

Addressing the IDEA Exclusionary Clauses When Assessing English Language Learners for Specific Learning Disabilities

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Objectives of the Workshop

- Understand the IDEA exclusionary clauses
- Learn how to address each of the exclusionary clauses when assessing English language learners (ELL) for specific learning disabilities
- Learn how to apply non-discriminatory assessment approach when addressing IDEA exclusionary clauses for ELLs

The focus will be on how to address each of the exclusionary clauses.

Pre-test Questions

- What are the IDEA exclusionary clauses?
- How would you address each of the exclusionary clauses in an assessment of a suspected learning disability for ELLs?
- How would you apply a non-discriminatory assessment approach when addressing IDEA exclusionary clauses for ELLs?

I.

**What are the IDEA Exclusionary
Clauses for Specific Learning
Disability?**

IDEA Definition of Specific Learning Disability

Specific Learning Disability is defined in IDEA (2004) as a disorder affecting the “basic psychological processes” that is manifested as an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

- IDEA (2004) Section 300.309 points out explicitly that learning disability does not include learning problems that are primarily the result of limited English proficiency.
- IDEA requires a multidisciplinary evaluation group to ensure that academic underachievement is not due to a lack of appropriate instruction or exposure to English.
- Evaluators need to provide both evidence of cognitive processing deficits that affect the child's learning and evidence to exclude primary causes due to environmental, cultural, language, or economic disadvantage; inappropriate instruction; visual, hearing, or motor disabilities; intellectual disability; or emotional disturbance.

Eligibility and exclusionary factors

- After completing a comprehensive evaluation, teams are directed to consider information from a wide variety of sources, including parents, in order to determine eligibility.
- IDEA also contains two specific exclusionary factors that apply to all disability categories.

Eligibility and exclusionary factors

(Continued)

34 C.F.R. § 300.534 Determination of eligibility

(b) A child ***may not be*** determined to be eligible under this part if—

(1) the determinant factor for that eligibility determination is

(i) Lack of instruction in reading or math; or

(ii) Limited English proficiency; and

(2) (c) (10) (ii) The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

II.

How can we address each of the IDEA exclusionary clauses in an assessment of a suspected learning disability for English Language Learners (ELLs)?

Who are ELLs?

According to the National Center for Education Statistics (NCES) of the U.S. Department of Education, ***ELLs are identified as students with a native or dominant language other than English, who also exhibit a sufficient degree of difficulty in speaking, reading, and writing English such that they are unable to learn successfully in an English-only classroom*** (NCES, 2004).

Examining the Referral Carefully

- **Inquiring** (see *Checklist* for recording the inquiry)
 - a) who made the referral for an evaluation of suspected learning disability and for what reason
 - b) whether the learning difficulty is related to English language proficiency
 - c) if so, whether the student's teachers are cognizant of the process of second language acquisition and its implications for student learning in the classroom
 - d) whether the child has received appropriate instruction
 - e) what formal and informal interventions have been tried for how long, and what were the child's responses to the interventions
 - f) whether parents/care-givers and teachers share the same concern about the child

Collecting Comprehensive Background Information on the Child

- a) school history
- b) developmental history
- c) functioning at home and school, including relationships with family members, peers and teachers
- d) mental and physical health, including visual, hearing and motor functioning
- e) linguistic information of the child and family, such as languages spoken by the child and parents at home
- f) cultural background of the child and family, such as culture of origin, birth place, immigration, and acculturation
- g) environmental and socio-economic conditions at home

Collecting Information from Multiple Sources

The information is collected from multiple sources, including a careful review of the school record and interviews with the child, parents/caretakers, and teachers.

Attaining the above information will:

(1) inform us about the appropriateness of the referral and

(2) address the IDEA exclusionary clauses of environmental, cultural, language, and economic disadvantage; of visual, hearing, or motor disabilities; and of inappropriate instruction.

Assessing Language Proficiency and Acculturation Level before Testing

- Gauging language dominance, English and native language proficiency, and acculturation level especially before testing with nationally standardized norm-referenced instruments will inform the selection of assessment procedures and instruments
 - The less age appropriate the individual is in the language of the test, the more likely that the test results will be a measure of language proficiency than ability.
 - Similarly, the less acculturated an individual is, the less that test results reflect ability than they do level of acculturation

Gauging language dominance, English and native language proficiency

- Gauging language dominance
 - Informal
 - Asking the student and parents
 - Formal
 - Administer a language dominance test
- Gauging language proficiency
 - Formal language proficiency test
 - in English
 - in native language

Gauging Acculturation Level

Acculturation: Definition

Acculturation involves changes that result from sustained contact between two distinct cultures (Redfield, Linton, & Herskovits, 1936), which may occur on both the cultural/group and psychological/individual levels (Berry, Trimble, & Olmedo, 1986).

