intelligence (CTONI) instructs the examiner to administer the test using the pantomime directions for individuals who speak a language other than English. However, this requires the student to make eye contact with the examiner. *Simpatía* codes may consider this rude and unacceptable behavior. The child avoids eye contact, corrupting the testing procedure and invalidating the results.

Because of language and cultural differences, the reliability and validity of standardized tests may be affected. If that is true, then many children who are not dominant in either standard English or standard Spanish may be inappropriately identified as having a disability. This is especially serious when IDEA states that a child may not be placed in special education due to a language proficiency deficit. Therefore, reexamining the assessment process involving English language learners is extremely important. This discussion addresses the use of prereferral strategies, and appropriate, equitable assessment procedures as a means to ascertain whether a student has a language acquisition concern or a disability that requires special education services.

## Prereferral Interventions

Confronted with a struggling English language learner, many teachers are confused by the student's lack of academic progress. Often the teachers faced with this situation turn to special education for assistance because they are unsure of how to adapt the conventional English language curriculum to meet the student's needs. They are also uncertain about how to determine whether bilingual students are experiencing problems due to learning disabilities or due to their limited English language proficiency (Gersten & Woodward, 1994). They may believe their only recourse is to refer the student for a comprehensive assessment and special education placement. It is at this point that prereferral interventions may help improve the performance of English language learners. Successful prereferral interventions are important because they eliminate unnecessary and inappropriate referrals to special education (Graden, Casey & Christensen, 1985; Olson, 1990). Once a student has been referred for special education services, the probability that a student will be placed in a special education program increases significantly (Artiles & Trent, 1994). This is unfortunate and potentially harmful if the student is struggling academically because of a language difference and not an actual learning disability.

Olson (1991) defined the prereferral process as "a screening and intervention process that involves identifying problems experienced by students in the regular classroom, identifying the source of the problem (student, teacher, curriculum, environment, etc.), and taking steps to resolve the problems in the general regular classroom" (p. 1). According to Ortíz (1991), interventions should be conceptualized as having two main components. The first is the prevention phase aimed at establishing classroom environments conducive to academic success for students so that problems will not occur in the first place. Secondly, a problem-solving phase is implemented in which teachers seek assistance from other teaching professionals to adapt instruction and/or classroom environments to improve students' performance. Important elements of the prereferral process include "teacher ownership, documentation, focus on curricular modification, planning time, and staff development" (Baca & Cervantes, 1998, p. 105).

The major goal of prereferral interventions should be the

improvement of the effectiveness of general education for English language learners and the circumvention of unnecessary and inappropriate referrals for special education services. Subsequent referral of a student for special education assessment should indicate that all other avenues have been explored and the conclusion has been reached that the student's needs cannot be met in the regular education classroom environment without an individualized education plan and appropriate special education services (García & Ortíz, 1988). Unfortunately, many school districts do not have a written prereferral process, and if they do, they seldom follow it.

The special education departments of thirty-six school districts along the Texas-Mexican border were contacted by telephone or through e-mail. Each of these school districts have a risk factor of 0 to 4 (0 = not at-risk, 4 = high risk) for the over representation of English language learners in special education. Of the thirty-six school districts represented, 83.33% ( $N = 30$ ) have a risk factor of 3 or 4. Of the remaining school districts that have a low risk factor for the over representation of English language learners in special education, 83.33% ( $N = 5$ ) have a Limited English Proficient (LEP) population of less than 20%. As stated by one participant, the majority of the students in low risk school districts are not English language learners; conversely, these school districts do not have an over representation of English language learners in special education.

The prereferral and referral process of each district was discussed using a series of open-ended questions. The participants were asked to describe the following: their prereferral process; the members involved in the process; whether a written policy and/or a checklist was used; whether modifications and adaptations were encouraged prior to special education referral; and, whether the schools adhered to the prereferral process.

Of the school districts participating in this project, 88.89% ( $N = 32$ ) stated that they had a prereferral process. Two school districts (5.56%) stated that they were implementing a prereferral process during the next school year, and two districts (5.56%) simply did not have a prereferral process in place. The prereferral process was similar in the districts that implemented them. Students who have academic problems are referred to the schools' at-risk teams. These teams are generally composed of school counselors, teachers, and

administrators. None of the teams included a special education teacher; however, one school district did indicate that the team could use the special education teacher as a resource. These teams discuss intervention strategies for the child. Many of these intervention strategies included tutoring, referral to section 504 (namely for attention deficit hyperactivity disorder or dyslexia), and placement in reading groups. None of the school districts mentioned any modifications and adaptations in the curriculum or teaching strategies. Four school districts (11.11%) focused on the language proficiencies of their students and noted that many of their English language learners not only have a lack of proficiency in English, but also in their native language. These school districts were trying to integrate their bilingual programs into the process, and several of them have had specific inservice training using intervention strategies for second language acquisition.

