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ABSTRACT

The report analyzes policy issues in the education of bilingual exceptional students. Chapter 1 provides a historical review of the question, including overviews of litigation and legislation and findings regarding the effectiveness of bilingual education. Significant issues are considered in Chapter 2, including programmatic options, removable barriers, specially designed instruction, program costs, teacher competencies, needed changes in teacher programs, and parental involvement. Current practices in the state of Massachusetts and in the Waukegan (Illinois) public schools are cited. The final chapter lists six current requirements for serving bilingual handicapped students and notes policy options (with potential positive and negative effects) for 19 aspects, including screening, bilingual advocacy, establishment of primary need, parent and community involvement, accessibility, minimum services, and inservice training. (CL)

POLICY OPTIONS FOR INSURING THE DELIVERY OF AN APPROPRIATE EDUCATION TO HANDICAPPED CHILDREN WHO ARE OF LIMITED ENGLISH PROFICIENCY

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Policy Options For Insuring The Delivery of An Appropriate Education To Handicapped Children Who Are of Limited English Proficiency

Introduction

Providing an appropriate and effective education for minority group students who are both handicapped and of limited English proficiency is without a doubt one of the greatest challenges facing special educators as we enter the 1980's (Baca, 1980, A). Recent developments in litigation, legislation and educational research have focused attention on the unique needs of culturally and linguistically diverse handicapped children. Court decisions and statutes include specific provisions to meet these needs. The emerging implications of the Lau decision and the implementation of federal mandates are of concern to policy makers on state and local levels as they seek to deliver appropriate educational programming.

Likewise, with the passage of the Education for All Handicapped Children Act (P.L. 94-142) and Section 504 of the Rehabilitation Act, handicapped children are guaranteed an appropriate education to meet their unique educational needs. The issue of linking these two delivery systems--bilingual education and special education--is the focus of this policy options paper. There is a critical need at present to examine the policy issues relative to providing handicapped children who are of limited English proficiency with an appropriate education.

Definition of Terms

Since the emphasis on bilingual education is relatively new, there is some confusion about what it really is. A well accepted definition of bilingual education in this country is one set forth by the U.S. Office of Education (1971):

> It is the use of two languages, one of which is English, as mediums of instruction for the same pupil population in a well organized program which encompasses all or part of the curriculum and includes the study of the history and culture associated with the mother tongue. A complete program develops and maintains the children's self-esteem and legitimate pride in both cultures.

The above stated definition is a legal one that is used by the federal government in the implementation of Title VII of the Elementary and Secondary Act. A more descriptive definition is given by Anderson and Boyer (1971):

> It is a new way of conceiving the entire range of education especially for the non-English child just entering school. Bilingual learning necessitates rethinking entire curriculum in terms of a child's best instruments for learning, of his readiness for learning various subjects, and of his own identity and potential for growth and development.

Limited English proficiency refers to a student who comes from a home in which a language other than English is most relied upon for communication and who has sufficient difficulty in understanding, speaking, reading, or writing the English language to deny him or her the opportunity to learn successfully in classrooms in which the language of instruction is English.

Another area that requires some clarification has to do with the goals of bilingual education. Authorities in the field of bilingual education identify different types of programs each with different goals (Fishman and Lovas, 1970; Gonzales, 1975). At the bottom of all the discussion of the goals of bilingual education are two ends of a continuum which have become polarized becuase of the controversey they have raised. What is referred to, is the transition vs. maintenance issue.

A transitional bilingual program is one that utilizes the native language and culture of the student only to the extent that it is necessary for the child to acquire English and thus function in the regular school curriculum. This program does not teach the student to read or write in his or her native language.

In this type of program, there is a strong emphasis on the English as a second language component.

A maintenance bilingual program also promotes English language acquisition. In addition, it endorses the idea that there is value in linguistic and cultural diversity. Thus, it encourages children to become literate in their native language. Finally, it encourages students to use their bilingual skills throughout their schooling and into their adult lives.

All state and federal legislation supports the transitional approach to bilingual education. These laws, however, do not prohibit local districts from going beyond the law into a maintenance program using local resources. In summary, legislation favors the transitional approach. The local district, however, is free to implement a maintenance approach if it so desires.

What is meant by bilingual special education? In the ideal sense, bilingual special education may be defined as the use of the home language and the home culture along with English in the individually designed program of special instruction for the student. Bilingual special education considers that a child's language and culture are the foundations upon which an appropriate education can be built. In this situation, the basic educational paradigm is to move the handicapped child from the known to the unknown through preferred cultural and linguistic communicative mediums.

In some cases, a bilingual handicapped child could be placed in a self-contained bilingual special education classroom. On the other hand, the bilingual handicapped child could be in a regular special education program and participate in a bilingual resource room for a short period each day. The handicapped bilingual child could also be served by an itinerant bilingual special education teacher. The major determinants of the bilingual special education program design are the unique educational needs of the students.

Chapter 1

Historical Overview

Only within the past few years has the right of handicapped children to an education appropriate to their needs begun to be accepted. In 1972, the Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania and Mills v. D.C. Board of Education were decided on this basis. The plaintiff class in PARC was all school aged mentally retarded children excluded from the public schools. The class in Mills was all school aged children with disabilities, not just mental retardation, who were either totally or functionally excluded from public education. Specific relief granted by both the PARC and Mills courts was comprehensive (Hockenberry, 1979).

What about the right of a handicapped child who is of limited English proficiency to an education that utilizes his or her native language and culture in the instructional process? Can it be argued that this type of bilingual special education program is an "appropriate" education for this type of student? Ten years ago it was unheard of to expect a bilingual special education program for a child of limited English proficiency. Today, however, we are beginning to see programs that are attempting to meet the needs of these students. For example, Sanua (1976) reports that in a study conducted with intellectually and physically handicapped students in Brooklyn, New York 78 percent showed progress in reading and 74 percent showed an improved self concept when instruction was conducted bilingually. In another study, Baca (1974) found an improvement in attitudes as well as achievement among 15 mildly retarded students when informal and structured bilingual instruction was used in the classroom.

If one reviews the literature of the past twenty years, it becomes obvious that bilingual children have not always had a positive experience with special

education. It is a well established fact that bilingual children, and minority children in general, have been misplaced in large numbers and thus overrepresented in self contained special classes especially those for the mentally retarded. Mercer (1973) reported that Mexican-American children were placed, at a rate that was much higher than would have been expected, into classes for the mentally retarded. According to her study, Mexican-American children were ten times as likely to be placed in special education than their Anglo counterparts.

The principal reason for the overrepresentation of bilingual children in classes for the mentally retarded is biased assessment practices. Jones (1976) maintains that bias is involved at three different levels: 1) at the content level where decisions are first made about what items to include in a test, 2) at the level of standardization, where decisions are made about the population for whom the test is appropriate, and 3) at the point of validation, where efforts are undertaken to determine whether or not tests accomplish what they have been designed to accomplish.