At the cultural level, acculturation refers to collective changes in social structure, social climate, economic base, and political organization (Berry, Poortinga, Segall, & Dasen, 1992).

Psychological acculturation refers to changes in the behaviors, attitudes, values, and identities of individuals (Berry, 1980; Graves, 1967).

Gauging Acculturation Level

Acculturation: Assessment

Domains commonly included in an assessment of acculturation include language usage, social interaction patterns with peers and authority figures, dress and appearance, topics of conversation, cultural identity, cultural values, experiences of perceived discrimination, cultural traditions, and daily living habits

- Informal measures: Interview with observations and questions about domains described
- Formal scales: Numerous scales exist, particularly for individuals of Hispanic origin and Asian-Americans.

Example:

- ***Suinn-Lew Asian Self-Identity Acculturation Scale***
(SL-ASIA; *Suinn, Rikard-Figueroa, Lew, & Vigil, 1987*)

Addressing the IDEA Exclusionary Clause of Inappropriate Instruction

- Teacher perceptions of lack of academic progress: examine comparison standards:
 - Is the ELL student compared to native English speakers?
 - Is the instructor aware that it takes an ELL 1-3 years to develop BICS and 5-7 years to develop CALP?
- To what extent does the student understand the teacher's instruction for each class?
- Does the instruction address the student's needs?
 - Is the student taught at his/her instructional level?
- Does the teaching style work for the student ?
 - Teaching pace
 - Format
 - Visual, Auditory

Addressing the IDEA Exclusionary Clause of Cognitive Disability

Cognitive disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affect a child's educational performance.

Addressing the IDEA Exclusionary Clause of Cognitive Disability (continued)

- Cultural considerations in *assessing Adaptive Functioning*
 - Informants
 - Extended family often participate in child rearing in Asian cultures
 - Who knows the child best?
 - Siblings and grandparents may know the child better than parents; obtain legal guardian's permission to interview that person.
 - Caretaker attributes
 - Information about the caretaker (Language, acculturation level, where they are from, & family SES) helps provide information about child's exposure to different life tasks.

Linguistic Consideration When Interviewing ELL Parents

Gaining an understanding and taking into consideration children and parents':

- preferred mode of communication
- language dominance & proficiency
- second language acquisition and its impact on the expression of feelings
- verbal & nonverbal communication

Using Interpreters

When a school psychologist is unable to communicate in a language or dialect of a student or parent, s/he

- Knows how to select, train, and use interpreters
 - Factors to consider when selecting interpreters
 - fluency in both language/dialect and cultures
 - educational background
 - religious and political background (no conflict with the parents)
 - working memory
 - Training interpreters
 - Orient interpreters about the purpose, professional guidelines (e.g., confidentiality), format, and content of the assessment interview
 - Try and decide the comfortable length of the speech for interpretation
- Knows the issues involved in using relatives or children as interpreters
- Knows the potential issues involved in using interpreters

Cultural Considerations When Using Adaptive Scales for ELL Children

- Adaptive behaviors are *culturally defined*
- Translation does not mean culturally relevant or appropriate
- Before using an adaptive scale for an ELL
 - Search for research on cultural validity on it
 - Review cultural biases of the scale
- An Example of a review of cultural biases of the items of an adaptive scale (*Vineland Adaptive Behavior Scales-II*) with Chinese and Vietnamese immigrant parents (Li et al., 2005)

Example of a Review of Cultural Biases: Vineland Adaptive Behavior Scales-II

- 15 out of the 433 items may be biased against Asian immigrants
- *Communication domain: Expressive domain*
 - Item #18: Understanding sayings that are not meant to be taken literally
 - Idiomatic sayings such as “Hit the road” may be biased towards immigrant families
 - Idiomatic sayings in native language should also be credited
 - Items #32 (using present tense verbs ending in “ing”), #36 (using regular past tense verbs), and #50 (using irregular plurals correctly, i.e. ‘children’)
 - These grammatical rules do not have equivalents in some Asian languages

Example of a Review of Cultural Biases: Vineland Adaptive Behavior Scales-II

- *Daily Living Skills: Personal*
 - Item #7 (sucking on straw; for 1-year-old)
 - Straws not usually used in East Asian households
 - “sucks from bottle” should be accepted as alternative
- *Daily Living Skills: Community*
 - Items 41-44 (#41: managing own money; #42: having full-time job for one year; #43: budgeting for monthly expenses; #44: having and using a personal credit card responsibly)
 - 16-18 year-olds in East Asian cultures not expected to earn or manage money, discouraged by parents.
 - Alternatives may be ‘managing time effectively,’ ‘taking care of younger siblings,’ ‘respecting and/or taking care of elders.’

