



Culturally and Linguistically Diverse Students

What the 2006 IDEA Part B Final Regulations Say:

The 2006 IDEA regulations continue to support appropriate service delivery to culturally and linguistically diverse (CLD) populations. Areas of practice that remain the same include the following:

- Assessment and other evaluation materials should not be racially or culturally discriminatory.
- Assessment and other evaluation materials are to be provided in the child's native language or other mode of communication unless it is clearly not feasible to do so.
- A child must not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading or math, or limited English proficiency.
- Parents are entitled to an interpreter at the IEP meeting if needed to ensure that the parents understand the proceedings.
- When developing an IEP, in the case of a child with limited English proficiency, the language needs of the child as they relate to their IEP must be considered.

An addition to the 2006 regulations on evaluation procedures (§300.304) requires that assessment and other evaluation materials are administered "in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally." For CLD students, the "form" in which evaluation procedures are administered will vary. The addition of this new language emphasizes the allowance of variance from standard testing procedures, when necessary, in order to appropriately evaluate a student.

Additionally, the 2006 IDEA regulations made significant steps toward addressing problems with inappropriate identification and disproportionate representation by race and ethnicity of children as children with disabilities. A provision was added requiring states to review ethnicity data in addition to race data to determine the presence of disproportionality (§300.646). In the event that significant disproportionality is determined, the state will not only be required to review and revise policies, procedures, and practices, but also will require the local education agency (LEA) to reserve the maximum amount of funds under §613(f) of the statute to provide early intervening services to children in the LEA, "particularly, but not exclusively" to those in groups that were significantly over-identified. The LEA also will be required to publicly report on the revision of policies, practices, and procedures. These regulations clearly define steps that states must take to address the problem of disproportionality in special education. In particular, mandating that funds under §613 (f) are to be used for early intervening services is an excellent strategy for states with this problem. Research has shown that

early intervening strategies assist in reducing the number of inappropriate referrals to special education. Long-term effects of reducing disproportionality using early intervening services include reduced paperwork as well as a reduced caseload for special education personnel.

Implications for ASHA Members

The statute, IDEA 2004, continues to emphasize the need for appropriate evaluation procedures for CLD students. The 2006 regulations emphasize the allowance of variance from standard testing procedures when necessary to appropriately evaluate a student. Use of non-standardized testing procedures, such as portfolio assessments or spontaneous language samples, can provide valuable qualitative information on the child's communication skills. When evaluating English language learner (ELL) students, it is important for speech-language pathologists (SLPs) to carefully review the child's language history to determine the language of assessment. If it is determined that the child should be evaluated in a language other than English, the SLP must use all available resources, including interpreters when necessary, to appropriately evaluate the child.

In addition, states are facing more stringent repercussions if their school districts are found to have a disproportionate number of CLD students in special education. SLPs will need to ensure that their assessment strategies for these students in particular are appropriate and that they yield the most reliable results.

What ASHA Members Can Do

ASHA members must ensure that their assessments for all students, especially CLD students, are appropriate and yield valid results. SLPs and audiologists must advocate at the state and local levels for identification, assessment, and eligibility policies and procedures for CLD students to assist in eliminating the issues of disproportionality. ASHA members must also advocate for inclusion in the development and provision of early intervening services at www.asha.org/members/slp/schools/prof-consult/Rtol.htm and www.asha.org/about/leadership-projects/multicultural/issues/da/.

Research has shown that early intervening strategies assist in reducing the number of inappropriate referrals to special education. Long-term effects of reducing disproportionality using early intervening services include reduced paperwork, as well as a reduced caseload for special education personnel. ASHA members are encouraged to continue developing the knowledge and skills needed to provide culturally and linguistically appropriate services, as well as advocate for resources in order to provide effective services. ASHA has a number of resources on its Web site at <http://www.asha.org/about/leadership-projects/multicultural/> that focus on service delivery to CLD populations. There are also a number of continuing education programs that provide information on best practice for working with ELL students, bilingual populations, and other CLD students.