The courts have been involved in this issue of biased assessment for a number of years. Quite recently a decision was handed down in the Larry P. v. Wilson Riles case. Through this decision the I.Q. test was banned from the California Public Schools for Black students being considered for educable mentally retarded classes. In his decision, Federal Judge R.F. Peckham stated:

> "We must recognize at the outset that the history of the I.Q. test, and of special education classes built on I.Q. testing is not the history of neutral scientific discoveries translated into educational reform. It is, at least in the early years, a history of racial prejudice, or social Darwinism, and of the use of the sceintific "mystique" to legitimate such prejudices."

Professionals within the field of special education began to question the educational practices being utilized with minority children as far back as the early nineteen-sixties. The most striking and effective condemnation of these

practices was issued by Dunn in 1968 when he wrote:

> A better education than special class placement is needed for socioculturally deprived children with mild learning problems who have been labeled educable mentally retarded. . . . The number of special day classes for the retarded has been increasing by leaps and bounds. The most recent 1967-68 statistics compiled by the U.S. Office of Education now indicate that there are approximately 32,000 teachers of the retarded employed by local school systems-over one-third of all special educators in the nation. In my best judgment about 60-80 percent of the pupils taught by these teachers are from low status backgrounds-including Afro-American, American Indians, Mexicans, and Puerto Rican American; those from nonstandard English speaking, broken, disorganized and inadequate homes; and children from other non-contained special schools and classes raises serious educational and civil rights issues which must be squarely faced. It is my thesis that we must stop labeling these deprived children as mentally retarded. Furthermore, we must stop segregating them by placing them into our allegedly special programs. (pp. 5-6).

It thus becomes clear why bilingual minority children and their parents have often had concern about special education programming in the past. Any attempt to provide bilingual special education must take this historical background into account.

Legal Background

Let us consider briefly the legal background of bilingual special education. Up to the present time there have been no laws formulated to deal specifically with bilingual special education. What does exist is a legal history related to special education, a legal history dealing with bilingual education, and litigation related to bilingual special education. Thus, in order to discuss the legal perspective of bilingual special education, it is necessary to treat each area separately and point out where there is some overlap.

Bilingual education is a relatively new program in terms of federal legislation and support. The federal bilingual legislation was first passed in 1968. It is known as the Bilingual Education Act and is Title VII of the Ele-

mentary and Secondary Education Act. The act states:

> The Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, and (B) for that purpose, to provide financial assistance to local education agencies, and to State education agencies for certain purposes, in order to enable such local educational agencies to develop and carry out such programs in elementary and secondary schools, including activities at the preschool level, which are designed to meet the educational needs of such children; and to demonstrate effective ways of providing, for children of limited English speaking ability, instruction designed to enable them, while using their native language, to achieve competence in the English language (Cordasco, 1976).

It is apparent that our bilingual legislation is permissive rather than mandatory. It is demonstration oriented rather than service oriented. There is nothing in this legislation that speaks directly to the needs of bilingual handicapped students. The law was amended in 1974, and again in 1979, but no major changes were made. Although the law does not speak directly to the eligibility of bilingual handicapped children, one could argue that if a child is of limited English proficiency then (s)he is eligible for services whether (s)he is handicapped or not.

In 1971, a federal district court in United States v. Texas (342 F. Supp 24 (ED Tex 1971) found that a Texas school district had operated a de jure segregated school system and ordered, as part of the remedy, a bilingual program for Mexican American students. In 1974, in Arvisu v. Waco Independent School District (373 F. Supp 1264 (WO Tex 1974), the court found de facto segregation of Mexican American pupils, but acknowledged that such segregation did not result from action of the state. The school district, consequently, was ordered to expand and improve its current bilingual/bicultural program.

In 1974, the U.S. Supreme Court in Lau v. Nichols handed down a far reaching decision in behalf of linguistically different children. This was a class

action suit on behalf of 1800 Chinese speaking students in San Francisco. The plaintiffs claimed that the school district did not make any provisions for their limited English language abilities and thus they were denied an equal educational opportunity. The court decided in favor of the plaintiffs and stated that school districts should provide instructional programs in a language that limited English speaking children could understand (Cordasco, 1976). The decision referred to all children; thus handicapped children have the right to be taught in their native language under Lau. The proposed Lau regulations (Federal Register, Vol. 45, No. 152, P 52073) state:

> (a) Procedures to identify, evaluate, and place limited-English-proficient students who may be handicapped and eligible for special education and related services must take into account their language characteristics so that language background does not affect the outcome of these procedures.
>
> (b) Where such a student is entitled to instruction through a language other than English, such instruction or appropriate equivalent instruction must be provided.

Another case that is pertinent to our discussion, is Serna v. Portales, a case very similar to Lau. It was a class action suit in behalf of Spanish speaking students in the Portales, New Mexico School District. The court ruled in favor of the children and the district was ordered to implement a bilingual program.

When reviewing litigation specifically related to bilingual special education, it can be seen that discriminatory procedures for evaluating; placement and re-evaluation have been challenged in several courts. (See e.g., Lora v. The Board of Education, New York, 456 F. Supp. 1211 (1978), Jose P. v. Ambach, Larry P. v. Riles, 343 F. Supp. 1306, 502 F. 2nd 963.) Yet only one major action obtained an order for the provision of bilingual special education for handicapped students who are stronger in a language other than English. This case, Dyrcia S., et. al. v. Board of Education of the City of New York, et. al., is a class action suit involving Puerto Rican and Hispanic students. A brief history of New York's

recent litigation in this area will provide a necessary context for this discussion.

In Lora the issue was a disproportionate assignment of Black and Hispanic students to special day schools for the emotionally disturbed. A lack of adequate facilities in the public schools resulted in racially and ethnically segregated schools that were more restrictive than appropriate. The District Court held that plaintiffs were discriminated against on the basis of race in violation of the Fourteenth Amendment and the Civil Rights Act of 1964. It also held that on constitutional grounds, and according to P.L. 94-142, and Section 504, the program at the special day school was inadequate and plaintiffs suffered inadequate treatment in the referral, evaluation and due process procedures.

Following this case which was initiated in June 1975 with a final order issued four years later, several other were filed in the Eastern District Court which had implications for children of culturally and/or linguistically diverse backgrounds. These cases are Jose P. v. Ambach; United Cerebral Palsy of New York v. Board of Education; Dyrcia S. v. Board of Education (79 Civ. 270).

