

What Every Administrator & Educator Should Know: Separating Difference from Disability

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Introduction

An increasing number of education professionals and education program administrators have been asking me how to address the diverse assessment and instruction needs of bilingual students with learning and behavior problems. This situation presents even the most experienced education professional with unique challenges in identifying and addressing those needs due to difference from those due to disability. Instructional and service planning which is compliant with current No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA) guidelines can be very challenging with the wide range of student learning and behavior issues facing today's school personnel.

Asking the Right Questions

These issues frequently appear in school settings as questions asked by concerned school personnel: "He has been here over two years, so isn't his lack of academic achievement a sign of a possible disability?" "Is this communication problem a language difference or is it a language disability?" "She was born here, so can't we rule out culture shock and language development issues?" Although illustrative of the good intentions and heartfelt concern about these students by education professionals, it is more productive to ask what information do we need and how will we use it.

What information do we need?

The information to be gathered answers specific questions critical to separating difference from disability (SDD) considerations:

- a) **Education:** Has the student been in school before? Are there gaps in the student's education experiences? Sufficient intensity of instruction?
- b) **Home language:** Are languages other than English spoken in the student's home? What languages other than English does the student speak? Is the student maintaining an ability to communicate with his/her family members?
- c) **Language proficiency:** What is the student's language proficiency and literacy? Is the student developing the home language at a normal rate?
- d) **English:** Does the student need assistance with learning English? Is the student acquiring English at a normal rate?
- e) **Achievement:** What is the student's level and rate of academic achievement? Is this normal for the general student population in your district/school? Specific population of the student?
- f) **Behavior:** Is the student's emotional stability developmentally and culturally appropriate? Are there individual or family circumstances that may explain the observed behavior?
- g) **Adaptation:** What is the student's level of acculturation? Is the student at risk for culture shock? Is the student adapting to our school at a normal rate?

How should we use the information?

Information about students is not valuable if it is not instructionally meaningful and does not lead to a course of action for the student's benefit.

- h) **Education:** Prior experience in school, whether in the US or other country, facilitates transitional instructional models. Thus knowing that the student has received schooling elsewhere tells school personnel they can focus on transition from one academic language foundation to English academic language. If the student has never had a formal education experience, school personnel must start by building an understanding of school culture, rules, expectations, and basic school interaction language in the student's most proficient language before transitioning into English. SDD concern: if the student shows little progress with adapting to school expectations and continues to struggle with acquiring school interaction language in their home language, they may have an undiagnosed disability and need to be referred for a full evaluation.
- i) **Home language:** Students, who are raised in homes where English is infrequently or only one of other languages used, come to us with unique strengths that can become the foundation of instruction. Research shows that they have cognitive and linguistic capacities that can facilitate learning. Additionally, psychological wellbeing is built upon quality family communication and interactions. SDD concern: If the student has not acquired a developmentally appropriate proficiency in a language other than English, it may be due to family circumstances (see discussion under behavior & adaptation) or the presence of an undiagnosed disability. In either case this can delay their English acquisition. A structured intensive intervention (part of an RTI) in the primary home language would show whether the student has the ability to develop language and communication. If the student's communication does not improve under intervention then a referral for a full evaluation would be warranted.
- j) **Language proficiency:** The student's proficiency and background in a language other than English assists in deciding the most effective instructional communicative models. It is critical to assess to the extent possible the student's proficiency in their home language/communication mode. As there are not standardized tests available for every language or communication mode, alternative measures are frequently needed. These can be structured sampling and observation, interview, interactive inventories, and other analytic tools. Rubrics for interpreting these tools are available. SDD concern: a student may score low on a standardized test in their home language because they have never received instruction in the language and have only an oral proficiency. Thus low primary language and low English may look like there is some language disability. A structured intensive intervention (part of an RTI) in the primary language, including basic phonics and literacy readiness would serve two purposes, profile the student's proficiency and establish whether the low score is learning based rather than something else. If the student makes little or no progress in the RTI, a referral for a full evaluation is necessary.
- k) **English:** The student's language proficiency in English is directly related to eligibility and entry level for English as a second language instruction. There are many tools available for determining whether a student needs assistance with

