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Introduction

Consider the following statistics compiled by Advocates for Children of New York, Inc. in their report entitled "Segregated and Second Rate: 'Special Education' in New York" (1992):

- Statewide statistics reveal the overrepresentation of children of color in segregated special education settings. African-American students represent a disproportionate number of segregated special education placements: they constitute 19.8 percent of the general education population and 34.1 percent of the segregated special education population. Similarly, Latino students comprise only 15.1 percent of the general education population, but represent almost 23 percent of segregated special education placements. Conversely, white students comprise 59.8 percent of general education students and only 41.3 percent of segregated special education placements.
- In New York City, African-American students represent a disproportionate number of special education students, constituting only 38 percent of the general education population and 41 percent of the special education population. In contrast, Latino and white students account for 35 percent and 20 percent, respectively, of the general education population and 34 percent and 19 percent of the special education population.
- Children of color represent a growing number of special education students in New York City. From 1985 to 1990, the number of Latino and African-American males in special education programs jumped 11 percent and 5 percent, respectively. The number of white males in special education programs simultaneously decreased by 14 percent.

- Citywide, African-American and Latino students represent a disproportionate number of the most restrictive special education placements. In 1989–90, African-American and Latino students together comprised over 80 percent of the students in self-contained special education classes and special programs. In contrast, white students represented the single largest group—37.2 percent—of students receiving related services only.
- Available statewide statistics evince the overrepresentation of children of color in segregated—that is, separate—special education placements. Across New York state, African-American students constitute only 19.8 percent of the general education population, but represent 34.1 percent of the segregated special education population. Latino students comprise only 15.1 percent of the general education population, but similarly represent a far greater proportion of segregated special education students—almost 23 percent. In contrast, white students, who constitute 59.8 percent of general education students, comprise only 41.3 percent of segregated special education placements. Thus, in heterogeneous areas of the state, the overrepresentation of children of color in restrictive special education placements suggests a racial resegregation of public schools.
- In New York City, African-American students, unlike their Latino and white counterparts, represent a disproportionately large number of special education placements. African-American students constitute only 38 percent of the general education population, but make up 41 percent of the special education population. Conversely, Latino and white students account for 35 percent and 20 percent, respectively, of the general education population and 34 percent and 19 percent of the special education population. Nevertheless, Latino students may soon constitute a greater, and disproportionate, share of special education students. Between 1990 and 1995, the number of Latino males in special education programs jumped 11 percent, while the number of African-American males in special education programs climbed 5 percent. At the same time, the number of white males in special education programs decreased by 14 percent.

It has long been realized that there is an overrepresentation of minority group students in special education. Yet a perusal of the facts alone continue to be startling. If New York City is a microcosm of special education in urban settings, we should be alarmed.

Since the early 60s there has been a rapid growth in the number of students classified as learning disabled. With that growth has been the con-

cern regarding the disproportionate number of students from minority groups. On May 31, 1997, the *New York Times* headline read "Special Education Practices in New York Faulted by U.S.":

The Federal Government last night warned New York City school officials that they must reduce the disproportionately high number of Black and Hispanic students in special education or face a lawsuit and ultimately the revocation of tens of millions of dollars in Federal aid. (p.1)

It went on to say that the perception that there was a overrepresentation of minority students was true. It also noted that approximately 75 percent of the 120,000 students receiving special education are classified as "learning disabled" or "emotionally handicapped."

An agreement between the board of education and the Office of Civil Rights will address these concerns through a series of corrective measures including staff development and parent training. The article concluded with a statement from a lawyer familiar with the agreement: "The reason this case is important is that it sends a message out to school districts throughout the United States that the issue of minority students in Special Education is not one the Federal government is ignoring." (p.22)

The overrepresentation of minority group students being classified as learning disabled and the inherent problems with the definition and diagnosis of specific learning disabilities require significant changes in traditional special education assessment and instruction. These changes must occur so that we can give appropriate attention to the factors of cultural and linguistic diversity and their impact on how students represent and demonstrate knowledge. There is a critical need to incorporate a sensitivity to issues of diversity into educational assessment, curriculum planning, teacher training, and interactions with parents, especially in large urban areas characterized by cultural and linguistic diversity. The goal is simple: to open the assessment process to an appreciation of the complex interactions of culture and language; to provide practitioners with a variety of instructional approaches that recognize the cultural and linguistic diversity found in students classified as learning disabled; to address issues in teacher preparation and to appreciate the significant role parents play in the education of their child with a learning disability.