Jose P. v. Ambach, was a class action suit on behalf of all handicapped children between the ages of five and twenty one who had been deprived of a free appropriate public education because of the failure of the Board of Education to timely evaluate and place such children in suitable programs, it was filed on February 1st, 1979. The complaint in United Cerebral Palsy (UCP), a class action suit on behalf of UCP, as an organization, and all handicapped individuals residing in New York legally entitled to the provision of a free appropriate public education who have disabilities resulting from brain injury or other impairments to the central nervous system, was filed on March 2nd, 1979 and raised a broad spectrum of issues involving the failure to provide appropriate special education services to such children. Dyrcia S. v. Board of Education was brought on October 2, 1979 on behalf of Puerto Rican and other Hispanic

children residing in New York City who have limited English proficiency and are handicapped, and who require bilingual/bicultural special education programs for which they were not being promptly evaluated and placed.

Subsequently, at a brief hearing held in the Jose P. case the Board of Education admitted its failure to timely evaluate and place children. Judge Nickerson on May 10, 1979, issued a Memorandum and Order certifying the class, finding that the Board had failed to comply with State and Federal requirements concerning the timely evaluation and placement of handicapped children and appointed former federal Judge Marvin E. Frankel as a Special Master in the case. On August 10 Judge Nickerson, recognizing the overlap in the issues in the Jose P. and UCP cases and the participation of UCP's counsel in the proceedings before the special master, issued an order in UCP deferring that case until the final report by the Special Master in Jose P.

Extensive negotiations were held under the supervision of the Special Master involving the plaintiffs in Jose P., UCP and Dyrcia S., the defendants in the three cases, the Board of Education and the State Education Department, as well as Advocates for Children and the Public Education Association acting as amici. On December 14, 1979 Judge Nickerson issued a comprehensive order in Jose P. following Judge Frankel's recommendations which were based on the Board's own plan for reorganizing special education services and the negotiations among the parties and amici. Subsequently, on February 27, 1980, a consolidated judgment was issued in the UCP and Dyrcia S. cases incorporating all provisions of the December 14 Jose P. order, except for the liability finding. Although the Board of Education did not consent to the Jose P. order and the orders in the related cases, it agreed not to appeal. The State Education Department initially filed an appeal on the issue of its responsibility to assure compliance by the City; however, it subsequently withdrew the appeal without prejudice.

The judgment issued by Judge Nickerson on December 14 is a far reaching

remedial order which effects virtually every aspect of special education in New York City.

The relief ordered encompasses the following:

1) Identification of children in need of special education services, an annual census, an outreach office with adequate bilingual resources, and a procedure for reviewing the needs of truants and drop-outs;

2) Appropriate Evaluation - Establishment of school based support teams (SBSTs) in all schools by April of 1981 to evaluate children in most instances in their own school environment and to seek school based remedies where appropriate, provision of resources by the spring of 1980 for timely evaluation of children either by Board of Education staff or through contracting with approved outside facilities, and provision of bilingual, non-discriminatory evaluation processes;

3) Appropriate Programs in the Least Restrictive Environment - The provision of a continuum of services including preventive services, resources room programs in all regular schools, and sufficient programs for all handicapped children with both high incidence and low incidence disabilities as close to their homes as possible, and the provision of appropriate bilingual programs at each level of the continuum for children with limited

4) Due process and parental and student rights: The commitment to issue a parents' rights booklet (and a Spanish language version) which explains all the due process and confidentiality protections available to parents and students, including appeal rights, provision for participation by parents in all Committee on the Handicapped and School Based Support Team meetings held to discuss their child, provision of extensive outreach efforts, which include hiring neighborhood workers, to involve parents in the evaluation and placement process and in developing individual educational programs, and to insure that cases are not improperly closed and that pupils are not improperly dropped or discharged from special education programs, and procedures for the appointment of surrogate parents for children whose parents are unknown, cannot be discovered or are wards of the court.

While the matter of bilingual special education is not presently before the Nation's courts at the time of this writing, indications are that more litigation along these lines can be expected.

The passage of P.L. 93-112, the Rehabilitation Act of 1973, and specifically Section 504 of the Act, has helped establish the right for a bilingual handicapped child to receive a bilingual special education program of services. Section 504 reads as follows:

> No otherwise qualified handicapped individual in the United States as defined in Section 7(6) shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The Office for Civil Rights (OCR) counts among its responsibilities enforcement of Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964. Allegations of violations of these laws, essentially concern discrimination on the basis of handicap or race or national origin. When OCR receives a complaint to this effect, it conducts an investigation and reports its findings within a specified period of time.

Such action was taken on behalf of seven handicapped Hispanic students and all other language minority students in Philadelphia. The statement of findings issued by OCR in March, 1980, revealed violations in four areas:

- Failure to properly access the language proficiency of students whose primary or home language is other than English;
- Failure to provide appropriate instruction to all students with limited English proficiency;
- Failure to adequately notify national origin minority parents of school activities which are called to the attention of other parents; and
- Failure to identify and serve Hispanic handicapped students.

In 1975, the Congress passed P.L. 94-142, the Education of All Handicapped Children Act, which is the most significant legislation on behalf of handicapped children to date. In terms of the bilingual child, this legislation is especially significant. Because not only did it include a provision for non-discriminatory testing, but it also called for an appropriate education for each child which is to be accomplished through an individualized education program (IEP). This IEP could require that the instruction be carried

out in a bilingual manner. Currently, California and Louisiana require the inclusion of bilingual goals and objectives, programs, and services in the IEP of bilingual handicapped students. With the passage of this law, the foundation is now established for bilingual special education. In summary, it becomes clear that handicapped children who are also bilingual in the sense that they are of limited English proficiency have the right to bilingual instruction. The special education legislation, the bilingual education legislation, as well as the court cases mentioned, all support this position. This same conclusion was reached by Bergin (1980) when she stated:

> "The law now guarantees minority language handicapped students equal access to education. Special education and bilingual education must come together within the administrative structure of a school system to provide, in practice, what the law requires."

The Effectiveness of Bilingual Education

Before one recommends bilingual special education and discusses policy options designed to assist in the implementation of such a program, it would appear wise to first document the effectiveness of bilingual education.

The following review of the literature on bilingual education presents the findings of studies which have been conducted in a variety of bilingual program settings. It presents information about bilingual projects which exist or have existed in the United States, as well as those from other countries.

Modaino's study of the comparison of Spanish Direct Teaching and Indian Language Approach in Chiapas, Mexico indicated that after three years, students who had been initially taught in their native language and then in Spanish had higher reading comprehension, as measured by a Spanish reading test, than those children who had been taught only in Spanish. (Modiano, 1968, 1973). Modiano's findings supporting the use of the child's native language in initial reading are substantiated by other studies such as those of Barrera-Vasquez (1953) with

Tarascan Indians, Burn's (1968) study of Quechua Indians, and Osterberg's (1961) findings from his study on the dialect-speaking Swedish children.