learning English. For initial services in English Language Learning for limited English proficient speakers (ELL/LEP), school personnel should select instruments that are quick, non-biased, and focus on speaking and listening skills. Including literacy screening would be instructionally meaningful only for students who have received prior instruction in English. SDD concern: some students speak enough English to not qualify for ELL/LEP services but have such a limited classroom language foundation that they look like students with learning disabilities. Thus English screening for ELL/LEP services must include screening for cognitive academic language proficiency and not just social language. A structured intensive intervention (part of an RTI) in English, including basic phonics and literacy readiness would serve two purposes, profile the student's proficiency and establish whether the low score is learning based rather than something else. If the student makes little or no progress in the RTI, a referral for a full evaluation is necessary. Additionally, if the child has a disability and is receiving special education services, and is an ELL/LEP student, the IEP should list the ELL/LEP accommodations as part of related services. This could be bilingual assistance or SDAIE within the special education setting or some other appropriate monitored intervention with specific objectives related to acquiring English. In many cases, the disabling condition is such that it seriously impacts the acquisition of English and thus special education personnel and ELL/LEP personnel must work together on realistic outcomes. These modified language outcomes need to be included in the IEP.

- l) **Achievement:** All children can learn but they learn at different rates and in different manners. All children can learn but they enter and exit at different points. A challenge of today's standards based education models is that students that do not fit the scope and sequence of a particular school system are frequently placed in alternative instructional settings that may or may not be appropriate to their needs. SDD concern: if a student is not meeting the benchmarks established by a school system even when given learning support, they may be referred to special education as having a learning disability of some sort. Sometimes special education is the only instructional alternative available in the building. It is not appropriate to place students who do not have a disability in special education even when it is the best alternative instructional setting available. We recommend restructuring all programs to include differentiated instructional environments where any student can enter a lesson at his/her entry point and learn to the maximum of his/her abilities. A structured intensive intervention (part of an RTI) in fundamental learning strategies would establish whether the low score is learning based rather than something else. If the student makes little or no progress in the RTI, a referral for a full evaluation is necessary.
- m) **Behavior:** Family and community events can be a contributing factor and it is critical to effective instruction to explore both school and non-school environments and their relationship to the student's presenting problem. Whether the behavior problem is due to an innate disorder, biochemical dysfunction, or a temporary response to trauma or disruption in the student's home or school environment, the student needs effective and immediate intervention and assistance. SDD concern: although the student needs assistance with managing or

controlling his or her behavior, special education is not the appropriate placement if the etiology of the problem is culture shock, an event or chronic stressors in the student's home or school environment. An intensive instructional intervention (part of an RTI) which facilitates self-monitoring and control within a supportive and safe environment should be always be implemented first. If the problem does not appear to decrease in frequency or intensity, or if the student makes little or no progress, a referral for a full evaluation is necessary.

- n) **Adaptation:** The level and rate of acculturation, and accompanying degree of culture shock, must be addressed within the instructional environment. All students must adapt to the school environment whether they speak English or not; students who come into your school from homes or communities very different from the school will experience greater degree of culture shock. SDD concern: the manifestations of culture shock look a lot like learning and behavior disabilities and unaddressed acculturation and adaptation needs can concatenate into serious learning and behavior problems later in the education experience. An intensive instructional intervention (part of an RTI) which mitigates culture shock and facilitates adaptation and language transition should be always be implemented, particularly for newcomers. Most students will respond within weeks to this intervention. This positive response does not mean that culture shock may not reappear as culture shock is cyclical and a normal part of our adaptation to anything strange to us. However, a positive response to acculturative assistance lets school personnel know that the presenting problems are due to a normal adaptive process, acculturation, which responds over time to instructional intervention. Students should have their level of acculturation measured at entry into your school system and their rate of acculturation monitored annually to assure the student is making normal progress in your school. If the student's rate of acculturation is not within normal range, it is an indication either that the program is not adequately addressing his transition needs, or that there may be an undiagnosed disability of some sort that is depressing the rate of acculturation.

Appropriate Actions to Take

We have come a long way towards understanding the elements that best facilitate separating difference from disability. Whether a particular learning problem is due to an undiagnosed disorder or is due to an unaddressed learning need, an appropriate assessment and instruction response is required. The elements are: comprehensive information gathering, resiliency based instruction, instructional intervention, focused referrals, comprehensive evaluation, focused staffing, integrated services, and monitoring.