Clearly, this discussion will consider the work of individuals who represent a variety of fields such as urban education, anthropology, and literacy, to name a few. However, it is not a text on urban education, nor a text on anthropology. It is a text that is geared for practitioners who are aware of the shortcomings of a traditional view of the field of learning disabilities and need a more coherent approach to the identification and instruction of their students who represent a variety of linguistic and cultural backgrounds. It is

a text that will address the needs of Wilson. Wilson was referred to a university-based clinic for an evaluation because his parents and teachers were concerned about his school performance. When he was observed in his second grade classroom he sat in the back row. He tried to pay attention to his teacher, but with a small classroom, thirty-five students, and a “new” teacher this was difficult. This was particularly true when it came to reading instructions, specifically when the teacher presented a “phonics lesson.”

Wilson’s parents came from Puerto Rico four years earlier and spoke little English. Neither read Spanish or English. His ten-year-old sister struggles in school, but is passing. She attends a university-based reading clinic and appears to be making good progress. On a recently administered standardized achievement test, Wilson scored very low, in the third percentile nationally.

As he sits in the rear of the classroom his teacher continues to provide instructions, but it is lost on Wilson. To compound matters Wilson’s teacher is a new immigrant to the United States also, having arrived from Ireland one month prior to the opening of the school year. Her lovely “brogue” is lost on the children who represent a variety of cultures and languages, and find it impossible to understand her. It becomes even more difficult during “phonics” instruction.

Some school personnel suspect that Wilson has a learning disability, although he is not a native speaker and his “language community” speaks and reads Spanish. The reading teacher feels that he has many of the characteristics of students with learning disabilities that cannot be explained merely because he is not a native speaker. However, most of the school personnel are convinced he’s just typical of a child raised in a non-English-speaking environment, and if he’s provided with bilingual or ESL (English as a Second Language) instruction, he’ll be fine. Meanwhile, he sits in the rear of his classroom, passing the time. His teacher struggles to find ways to make this a productive year for Wilson and his classmates. But nothing seems to work.

What is a Learning Disability?

The term “learning disability” is so general that many employ it as synonymous with learning problems, school failure, and the like. In fact, it refers to a specific diagnostic category.

The classification of *learning disabled* has been referred to as the most heterogeneous of any special education classification. An examination of the definition suggests that this heterogeneity refers more to the wide range of academic deficits found in the population than it does to cultural and linguistic diversity.

In 1968, the National Advisory Committee for the Handicapped in the United States Office of Education proposed the following definition, which later was included in the 1975 Education of All Handicapped Children Act, Public Law 94-142.

The term "Children with Specific Learning Disabilities" applies to those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, speak, read, write, spell, or do mathematical calculations. Such disorders include conditions such as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage (Kirk and Chalfant, 1984).

The theoretical definition assumes 1) at least average intellectual capacity; 2) a significant discrepancy between achievement and potential; 3) exclusion of mental retardation, emotional disturbance, sensory impairment, cultural difference, or lack of opportunity to learn as primary factors in the student's learning difficulty; and 4) central nervous system dysfunction as the basis of the difficulty. Given the problematic nature of determining intellectual capacity in students of diverse linguistic and cultural backgrounds and of matching a specific achievement score to intellectual capacity and to classroom instruction, the diagnosis of specific learning disabilities is very often a definition by exclusion.

The integrity of intellectual functioning is a critical element in the definition and diagnosis of specific learning disabilities. Learning disabled individuals must demonstrate, by definition, at least average intellectual ability. Therefore, intellectual ability becomes the yardstick by which the student's acceptable level of academic achievement is calculated. However, the concept of easily definable and quantifiable areas of general intelligence is not without its distracters. Some of the most popular standardized instruments are often argued to be culturally biased and to only provide a minimum reflection of the intellectual ability of minority students (Brown and Campione, 1986; Hilliard, 1987; Jones, 1991; Jones, 1988; Samuda, Krong, Cummins, Pascual-Leone, and Lewis, 1989). When students are representative of a linguistic minority, the task becomes even more difficult. Recurrent questions take the form:

- In what language shall the subject be evaluated?
- Who shall do the evaluation?
- Is a simple translation of the assessment instrument appropriate?