Gudschinsky (1971) studied the Native Language Approach used in the mountains of Peru. The children in this project were exposed to Quenchua, their native language, as the medium of instruction for the first two years and then were moved into Spanish. She found that more children remained in schools under this system, and the work done was "above" that done by comparable students who were not in the bilingual program.

Worral (1970, 1971) studied Afrikaans-English bilinguals, ages four to six and seven to nine in Pretoria, South Africa. She matched each bilingual with two monolingual children -- one of Afrikaans and the other English speaking -- on intelligence, age, sex, school grade, and social class. On a phonetic preference test, the preschool bilingual's showed greater ability to separate the sound of a word from its meaning than did either of the monolingual groups.

She concluded that bilinguals are aware that different words can mean the same thing earlier than monolinguals because they are used to giving the same object two names, one for each of their languages. Blank (1973) claims that a major characteristic of low functioning preschool children is that they have not developed what she calls the "abstract attitude" that the more successful preschool children seem to have acquired. Blank concludes that the primary goal of teaching poorly functioning children should be to develop in them the precursors of abstract thinking so that they will have an internalized, readily available symbolic system. She believes that if "learning sets" have any value in preschool education, they should be "metaset" or the learning set par excellence. The metaset is a step beyond specific learning sets. It is a more abstract or sophisticated skill, which enables the child to adapt and transfer other learning sets as needed. Worral's findings appear to be one instance in

which this hypothesis is substantiated.

Malherbe (1969) reported that the children involved in the bilingual schools, in South Africa, performed significantly better in language attainment (in both languages), geography, and arithmetic when compared with comparable monolingual children. Malherbe's study is one of the few which controlled for students' intelligence and as a result of his investigation he stated:

> There is a theory that while the clever child may survive the use of the second language as a medium the duller child suffers badly. We therefore made the comparison at different intelligency levels and found that not only the bright children but also the children with below normal intelligence do better school work all around in the bilingual school than in the unilingual school. What is most significant is that the greatest gain for the bilingual school was registered in the second language by the lower intelligence groups.

Richardson's (1968) findings about the Coral Way Elementary School in Florida supports Malberbe's findings regarding the benefit of bilingual education. The Coral Way Program was similar to that of South Africa in that all subject matter was taught in both languages and the student population was mixed. His findings after a three-year study indicated:

> . . . that while the students, English-speaking and Spanish-speaking, were not yet as proficient in their second language as in their native language, they had made impressive gains in learning their second language. The study also indicated that the bilingual curriculum was as effective as the traditional curriculum in helping the students progress in paragraph meaning, word meaning, spelling, arithmetic, reasoning, and computation.

The Alternate Days Approach in the Philipines bilingual program was similar in structure to that of the South African bilingual schools. At the end of the first year, the bilingual class performed equally well as the Philipino class on tests of Philipino Reading, Philipino Science, and Non-Verbal Social Studies as did the English class. Both control and experimental groups performed equally well on Oral English (Tucker, 1972).

The San Antonio Texas Bilingual Study was designed to test the effectiveness of intensive oral language instruction in English and Spanish. An assessment by Taylor (1969) of oral language skills at the fourth and fifth grades showed that the intensive Spanish group was the highest on the English oral test. Arnold (1969) also found that these children had better reading retention. This finding is similar to those reported by Tucker and Lambert, indicating that there can be transfer and learning in the other language without direct teaching. A five-year longitudinal study of the Santa Fe, New Mexico bilingual program (Leyba, 1978), found that children in the bilingual program consistently performed better on academic achievement tests than the non-bilingual control group. The cummulative effect over the five year period was statistically significant.

Cohen (1975) in his study of the Redwood City, California bilingual program reported:

1. that Mexican-American children who are taught in the academic curriculum in Spanish and English for several years are as proficient in English language skills as comparable Mexican-American children taught only in English;

2. that bilingually schooled children are, to a limited extent, more proficient in Spanish language skills than comparable children taught only in English:

3. that a bilingual program promotes a greater use of Spanish among its Mexican-American participants than is found among comparable non-project participants;

4. that Mexican-American children, following a bilingual program, perform at least as well, and at one group level significantly better, in relation to a comparison group on tests of a non-language subject matter such as mathematics:

5. that students in the bilingual program perform better than the comparison students at one level and the same as the other two levels on measures of academic aptitude;

6. that Mexican-American students in the bilingual program gained more positive appreciation of Mexican culture than the comparison group. This positive gain in cultural appreciation was not achieved at the expense of their esteem for the Anglo culture;

7. that the school attendance of the Mexican-American students in the bilingual program was much better than that of Mexican-American students in the comparison group;

8. that those students who had been in the bilingual program the longest had more positive attitudes toward school than did comparison students who had been schooled conventionally for the same period of time;

9. that the bilingual group parents were more positive than the comparison parents about the virtues of the Spanish language, not only as a means of preserving their heritage, but also for practical reasons such as enhancing their children's education and helping them to get a job.

The American Institutes for Research (AIR) conducted an evaluation of Title VII Bilingual programs in 1977. The major finding of this study was that students participating in the Title VII programs did not show significant differences in achievement when compared to a comparison group. Several methodological weaknessess have been identified in this study. Cervantes (1978) points out that the experiment and control groups lacked comparability; that an equivalent group design was used; and that improper instrumentation was used.

A recent study (Troike, 1978) cited several programs which have documented success. Included among those are the following:

1. Philadelphia, PA (Spanish)

   In a third-year program, both Anglo and Spanish-speaking kindergarten students in the bilingual program exceeded the city-wide mean and a control group on the Philadelphia Readiness Test (a criterion referenced test), and attendance records were better than in the control group.

2. San Francisco, CA (Chinese)

Chinese dominant students in the Title VII bilingual program in 1975-76 were at or above district and national norms in English and math in three out of six grades, and only .1 (one month) below in two others, as measured by the Comprehensive Test of Basic Skills (CTBS). In addition, English-speaking students in the program performed at or above national and district norms in all grades, demonstrating that the time spent learning Cantonese did not detract from English language development.

3. San Francisco, CA (Spanish)

The Spanish Title VII bilingual program students in the 7th grade showed two months greater gain than regular district students on the CTBS during 1975-76, and were only .1 below other district students in the same schools. Additionally, the absenteeism among bilingual program students was less than one-third that of the regular program students (3.6 percent compared to 12.1 percent).

4. Lafayette Parish, LA (French)

Students in grades K-3 in the French-English bilingual program performed as well as or significantly better than a control group of students in the regular program in all areas tested, including reading and reading readiness, linguistic structures, writing, math concepts, and social science. Instruments used included the Primary Abilities Test, the Metropolitan Achievement Test, and a criterion referenced test for French.