Example of a Review of Cultural Biases: Vineland Adaptive Behavior Scales-II

- *Socialization: Interpersonal*
 - Items #37 (going on groups dates) and #38 (going on single dates)
 - East Asian parents discourage student-age children from dating.
 - May not be aware if children are in fact dating.
- *Socialization: Coping*
 - Items #4 (chewing with mouth closed) and #14 (refraining from talking with food in mouth)
 - Not considered impolite in Chinese and Vietnamese cultures.
 - Item #5 (saying please when asking for something)
 - The word “please” not used as often in traditional Chinese culture

Example of a Review of Cultural Biases: Vineland Adaptive Behavior Scales-II

- *Maladaptive Domain*
 - Item #13 (not maintaining eye contact when speaking or being spoken to)
 - East Asian children taught to show respect by looking down and not making eye contact when speaking to adults or authorities.
- *Motor Domain*
 - Items #36 (catching beach ball sized ball from at least 6 feet way with both hands) and #39 (catching tennis or baseball sized ball from at least 10 feet way, moving to catch it if necessary)
 - Not every East Asian immigrant is familiar with these items
 - Item #40 (riding bicycle with no training wheels without falling, for age 4+ years)
 - Assumes every child has a safe environment in which to practice such skills

Example of a Review of Cultural Biases: Vineland Adaptive Behavior Scales-II

In summary

- Cultural value of collectivism and interdependence
May effect child's score on items that reflect values of independence of Euro-American culture
- Young East Asian immigrant children: generally more sheltered than Euro-American peers
 - Less independent in aspects of daily living
 - Parents suggest adding 1-2 years when assessing daily living skills

The aforementioned cultural characteristics may vary with other factors such as acculturation level

Addressing the IDEA Exclusionary Clause of Cognitive Disability for ELLs: Challenges

- Difficult to find psychometrically sound assessment tools for ELLs
- Lack of research on test validity for ELLs
- Nonverbal tests are commonly used as less culturally loaded tools
 - Nonverbal tests are only language-reduced, not language free. Some tests contain highly culturally bound content.

Addressing the IDEA Exclusionary Clause of Cognitive Disability for ELLs: Challenges (continued)

Example: Only one verbal intelligence test currently available in other languages for Asian ELLs : *Bilingual Verbal Ability Tests-Normative Update (BVAT-NU)*

- Consists of 3 subtests from the Woodcock-Johnson-R Tests of Cognitive Ability: Picture Vocabulary, Oral Vocabulary, and Verbal Analogies
- The BVAT-NU has been translated into Chinese (2 forms), Hindi, Hmong, Japanese, Korean, and Vietnamese
- Caution: The test is not standardized for ELL

Addressing the IDEA Exclusionary Clause of Cognitive Disability for ELLs: An Example

- Researchers and practitioner have been exploring solutions to address the challenges
- Dr. Sam Ortiz (at NASP 2016) shared a tool (a software) that he recently developed to assess cognitive ability of ELLs, taking language and culture into consideration when using standardized intelligence tests.

Addressing Challenges for Testing Cognitive Ability of ELLs

- In the context of scarcity of valid standardized assessment tools, cultural and linguistic competencies of the evaluators are crucial for non-discriminatory assessment
- It is also crucial that the evaluators follow the guidelines for non-discriminatory assessment, including
 - Using multiple measures and multiple sources of information
 - Gauging English and native language proficiency and acculturation level especially before testing with nationally standardized norm-referenced instruments
 - Using the RtI model

How to Address IDEA Exclusionary Clauses for ELLs When Using the RtI Model

Advantages of RTI (compared to traditional medical model) Can Be Diminished If:

- Students have not received culturally responsive, appropriate and quality interventions
- Evaluation of the RTI is not conducted in a culturally sensitive manner
- Example: not enough attention focused on role of classroom teachers in RTI implementation (Klingner & Edwards, 2006)
 - Evaluators tend to quickly attribute difficulties to internal deficits or the home environment
 - Fail to systematically examine whether the child has received adequate interventions

Evaluating Rtl for ELLs

Challenges to the Practice of Nondiscriminatory Evaluation for ELLs

- Lack of information on cultural validity of evidence-based interventions for racial/cultural minorities (Muñoz & Mendelson, 2005; Sue & Zane, 2006) in general, for ELLs in particular
- Example: Efficacy studies regarding “solution-focused brief therapy” did not provide information of acculturation level and English proficiency of samples (Li & Wong, 2007)

Assessing Barriers to Non-Discriminatory Evaluation of ELLs Using the RTI Model

- **First Tier**

- Examine if there is a trend for low performance among ELL students and if the students have received culturally responsive and quality education.
 - Is the student taught at his/her instructional level?
 - Does the teaching method work for the student?
 - Are the support from school and home adequate?