Thirty-two school districts (88.89%) did not have a written prereferral process in place. Two school districts (5.56%) had a prereferral checklist, and the remaining two school districts (5.56%) had a comprehensive, written prereferral process. These comprehensive prereferral processes included procedures and goals for the at-risk teams, responsibilities for each team member, a preparation checklist for the team, referral and data forms, a summary of deliberations and actions, and an observation form. These school districts do not consider a special education referral unless the referral is accompanied by documentation of the prereferral process and completed forms. Despite this comprehensive prereferral process, these school districts still have risk factors of 3 and 4.

Finally, the participants were asked whether they felt their prereferral processes were being followed. Twenty-one participants (58.33%) felt that the process could be "tightened" or improved.

### **Assessment Procedures for English Language Learners**

Carrasquillo (cited in Baca, 1999) pointed to biased assessment practices as the primary reason for the over representation of English language learners in special education classes. Students are identified as having limited English proficiency using the results of a home language survey and the Bilingual Verbal Ability Test

(BVAT). If the results indicate that the child's home language is Spanish, then Spanish is considered the child's native language. A recent study (Shepherd, 2002) demonstrated students identified as learning disabled and as having limited English proficiency were assessed using the Comprehensive Test of Nonverbal Intelligence (CTONI), a nonverbal test of intelligence; the Woodcock-Johnson Achievement test (WJ-A) and its Spanish version, the Bateria Woodcock-Muñoz-Revisada. Language proficiency was determined by home surveys and the Bilingual Verbal Ability Tests (BVAT).

**Table 1.** Means and t-Tests for the WJ-A and Bateria Subtests

Tests			
	WJ-A	Bateria	t
Broad Reading	69.12	53.12	-2.45*
Broad Writing	60.64	47.68	3.92*
Broad Math	79.60	72.04	-2.42*
Math Reasoning	79.60	77.56	-0.74
$p=05^*$			

The students who had low scores on the English subtest of the BVAT were considered limited English proficient. Because the students had a higher score on the Spanish subtest of the BVAT, it was assumed that they would also perform better on the Bateria, the Spanish version of the WJ-A. However, this was not true in example after example. The students performed better on the WJ-A Broad Reading, Broad Math, Math Reasoning, and Broad Writing subtests (Shepherd, 2002). Further analysis showed the difference of the means of each subtest was statistically significant (see Table 1). When correlating the students' English and Spanish BVAT scores with WJ-A, the students' English BVAT scores were moderately related to the WJ-A Broad Math, WJ-A Math Reasoning, and the Bateria Math Reasoning. The Spanish BVAT scores were moderately correlated only to the Bateria Math Reasoning subtest (see Table 2). This may be due to the fact that the math subtests are not dependent on whether the child is limited English proficient. However, the English scores were only associated with higher scores on the WJ-A Broad Math, WJ-A Math Reasoning, and the Bateria Math Reasoning. While low correlation existed for either the WJ-A or the

Batería Broad Reading and Broad Writing, the students did have higher scores on the WJ-A Broad Reading and the Broad Writing than the Batería version of the same subtests (Shepherd, 2002). Since the students are educated in English, this could account for the statistically significant differences between the WJ-A scores and the Batería scores.

**Table 2.** Significant Correlations Between English and Spanish BVAT scores and IQ Achievement ( $n=27$ )

Scores Correlated	r
English BVAT	
Woodcock-Johnson Broad Reading	.28
Woodcock-Johnson Broad Math	.47*
Woodcock-Johnson Math Reasoning	.53*
Woodcock-Johnson Broad Writing	.12
Batería Woodcock Broad Reading	-.06
Batería Woodcock Broad Math	.17
Batería Woodcock Math Reasoning	.51*
Batería Woodcock Broad Writing	-.09
Spanish BVAT	
Woodcock-Johnson Broad Reading	.01
Woodcock-Johnson Broad Math	.29
Woodcock-Johnson Math Reasoning	.39
Woodcock-Johnson Broad Writing	-.15
Batería Woodcock Broad Reading	-.03
Batería Woodcock Broad Math	.18
Batería Woodcock Math Reasoning	.39
Batería Woodcock Broad Writing	-.22
* $p < .05$	