If an interpreter is employed, guidelines must be followed.

Plata (1993) lists those skills necessary for interpreters in Spanish.

They are:

1. *Proficiency in the Spanish language.* Non-Hispanics should not be ruled out when this criterion is applied. However, they should be proficient in Spanish, including the ability to speak and understand the pragmatics and nuances of the Spanish language. Interpreters need to relay information to Spanish-speaking parents from a pragmatic perspective (that is, couch information in practical rather than idealistic terms). Spanish-speaking parents' understanding will increase if the information being relayed is anchored to their cultural experiences. Parents' acknowledgment of their understanding of the interpreter's message, thus, is an index of pragmatism (Maya and Fradd, 1990).

In addition, interpreters need to know the nuances of the Spanish language (the slight or delicate variations in meaning of Spanish terms and phrases). For example, the sentence *Mi hijo lucha con sus estudios* could have different English translations, depending on the interpreter's knowledge of Spanish. It could be translated to mean "My son wrestles (physically) with his studies," or "My son tries very hard in his studies," or "My son has difficulty with his studies." Understanding the pragmatics and nuances of the Spanish language is essential to conveying correct information during interactions with Spanish-speaking parents and school personnel.

2. *Familiarity with the Hispanic culture and an understanding of its impact on the total lives of Hispanic individuals.* This would entail being able to interpret cues, being sensitive to others' needs/moods, understanding nonverbal language, and understanding how to meet personal/family needs (Brandenburg-Ayers, 1990). Fradd and Correa (1989) elaborated on this impact by stating that Hispanics' interpretation of and approaches to their experiences and needs are different from those of service providers whose background is not rooted in Hispanic culture.
3. *Knowledge of special education concepts, terminology, administrative procedures, and placement alternatives mandated by the Individuals with Disabilities Education Act (IDEA).*
4. *Willingness to take a secondary role in the referral and placement process.* Interpreters must at all times strive to only relay information, not initiate or change it.

5. *The ability to read and write in English.* These skills are essential because interpreters are asked to (a) assist in administering tests, (b) read special education reports and training material, (c) record students' or parents' responses, and (d) make reports.
6. *The ability to appropriately interact with individuals who are from varying cultural backgrounds, who have varying degrees of training, or who have varying degrees of the understanding process.* This could include administrators, students, psychometrists, human service providers, and individuals in the medical and legal professions.
7. *Trustworthiness and integrity.* Interpreters should be able to be trusted to abide by school rules, to maintain the confidentiality of school records, and to respect the rights of parents, teachers, and students.

In sum, interpreters should possess skills that will assist school personnel in accomplishing activities required by the IDEA, especially (a) scheduling parent-teacher conferences, (b) administering tests, and (c) interpreting during parent-teacher conferences when Individualized Education Programs (IEPs) are formulated.

The potential problems in using interpreters include (a) the difficulty of on-the-spot interpretation, (b) loss of meaning in the interpretation process, (c) provincial meaning of words or concepts, and (d) interpreter's hostile feelings toward monolingual school personnel. (Plata, 1982). The above is applicable to any language/culture with the obvious changes relative to the specific language/culture.

It has been argued that when linguistic differences are a factor in intelligence testing, the intelligence test actually becomes an achievement test, a measure of second language acquisition rather than of general capacity to learn (Nuttall, Landurant, and Goldman, 1984; Mercer, 1983). It then becomes almost impossible to make a determination of intellectual capacity based on standardized instruments. This text will address those alternatives. For example, Howard Gardner has challenged the notion of unitary global intelligence (Gardner, 1983). The Harvard professor of education has defined an intelligence as "the ability to solve problems, or create products, that are valued within one or more cultural settings." Rather than accepting the simple distinction of verbal versus nonverbal abilities, each student is viewed as having the potential to possess one or more intelligences from such domains as linguistic, musical, logical-mathematic, spatial, bodily-kinesthetic, and personal abilities. Gardner not only broadens our ideas of what intelligence is, but his argument is deeply rooted in the individuals' cultural context. Students do not approach the standardized IQ assessment with identical sets of cultural experiences, and these experiential differences have a direct bearing on performance.