- **Second Tier**

- Are the intensive academic or socio-emotional support based on appropriate assessment results?
 - Are the methods culturally appropriate and effective for student?
 - Are the interventions delivered by well-trained persons?

Example: Exclusionary factors in RtI Model

(Grant Wood Area Education Agency, Iowa)

- Lack of appropriate instruction
 - Appropriate instruction delivered by qualified personnel
 - Check the core instruction (including ELL instruction)
 - Check instruction or intervention quality (student support)
 - A lot of schools use parents and volunteers from the communities
 - They do not have appropriate training for both instruction and behavior management.
 - They need to be supervised by a general. ed. teacher
 - Attendance and mobility data
 - *Repeated* assessments of achievement at reasonable intervals, reflecting *formal assessment* of student progress
 - class-wide on all students, and attendance data of the students being evaluated
 - Progress monitoring data from instruction or intervention
 - *Implement an intensive intervention as part of the evaluation*
 - The performance improves to the point that short-term intervention will result in performance consistent with grade level expectations?
 - progress data again.

Example: Exclusionary factors in RtI Model

(Grant Wood Area Education Agency, Iowa)

- Meeting ELL Student's Educational needs
- Instruction
 - Require instruction from someone with specialized training?
 - Require instruction that includes frequent repetitions of key concepts?
 - What are the instructional strategies, accommodations, and modifications that enables the individual to improve?
 - What accommodations and modification were provided?
- Curriculum
 - Require alternative textbooks or instructional materials?
 - Require curriculum at a different or extended grade level?
- Environment
 - Need a distraction free environment or a ratio with few students to teachers?
 - Need visual support?
- Learning supports
 - Need an individualized reinforcement system?
 - Assistive technology?
 - Additional passing time? Etc?
 - What is the pervasiveness of the area of concern across settings and time?

NASP Online Resources: Webinars

- RTI for English Language Learners: Appropriate Screening, Intervention, and Progress Monitoring
- Screening, Intervening, and Progress Monitoring With English Language Learners

Addressing the IDEA Exclusionary Clause Of Emotional Disturbance

- Review the information from the referral source, school records, and interviews with the child, parents/care-takers and teachers
 - If no concern about socio-emotional functioning from any source, no formal assessment in this area will be warranted.
- If there are concerns:
 - Conduct an assessment based on the IDEA criteria for emotional disturbance
 - Take into account linguistic and cultural factors, acculturative stressors, and the differential expectations between home and school

Addressing IDEA Exclusionary Clauses for ELLs: How Can the Checklist Be Used?

- Look at the checklist before starting an assessment to keep in mind all aspects of the IDEA exclusionary clauses
- Fill in the checklist in the assessment process
- Review the completed checklist to decide if the IDEA exclusionary clauses are met
- ELL referral

Summary

We focused on addressing the IDEA (2004) exclusionary clauses when assessing English language learners for specific learning disabilities.

Overarching considerations:

- (a) the ecological context of the child including school and home cultures
- (b) English and native language proficiency
- (c) impacts of second language learning on cognitive and academic performance
- (d) the cognitive and socio-emotional impacts of acculturation on children and their families
- (e) impacts of different expectations from home and school on children
- (f) cultural validity of the assessment tools.
- Guard against:
 - the mistakes of viewing the characteristics of second language acquisition as a learning disability
 - the mistakes of viewing cultural differences as deviance
 - the tendency to attribute a child's difficulties in school to internal deficiencies or family problems

Post-test Questions

- What are the IDEA exclusionary clauses?
- How would you address each of the exclusionary clauses in an assessment of a suspected learning disability for ELLs?
- How would you apply a non-discriminatory assessment approach when addressing IDEA exclusionary clauses for ELLs?

References

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NASP Current Webinars in the Online Learning Center Related to ELLs and Culturally Competent Practice

- [Assessment of English Language Learners \(Advanced\)](#)
- [Assessment of English Language Learners \(Intermediate\)](#)
- Culturally Competent Evaluation of SLD with ELLs:
Determining “difference vs. disorder
- RTI for English Language Learners: Appropriate Screening,
Intervention, and Progress Monitoring
- Screening, Intervening, and Progress Monitoring With English
Language Learners
- Test Item Modifications for English Language Learners: From
Research to Practice

Thank You!