5. Artesia, NM (Spanish)

On the Comprehensive Test of Basic Skills, Spanish dominant children in the bilingual program scored significantly higher than the control group in grades three and four in English and reading, while even English dominant children in the program scored higher than their control group. In general, the control group children continued to lose positive self-image while the bilingual program children maintained or increased it.

The most thoroughly conceived, carefully conducted, and academically respected longitudinal study in the literature on bilingual education was the one conducted by Peal and Lambert (1962) in Canada. This study differed radically

from other studies in the following respects.

1. It was not a comparison of two models but rather a demonstration of the value of the Direct Approach.

2. The children in this study were speakers of the dominant language (English) and were learning the non-dominant language (French) in Montreal. In all other studies, the subjects have been minority groups who were to learn the language of the majority.

3. The parental input differed. The parents were middle class and active in the education of their children. Parents conceived this project and supported it through six years.

This well designed and tightly controlled study indicates that:

1. The children in the pilot group were identical to the English control group on achievement and intelligence. Their achievement is apparently unhampered by learning in a weaker language for four years;

2. Retesting in the 6th grade showed that they were equivalent to English speakers on English exams;

3. The children in general had a high concept of themselves, and they identified fairly completely with the English Canadian set of values. However, in a questionnaire given to fourth and fifth graders, the children rated themselves as both English and French Canadian. Thus, they may be gaining some qualities of biculturalism;

4. The experimental program resulted in no native language or subject matter deficit or retardation of any kind;

5. The experimental students appear to be able to read, write, speak, understand, and use English as competently as students in the English control group.

6. During the same period of time and with no apparent personal or academic costs, the experimental children have developed a competence in reading, writing, speaking, and understanding French that could never be matched by English students following a standard French-as-a-Second-Language program. (Lambert and Tucker, 1972).

Peal and Lambert (1963), in reference to the St. Lambert experimental program stated:

> The picture that emerges of the French/English bilingual in Montreal is that of a youngster whose wider experiences in two cultures have given him advantages which a monolingual does not enjoy. Intellectually, his expereince with two language systems seems to have left him with a mental flexibility, superiority in concept formation, and a more diversified set of mental abilities, in the sense that the patterns of abilities developed by bilinguals were more heterogeneous. . . In contrast, the monolingual appears to have a more unitary structure of intelligence which he must use for all types of intellectual tasks.

The above bilingual research, as well as other studies not mentioned, demonstrate that bilingual education is successful. Children involved in learning environments which employ the use of two languages are performing at a level equal to or higher than their monolingual counterparts.

From this brief review of literature, it can be established that bilingual education is an effective educational methodology. It not only works with the average child, but it has also been shown to work well with children of limited intellectual ability. Thus, bilingual special education can also be an effective method of providing an appropriate education for the bilingual handicapped child.

Chapter II

Significant Issues

Right/Opportunity to Participate in Bilingual Programs

It has been established in Chapter I of this paper that handicapped students, who are of limited English proficiency, have the right to participate in existing bilingual education programs. Whether or not they do in fact participate in bilingual programs is a decision that the IEP staffing team should decide in consultation with the student's parents. The IEP staffing team should make a decision based on two criteria. The first and most important criterion is the degree of need the student has for bilingual instruction. The second criterion would, of course, be the feasibility of utilizing existing bilingual services. If a school district only had self contained bilingual classes, it could be somewhat difficult to try to assign a student to the bilingual program for an hour each day. On the other hand, if the school district had a bilingual resource room then it would be quite easy for the bilingual handicapped student to participate in the bilingual program.

The opportunity to participate in a bilingual program is quite different from the right to participate. The opportunity to participate in a bilingual program is based on both the availability of the program, as well as the accessibility of the program. During the past ten years or so, many school districts have initiated bilingual programs with either federal, state, or local funds. In reality, however, only a small number of the eligible students have access to programs. Consequently, many more programs are needed in order to meet the needs of the linquistically different. It is quite possible then for a bilingual handicapped student to live in a school district where there is no bilingual program and where he would thus not have the opportunity to participate in it.

Programmatic Options

If a handicapped student of limited English proficiency lives in a school district where there is a bilingual program, the program must be accessible in order to ensure participation. The accessibility would be based primarily on the program design. The program would ideally have to be some type of "pull out" program in order to be accessible. A bilingual resource room or some kind of an itinerant teacher program would be accessible. The only way a handicapped student of limited English proficiency could participate in a self contained bilingual class would be if s/he would participate in a specific period like Reading, or if the student was being totally mainstreamed.

The programmatic options for the handicapped student of limited English proficiency are much more limited than they are for a nonhandicapped bilingual student. It should also be noted that "pull out" bilingual programs are the least effective in terms of achievement outcomes. For this reason, they are not utilized by many school districts. Participation in existing bilingual programs by handicapped student of limited English proficiency is possible, but on a very limited basis.

Removal of Barriers

There are physical, personnel and policy barriers that might prevent a handicapped student of limited English proficiency from full and meaningful participation in a bilingual program. First in the area of physical barriers is the whole issue of architectural barriers. There are still a few schools which do not have the proper equipment and adaptations such as elevators, ramps and hand rails. Sometimes bathrooms are not properly designed or equipped to meet the needs of the physically handicapped. Personnel barriers refer to the lack of adequate training and sensitivity on the part of bilingual teachers

regarding the needs and characteristics of the handicapped. Policy barriers refer to the lack of school district policy which encourages the participation of handicapped students in its bilingual programs. Thus, in many instances, teachers, psychologists, and administrators are not considering this alternative when the IEP is being developed for the handicapped child of limited English proficiency.

All of these barriers and possibly others that may exist in some school districts need to be discussed by school administrators. Plans for removing these barriers must be set into motion to assure that the handicapped child of limited English proficiency will have full access to bilingual education services.

Supplementary Aids and Services

It appears that at the present time, supplementary aids and services are not generally available to handicapped students of limited English proficiency in order to help them benefit from existing bilingual programs. Some of the supplementary aids that are needed by these students are bilingual books and materials in large print, second language Braille writers, magnification equipment, etc. In terms of supplementary services, there is a need for additional teacher aides, consulting special education bilingual teachers, and counselors. School districts that are attempting to make their bilingual programs accessible to the handicapped should make every effort to provide these additional materials and services.

Specially Designed Instruction

As was noted above, handicapped students of limited English proficiency will be able to participate in existing bilingual programs only to a limited extent. What is needed for most of these students is a specially designed program of instruction. A bilingual special education program designed by special

educators must continue to work with these children but they must do it within a bilingual context. The existing curriculum should remain the same in terms of content. The process of teaching the content should change to include bilingual/bicultural methodology.

Resources Needed

In order to implement a bilingual special education program there are two principal resources which will be needed. The first and most important is the teacher, the second is the instructional materials. The teacher must be trained in special education but must also be bilingual and be proficient in bilingual teaching methods. Specially designed materials in the student's native language will also be needed. Because of the lack of commercial materials, teachers will have to adapt and construct many of their own materials until such a time as they become available.