The Achievement/Intellectual Functioning Discrepancy

The definition of specific learning disabilities also requires that a significant discrepancy exists between some areas of academic achievement and intellectual potential. However, the degree of discrepancy may vary from state to state, making it possible for a student who takes the same test and achieves the same score in two different states to be classified as having a specific learning disability in one of the states and not the other. This also happens in districts within the same state, where more affluent school districts provide services for students who have smaller discrepancies. This process of establishing a discrepancy between achievement and intellectual performance is determined by tests, administered to students who possess basic differences in experiential backgrounds from the population on whom the instrument was normed. Thus the results of such testing cannot be considered to be an accurate index of achievement or potential (Salvia and Ysseldyke, 1995). This is a critical issue in urban areas in which students who are suspected of having a learning disability may represent a variety of linguistic and experiential backgrounds. Furthermore, inherent in the assessment of academic areas is the assumption that the test items reflect what was actually taught in the classroom. This is probably not the case. The need still exists for assessment instruments that are more curriculum-based. Galagan (1985) has argued that "there is simply no legal requirement and little, if any, legal justification under the EHA (Education for the Handicapped Act) for the ubiquitous use of psychometric and projective instruments in the special education evaluation and placement process" (p. 298). Authentic assessment will be discussed further in the textbook.

A Second Language

Although many students in urban areas are classified as language-learning disabled, significant problems exist in the assessment of specific learning disabilities for students for whom English is not the first or only language learned. It should be determined if such students are truly bilingual (English and the other language are understood and spoken equally well); if the students have learned a first language and English is a second language; if the student has limited English proficiency and no other language.

Fradd and Weismantel (1989) note that there are indicators of learning disabilities that are also behavioral characteristics of students who are learning English:

discrepancy between verbal performance measures on intelligence tests	This discrepancy is predictable because those who are not proficient in the language of the test are often able to complete many of the nonverbal tasks correctly.
academic learning difficulty	Students in the process of learning a new language often experience difficulty with academic concepts and language because these terms and ideas are more abstract, less easily understood and experienced than ideas and terms that communicate social interactions and intents.
language disorders	When second-language learners enter into meaningful communication, their speech often appears as language disorders because of disfluencies that are a natural part of second-language development.
perceptual disorders	Even the ability to perceive and organize information can be distorted when students begin to learn a new language.
social and emotional problems	Students in the process of learning how to function successfully in a new language and culture predictably experience social trauma and emotional problems.
attention and memory problems	When students have few prior experiences on which to relate new information, they may find it difficult to pay attention and to remember.
hyperactivity or hypoactivity; impulsivity	When students have little prior knowledge or experiences on which to base present information, they frequently become restless and inattentive.

Central Nervous System Factors

The assumption of central nervous system dysfunction has become perhaps the least observed component in the diagnosis of specific learning disabilities. Because central nervous system dysfunction is so difficult to demonstrate, specific learning disabilities are often defined by the exclusion of sensory deprivation, mental retardation, emotional disturbance, cultural differences, or economic disadvantage as primary factors in the student's underachievement.

For students from economically depressed urban areas, for students whose acculturation is different from that of the standardization population of the assessment instruments used, for students whose native language is not English, and for those students who have suffered lack of opportunity to learn, the diagnosis of specific learning disabilities *should* be extremely complex process. Ironically, it often appears that these very students are the ones most frequently classified as learning disabled. In fact, it is relatively easy to classify culturally different students in urban areas as learning disabled when evaluators do not consider the appropriate match between student and normative population, and do not consider the sociocultural and instructional factors that, by definition, should preclude such a classification. These considerations will be addressed in this text.

In general, a major problem lies in the attempt to identify an atypical learner who, although assumed to be of at least average intellectual ability and without primary deficits in sensory reception, intellectual capacity, emotional adjustment, cultural and economic factors, does not appear to learn specific types of information in the typical manner. The problem is exacerbated in large and diverse urban areas. In many instances evaluators in such areas are faced with the question, "With what type of error do we feel most comfortable: a false positive, in which large numbers of students may be classified as learning disabled when they are not, or a false negative, in which large numbers of students who truly are learning disabled must go without services?"

A major factor in the preponderance of false positives appears to result from the fact that in many urban school districts students will not receive the support services that may be most helpful to them unless they are classified as having some type of "handicapping condition." Howe and Miramontes (1992) suggest that this is one of the major moral and ethical decision that special educators face. They provide a case to illustrate the point.