## Recommendations

Several specific recommendations for assessing English language learners are indicated. First, schools need to examine their prereferral process closely. While many schools have prereferral procedures in place, they are not followed. School districts in South Texas have a prereferral packet, but it is largely ignored. The district's educational diagnosticians perceived that the number of referrals for special education assessment has decreased, but still varies



from campus to campus, depending on different factors (Linn, 2001). At the elementary level, teachers are nervous about the Texas Assessment of Knowledge and Skills (TAKS), a state-mandated test, because of accountability, and so may try to exempt poor performing students through special education referral. In addition, it was reported that some campuses have more access to tutors and paraprofessionals. This is especially true at the secondary level, and may account for the difference in referral rates at the elementary and secondary campuses (Linn 2001).

García and Ortiz (1988) recommended the use of Teacher Assistance Teams (TAT) proposed by Chalfant and Pysh (1989) as a prereferral model. TAT is a committee comprised of general education teachers who are elected by their peers to coordinate prereferral problem-solving strategies in a consultative, collaborative manner. A benefit of using TAT committees is the establishment of a collaborative learning community that solves problems on a daily basis. Because most student learning difficulties can be resolved by the general education personnel, the result is a reduction of referrals for special education services (García & Ortiz, 1988). García and Ortiz delineated a prereferral model that helps classroom teachers and TAT members distinguish between English language learners who are experiencing academic difficulties due to lack of English proficiency and English language learners with disabilities who require special education services. The model raises questions that must be addressed before a referral to special education is initiated. These questions concern the effectiveness of the curriculum and instructional materials for language minority students, evidence of the student's problems across personnel and learning environments, identification of the source of students' difficulty (i.e., teacher curriculum, instruction, student), consideration of programming alternative, and the persistence of difficulties despite intervention. If, after addressing these issues, learning difficulties persist, the student may be a candidate for special education services.

Chalfant and Psych (1989) contrast TATs with other prereferral teams that are child-centered, contending that the TAT has a teacher-oriented perspective and therefore empowers classroom teachers. While, Chalfant and Pysh (1989) indicated that members of the TAT may vary from campus to campus and include other personnel such as administrators, parents and special education con-

sultants, García and Ortiz (1988) proposed that TAT should not involve special education personnel, but instead only incorporate staff from the general education system.

Secondly, the child's language needs to be considered carefully. While Spanish may be the home language, children may be more competent in English due to their exposure of the language in school. Also, when assessing the child's language proficiency, tests in both English and Spanish should be utilized. The characteristics of both languages need to be considered when assessing a child for a disability, especially if the native language is an integration of two languages, such as Tex-Mex.

The best practice is to assess the child in both languages. The Woodcock-Johnson and the Bateria are similar achievement devices. The assessment in which the child scores higher should be used when considering eligibility requirements. Any type of educational programming must be based on the strengths of the child's native language and culture (Baca & Almanza, 1991).

Finally, when assessing a child, the effect of the child's culture on the testing procedure needs to be considered, and modifications of the testing procedure should be allowed. This means that many standardized tests need to be more flexible when it comes to testing children with limited English proficiency. If a child's culture prohibits him or her from looking into the eyes of an authority figure, then the test needs to allow for modifications of that particular procedure.

According to IDEA, a child is not eligible for special education services if the determining factor is due to limited English proficiency. School personnel in border communities must provide assessments that take into account the child's languages when determining eligibility for special education services. Developing diagnostic assessments based on the language of border communities would be beneficial to children with limited English proficiency. Such assessment instruments would more appropriately and equitably diagnose students having a disability as defined by federal and state law, thus reducing the over representation of LEP students in special education. These assessment instruments would minimize the effects of English language learning, lack of standard Spanish, and cultural and language nuances. Spanish version assessments, such as the Bateria Woodcock-Muñoz-Revisada, are written in standard

Spanish, and many of the Hispanic students along the Mexican border are not proficient in standard Spanish. This could invalidate the assessment as a device for determining disability eligibility under IDEA. Unfortunately, the development of a dual language assessment is costly and time consuming. Until the development of such instruments, school districts must rely on the prereferral procedures, assessment tools currently available and honest and open interpretation of assessment results.

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