Program Costs

Both special education and bilingual programs cost more to operate than regular education programs. Special education generally costs up to twice as much as regular education. Bilingual education costs up to $200 to $300 more per student than regular education (Cortez, 1978). According to Garcia (1979), Bilingual Education costs 30 percent more than regular programs. Cost studies have not yet been done on bilinguaul special education, but the costs should be comparable to special education. Any excess costs would be due to the special materials needed. The costs for teacher aides and the lower teacher pupil ratio are already accounted for. Substantial excess costs for this type of program should thus not be a factor. It can be safely assumed that the cost for a bilingual special education classroom will be the same as a regular special education classroom.

Teacher Training

One of the most critical areas that needs to be developed before bilingual

special education programs can be implemented is the area of teacher training. At the present time very little is being done by schools of education to prepare bilingual special education teachers. The very few efforts that are underway in the training of bilingual special education teachers are projects funded through the division of personnel preparation of the Office of Special Education and Rehabilitation. These programs are relatively new and are still in a developmental stage.

Teacher Competencies

In a paper prepared for the American Association of Colleges for Teacher Education Bilingual Special Education Project (Baca, 1980) an attempt has been made to delineate the specific competencies that are needed by bilingual special education teachers. They are as follows:

Language: The bilingual/bicultural special education teacher should be able to demonstrate competency in the following areas:

1. Ability to understand and speak the native language of the student.
2. Ability to read and write the native language at an acceptable level of competency.
3. Ability to teach any part of the curriculum in English and in the native language of the student.
4. Ability to communicate with parents in their native language regarding the academic progress of their child.

Linguistics

1. Ability to understand the theory and process of first and second language acquisition.
2. Ability to understand phonological, grammatical and lexical characteristics of both languages and their implications for classroom instruction.
3. Ability to deal with specific areas of interlanguage interference and positive transfer.

4. Ability to distinguish between local dialects and the standard language.

Assessment

1. Ability to administer a variety of language dominance/proficiency tests.
2. Ability to conduct a non-discriminatory comprehensive diagnostic assessment.
3. Ability to evaluate the child from a social-emotional perspective.
4. Ability to construct and use criterion referenced measures.

Instruction

1. Ability to prepare individualized education program (IEP) based on student needs.
2. Ability to individualize instruction for several students and coordinate large and small group instruction concurrently.
3. Ability to adapt curricula to meet the needs of bilingual handicapped children.
4. Ability to construct instructional materials to enhance the curriculum for bilingual handicapped students.
5. Ability to revise materials and activities to make them more linguistically and culturally appropriate for bilingual handicapped children.
6. Ability to assess readability levels of materials both in English and in the second language.
7. Ability to recognize the learning characteristics of various handicapping conditions.
8. Ability to select the proper bilingual instructional approach for each situation.

Culture

1. Ability to establish rapport with children from a variety of cultural backgrounds.
2. Ability to listen to children and understand the cultural perspective they have.

3. Ability to understand the cultural significance of various handicapping conditions.
4. Ability to understand the process of acculturation and assimilation and its implication or classroom instruction.
5. Ability to work directly with the community in identifying and using cultural resources for instructional purposes.
6. Ability to understand the relationship between language and culture.
7. Ability to understand the history and culture of the target group.

Parents

1. Ability to understand the importance of parental involvement in bridging the gap between the home and school environment for bilingual handicapped students.
2. Ability to understand culture specific child rearing practices and how this may affect classroom behavior.
3. Ability to involve parents in the instructional process.
4. Ability to counsel parents regarding various aspects of their child's handicapping condition.
5. Ability to utilize community resources for the handicapped.
6. Ability to advise parents of their due process rights relative to their child's education.

Needed Changes in Teacher Training

It is quite apparent that schools of education must respond to the need for well trained bilingual special education teachers. The changes that are needed fall into four separate areas. The first is the regular teacher preparation program. The second is the special education teacher training program. The third is the bilingual education teacher training program. Finally, a new specialized program should be developed in bilingual special education.

In the regular teacher training program what is needed is a mandatory special education course on mainstreaming the mildly handicapped. A multicultural course should also be mandatory. Both of these courses should address the issue of how to work with the bilingual handicapped child. Finally, a field experience that includes work with a bilingual handicapped child is desireable.

In the special education program, what is needed is a required course entitled working with the bilingual handicapped child. Bilingual courses should be highly recommended as electives. Finally, a field experience with bilingual handicapped children should be required.

Students in the bilingual program should be required to take a course on exceptional children. They should also be encouraged to take electives in special education. Likewise, they should also be required to take a practicum that included work with bilingual handicapped students.

In those areas of the country where there are large numbers of bilingual handicapped children, completely new programs should be designed specifically for bilingual special education. These programs should include the best of both special education and bilingual education, as well as new courses dealing specifically with bilingual special education. Some of the new courses could be: methods and materials for bilingual special education; assessment of the bilingual handicapped child; and working with parents of the bilingual handicapped. Finally, a practicum in a bilingual handicapped program would also be needed.

Perhaps the most important thing to be done at the outset is to convince deans of education and department personnel that the bilingual special education need exists. Once the need is recognized, each school can design a program that best suits its region and its faculty resources. The magnitude of the problems, however,

requires that every school of education make some response to this critical need.

Location of Instructional Sites

The number of handicapped children of limited English proficiency in the country is estimated to be approximately 420,000.[1] In comparison to the total number of school age children, this is a relatively small number. The location of these children varies throughout the country. These children are concentrated in certain areas of the country such as the east and west coasts, the midwest and the southwest. Thus, it becomes apparent that the instructional sites will also have to be targeted at the geographical areas with the greatest need. In effect, this means that many areas of the country may not have bilingual special education programs. In cases such as these, Lau tutorial programs should be relied on to provide native language tutors to these handicapped students.

Educational Program Planning

Parental Involvement

Parental involvement is a key element of both bilingual and special education programs. According to Ayala (1978), most of the gains of the exceptional child in terms of acceptance, programs, research and other areas have been a direct result of the work of parents. Federal bilingual education legislation makes provisions for a strong parental involvement component. It is thus imperative that a bilingual special education program also have a strong parental involvement component. There are many aspects of the instructional program that could be continued at home. A knowledgeable and involved parent can be invaluable as a member of the instructional team. The

[1] This figure was arrived at by taking the total number of children who are of limited English proficiency (3,500,000 according to the National Center for Educational Statistics) and calculating 12 percent of the total. This is the figure that is used in P.L. 94-142 for funding purposes.

continuity at home of some of the classroom activities would certainly benefit the child. As any new program is being planned and developed, it is imperative that parents be consulted and involved in the planning process. It is only through the meaningful involvement of parents at both the planning and instructional levels that bilingual special education programs can have their utmost impact.