Manual is fifth grader. He is a migrant child and has been in and out of Sky Elementary School over the last several years. This year he is having more difficulty than usual keeping up with schoolwork and is lagging far behind in reading. Mr. Fry, his

teacher, is very concerned. He has taken Manuel's case to the child study team in his school. He explained that Manuel's problems in reading stem from an inability to understand the content, a short attention span, and a seeming lack of motivation. The study team suggested that Mr. Fry give Manuel some individualized reading instruction, concentrating on building vocabulary. Mr. Fry tried this, but because of Manuel's absences and the need to attend to the 32 other students in his class, he found it difficult to work with Manuel consistently. Manuel was also beginning to exhibit signs of stress in the classroom by acting out and being aggressive toward classmates. Since there were no special reading services available in the building, Mr. Fry eventually returned to the child study team to seek an official referral for special education testing. The team decided that perhaps this would be the best course of action, since Manuel's academic difficulties could indicate a handicapping condition and since there were no other immediate services to which Manuel could be referred.

Dan Singleton, the resource specialist at Sky, tested Manuel and found that although he did have problems understanding vocabulary, he had no auditory, visual, or memory difficulties. Mr. Singleton felt that rather than having a handicapping condition, Manuel simply lacked practice in reading. Mr. Singleton's hypothesis received support when, by reviewing Manuel's records, he discovered that Manuel had attended 10 schools in his short school career and that the main language services, perhaps because his facility with spoken English masked his limited vocabulary and comprehension.

At the staffing, reports given by other individuals on the committee further supported Mr. Singleton's hypothesis. Manuel's intelligence was determined to be average, and he had no identifiable aural or oral problems, although he was three grade levels behind in math. As the evidence accumulated, it seemed that Manuel's academic problems were not attributable to a handicapping condition. It was also clear, however, that he needed intensive, individual help. This need seemed all the more pressing because Manuel had begun to vent his frustrations in class.

Mr. Singleton has time in his case load and feels sure he can help Manuel if given the chance. However, Manuel cannot be placed in the resource room unless he is found to have a handicapping condition. Because no other special services are available in the building (such as a reading teacher, individual tutoring, etc.), the only option for individualized instruction seems to be the resource room.

This is why it is so critical that the assessment process be undertaken in a sensible, reasonable manner, incorporating an appreciation of the diverse nature of students with learning disabilities.

Overrepresentation of Minority-Group Students

The process one undertakes to identify, classify, and provide appropriate educational services to students with learning disabilities is very complex. Add to this the issues regarding a culturally and linguistically diverse population, and it becomes even more complex. Yet we appear to classify these students with relative ease. Note the statistics provided in the Introduction. Clearly we have no difficulty classifying minority group students. One of the major issues confronting the field of special education, specially students who are classified as having mild disabilities (mildly mentally retarded, emotionally disturbed and learning disabled) is the overrepresentation of minority group students (Pugach and Palinscar, 1995).

A report of the Quality Education for Minorities Project (1990) argued that "no subject is more important to providing quality education for minorities than the restructuring of schools." This restructuring must include a reexamination of the assessment and placement of students into special education programs. In 1985 when approximately 116,000 students were enrolled in special education programs in New York City, a commission on special education was convened. In its final report to Mayor Edward Koch, the commission asserted that "thousands of children are labeled as mildly or, to a lesser degree, moderately handicapped not because they necessarily have a handicapping condition but because regular education programs have not adequately dealt with the educational needs of these children" (Commission on Special Education, 1985). The education of approximately 12.5 percent of the total school enrollment was consuming 23 percent of the entire budget. The commission further state that, "Educators have come increasingly to recognize the need to focus on the classroom and teachers . . . and not just students . . . as the possible source of poor school performance" (p.47). Enormous fiscal resources are expended to design curriculum and hire staff to attempt to "remediate" these identified areas of deficit. Notwithstanding the very real need of some children to receive carefully constructed educational support services, the current focus on deficits, especially in minority populations, stands as a barrier to imaginative curriculum design as well as to expectations of excellence in student and teacher performance. Furthermore, the focus on student deficits has frequently resulted in an overrepresentation of minority students in special education programs for

the mentally retarded, learning disabled, and emotionally handicapped (Maheady, Towne, Algozzine, Mercer and Ysseldyke, 1983).

This text will address this issue of overrepresentation by examining the referral process, providing alternatives to traditional assessment procedures, and provide professionals with intervention for students and their parents.