1. Improve and expand information gathering

- a. Expand the information gathered at enrollment.
- b. Collect information about language, acculturation, health, and prior schooling at enrollment.
- c. Establish a baseline profile of all diverse learners: language proficiency in both languages and level of acculturation at entry.

- d. Train intake personnel about how to gather information, what information to collect and how to improve their cross-cultural communication skills.
- 2. Develop resiliency based instruction**
 - a. Use information about strengths to develop prevention programs.
 - b. Train instructional personnel about how to improve their cross-cultural communication skills.
 - c. Support educational personnel in building and sustaining instructional programs based upon strengths and resiliencies of all students.
- 3. Implement structured and differentiated learning support**
 - a. Use information about needs to develop differentiated learning support options within the general education program.
 - b. Train classroom personnel about how to differentiate instruction within the general benchmarked curriculum.
 - c. Support learning support and content support personnel in building and sustaining these curricular support programs based upon the needs of all students.
 - d. Emphasize Strategy Fitness, i.e. selection of appropriate targeted strategies for specific issues – building upon strengths or addressing needs.
- 4. Implement & monitor instructional intervention (also called RTI)**
 - a. Establish instructional intervention programs based upon classroom based data gathering and behavior monitoring. Intensive instructional intervention (6-8 weeks, no longer than 12) should be documented and monitored.
 - b. Train education personnel about how to identify at-risk students early in the instructional process.
 - c. Develop and maintain a flexible instructional intervention team of education professionals such as classroom teachers, bilingual/ELL/LEP personnel, staff assistants, math and language specialists, Title I personnel, and other direct instruction personnel.
 - d. Emphasize Strategy Fitness during intervention, i.e. selection of appropriate tightly targeted strategies for specific identified and documented issues.
 - e. Referral to special education should only occur after a pre-referral analysis of information and data gathered during enrollment and instructional intervention.
- 5. Develop a focused referral process**
 - a. Develop cross-cultural referral guidelines and procedures.
 - b. Referral to special education should only occur after a pre-referral analysis of information and data gathered during enrollment and instructional intervention.
 - c. The Instructional Intervention team passes on their findings as a referral to the evaluation team.
 - d. Train intake personnel about how to gather information, what information to collect and how to improve their cross-cultural communication skills.
- 6. Expand and adapt evaluation**

- a. Develop cross-cultural assessment & evaluation guidelines and procedures.
 - b. The evaluation team is sometimes called a “child study team”. The evaluation team must include bilingual/ELL/LEP personnel as well as specialists such as the school psychologist, nurse, special educator, counselor etc.
 - c. Train intake personnel about how to gather information, what information to collect and how to improve their cross-cultural communication skills.
 - d. Document all adaptations and provide cross-cultural interpretations.
- 7. Improve staffing**
- a. Develop cross-cultural comprehensive IEPs including specific and appropriate English proficiency outcomes for students with disabilities.
 - b. Maintain an ELL/LEP monitoring plan and schedule regular reviews of language acquisition in appropriate situations.
 - c. Monitor and review achievement of non-placed diverse learners
- 8. Increase integration of all services**
- a. Use a framework for balancing ELL/LEP and special education services.
 - b. Plan for language of instruction in both language acquisition and special education settings.
 - c. Review exit and entry criteria and conduct self-studies of procedures
- 9. Expand monitoring**
- a. Increase monitoring of all diverse learners in and out of special education
 - b. Monitor ELL/LEP students for two years after exit from ELL/LEP services.
 - c. Monitor identification and placement rates
- 10. Continue professional development and cross-training**
- a. Self study worksheets that can be used to assist with this process are available at no charge from www.crosscultured.com.
 - b. Remember to focus on taking action not just building awareness

References

- Baca, L.M. and Cervantes, H. (2003) *The Bilingual Special Education Interface*. Fourth edition, Prentice-Hall Publishers, NY
- Collier, C. (2004) *Separating Difference from Disability*. Third edition, CrossCultural Developmental Services, Ferndale, WA