Community Involvement

Community involvement, although similar to parental involvement, is much broader. This would include the involvement of people other than parents in the planning and implementation of programs. This type of involvement can be very beneficial, especially in assuring that all existing community resources are utilized by the program. When the program is being planned, community involvement can assure that appropriate field trips in the community are included. Likewise, meaningful work-study arrangements can be enhanced with a broad base of community input and involvement. A bilingual special education program will be much more effective and accepted if it has a strong community involvement component.

Evaluation of Bilingual Special Education Programs

A bilingual special education program will be successful only insofar as it has a positive impact on the children it serves. In order to determine the extent of the programs impact, an evaluation of the program must be conducted. While there are many different models of evaluation, the most common procedure is to determine whether or not the objectives of the program are being accomplished. This involves a comparison between what one hopes to accomplish and what is actually happening. This type of evaluation is not limited to assessing the impact of the program including student achievement, but may also address whether various process objectives are being accomplished such as inservice training, etc.. The objectives of the program help to define what in fact, the

program is. Great care must be taken in defining what the objectives of a bilingual special education program will be. At the same time the evaluation should focus on the level of implementation of the program, on how it is staffed, and on the environment in which the program is operating. Such information will be important in order that evaluators may identify the school and community factors which are supportive of or obstacles to the program. Evaluation will be of utmost importance for a new program such as bilingual special education. It is only through evaluation that the program can be improved and strengthened.

Chapter III

Current Practices

Although many handicapped children of limited English proficiency are not being properly served by the public schools, there are some notable exceptions. In an attempt to document the current state of the art, a grapevine survey was conducted for the process of identifying states and school districts that were known to be providing leadership in this area. The state that was most often cited as the leading state was Massachusetts and the district that was most often cited as the leading district was Waukegan, Illinois Public Schools.

State Level

It is not surprising that Massachusetts is exerting leadership in providing bilingual special education services to limited English proficient students who are also handicapped. Massachusetts was the first state in the country to pass bilingual education legislation in 1973. Since that time, it has provided leadership in various aspects of bilingual education. One of the principal reasons why Massachusetts is able to provide leadership in the area of bilingual special education is because of a State Department of Education project known as the Bilingual Special Education Project (BISEP). This project was initiated in 1977.

According to Landurand (1980), project BISEP was affiliated with the State Division of Special Education and was funded through state discretionary money. The project had as its ultimate goal the provision of quality bilingual special education programs for linguistic minority special education students. The objectives for the first year were as follows:

1. To identify the populations to be served;
2. To identify the programs necessary to service language minority/special education students with disabilities;
3. To define personnel needs for the development and implementation of programs;
4. To identify ongoing model bilingual/special education programs and resource personnel inside and outside the local educational systems;
5. To establish a statewide bilingual special education advisory task force;
6. To identify available assessment and special teaching materials for use with potential language minority special education students;
7. To establish a central office resource center for information on testing materials and techniques, resource personnel and resource agencies, to be integrated with regional centers;
8. To develop a statewide dissemination plan for sharing expertise and materials.

The objectives listed above were accomplished through regional workshops, a statewide conference, the establishment of a bilingual clearinghouse, a Bilingual Resource Directory, advocacy efforts, graduate training programs, and implementation of an interdisciplinary building team model.

Moving from the state level and looking at the local school district level, we found that a great deal of progress is occurring here as well. According to Landurand (1980), a variety of models are being used to provide services to the handicapped student of limited English proficiency throughout Massachusetts. These include: tutoring by paraprofessionals; the use of itinerant bilingual special education teachers; the generic bilingual special education resource room; and a few self-contained bilingual special education classes

for the more severely handicapped. By far, the most commonly used model is the resource room. The teacher for this program is special education certified, but also has training in bilingual education. The resource room operates as a generic model. Children with various mild to moderate handicaps are served. The resource teacher also serves as a consultant to the regular classroom teacher.

Local school districts in Massachusetts are also involved with a preschool screening program which is now available in 12 different languages. Finally, a substantial effort is also being made in the area of parent training for parents of the bilingual handicapped child.

Local Level

The Waukegan Public Schools in Waukegan, Illinois is regarded as one of the school districts which is providing leadership in the area of bilingual special education. Currently the district is working with 18 different language groups, the largest of which is the Hispanic group. In this district, the special education program works very closely with with the bilingual education program. Their basic policy is that no limited English proficient child is referred for special education services unless the bilingual program is alerted and makes the referral (Abbott, 1980).

At the present time, the district provides various modes of service delivery. The most commonly used approach is the noncategorical resource room. When students are referred from the bilingual program they are given the Language Assessment Scales (LAS). Any child who scores a 1 - 2 or 3 on the LAS is placed in the resource room. The students Individualized Educational Program (IEP) is used to guide the instruction. All students receive 90 minutes of instruction in Spanish for concept clarification primarily in science and social studies. Every child also gets at least 40 minutes of English as a second language (ESL) instruction each day. The remainder of the student's time

is spent in the regular classroom. The resource teachers are all credentialed in special education and both the teachers and the aides are bilingual.

Students who are more severely handicapped are served in categorical centers. Bilingual teachers and aides are available at each center to work individually with these students. The students from non Hispanic language groups are served in multi-language classrooms by certified special education teachers and bilingual aides. The very young children from ages 3 to 6 are served through the Waukegan Early Evaluation Program (WEEP). In this program bilingual aides work with high risk children in their native languages.

Selected Data on Hispanics

Although the children in the public schools of our country come from a very large number of diverse language backgrounds, the single largest group is the Hispanic group. At the present time they make up 75% of the children of limited English proficiency. For this reason the following tables of statistics have been included. It is hoped that these data will illustrate the diversity and geographic location of this group of students. All of this information has been taken from a recent report of the National Center for Educational Statistics (Brown, et al., 1980).

Table 1.04.–Geographical distribution of Hispanics among selected States, by subgroup: 1976

State[1]	Number of Hispanics (000s)	Percent of population Hispanic	Percent distribution				
			Hispanic subgroup				
			Mexican American	Puerto Rican	Cuban	Central or South American	Other Hispanic
United States	11,193	5.6	61	14	6	7	11
Arizona	350	15	91	•	•	•	7
California	3,348	16	82	3	1	7	8
Colorado	278	11	76	•	•	•	21
Connecticut	81	3	•	71	•	•	•
Florida	669	8	5	6	62	9	19
Georgia	23	1	•	•	•	•	•
Hawaii	27	3	•	•	•	•	•
Idaho	28	3	73	•	•	•	•
Illinois	412	4	54	32	•	6	•
Indiana	84	2	68	•	•	•	•
Iowa	22	1	•	•	•	•	•
Kansas	43	2	77	•	•	•	•
Louisiana	85	2	•	•	•	24	52
Maryland	31	1	•	•	•	•	•
Massachusetts	89	1	•	49	•	24	•
Michigan	96	1	70	•	•	•	•
Minnesota	20	1	•	•	•	•	•
Missouri	25	1	•	•	•	•	•
Nebraska	25	2	88	•	•	•	•
Nevada	36	6	62	•	•	•	•
New Jersey	385	5	•	47	24	15	12
New Mexico	420	36	51	•	•	•	48
New York	1,439	8	•	59	5	20	14
Ohio	85	1	52	26	•	•	•
Oklahoma	38	1	66	•	•	•	•
Oregon	40	2	71	•	•	•	•
Pennsylvania	125	1	•	80	•	•	•
Texas	2,557	21	97	•	•	•	2
Utah	41	3	70	•	•	•	•
Virginia	56	1	•	•	•	•	36
Washington	74	2	74	•	•	•	•
Wisconsin	34	1	•	•	•	•	•

•Percent not shown where estimate is less than 20,000 persons.
[1]Only those States with an estimated Hispanic population of at least 20,000 are listed.
NOTE.–Details may not add to totals because of rounding.
SOURCE: U.S. Department of Health, Education, and Welfare. National Center for Education Statistics. Survey of Income and Education, Spring 1976, special tabulations.

Chart 1.04.–States with Hispanic population of at least five percent

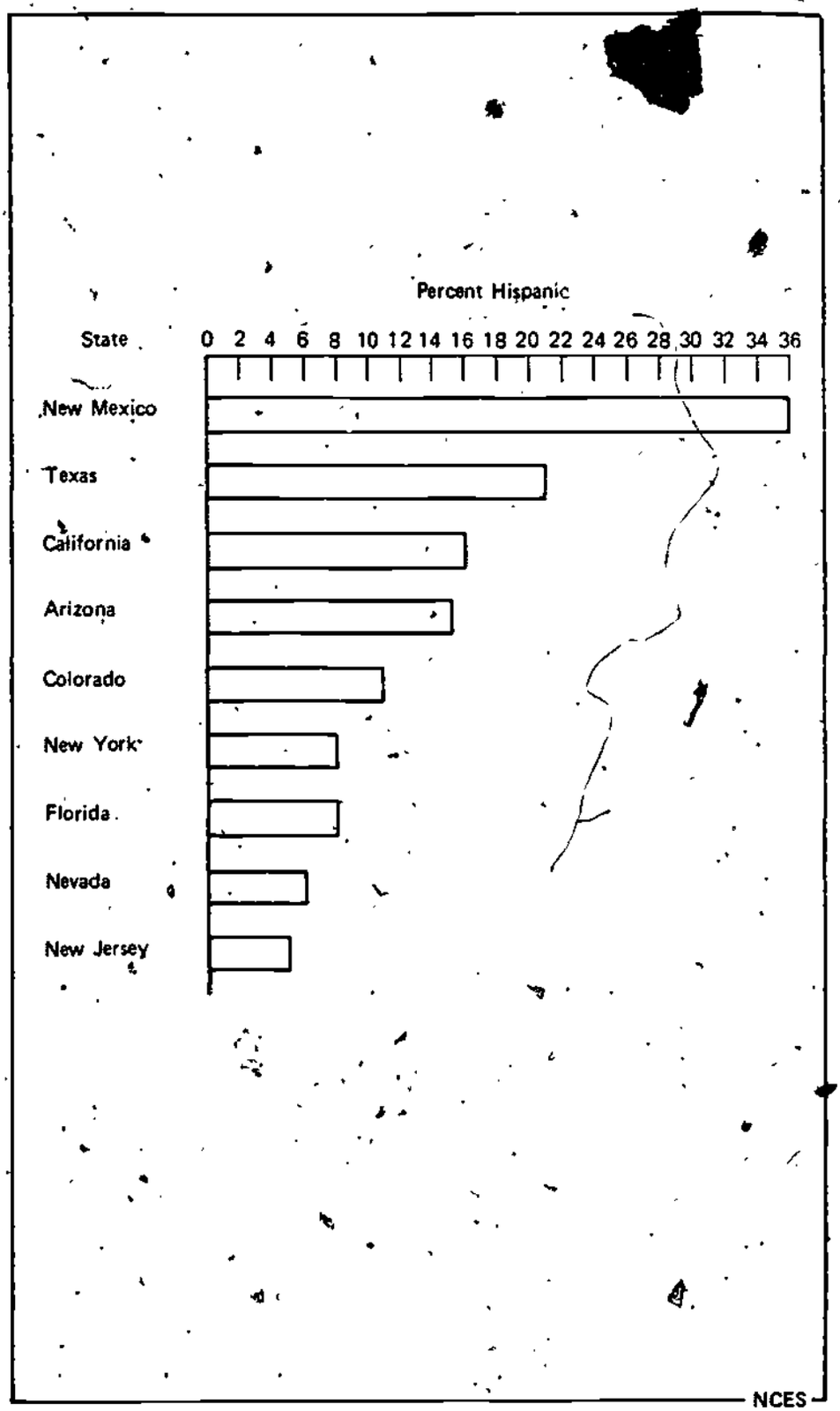

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Table 2.09.–Percentages of Hispanic elementary and secondary students with limited English-speaking skills who were enrolled in English as a second language or bilingual education programs, by State: 1976

State	Hispanic		State	Hispanic	
	Number identified as LES/NES[1]	Percent served		Number identified as LES/NES[1]	Percent served
United States	765,747	49	Missouri	282	2
			Montana	50	4
Alabama	90	23	Nebraska	863	10
Alaska	80	60	Nevada	648	53
Arizona	20,172	40	New Hampshire	90	30
Arkansas	95	6	New Jersey	42,669	47
California	161,676	62	New Mexico	24,827	39
Colorado	4,580	46	New York	136,252	53
Connecticut	9,800	63	North Carolina	189	4
Delaware	632	41	North Dakota	78	17
District of Columbia	673	66	Ohio	2,726	33
Florida	24,926	63	Oklahoma	1,617	30
Georgia	530	25	Oregon	2,186	28
Hawaii	0	0	Pennsylvania	6,256	41
Idaho	1,785	22	Rhode Island	1,120	68
Illinois	8,609	58	South Carolina	118	14
Indiana	3,362	25	South Dakota	126	4
Iowa	447	36	Tennessee	108	20
Kansas	1,144	33	Texas	273,880	40
Kentucky	67	34	Utah	1,098	14
Louisiana	2,540	32	Vermont	3	0
Maine	35	3	Virginia	2,291	32
Maryland	905	86	Washington	4,511	36
Massachusetts	11,769	53	West Virginia	24	13
Michigan	6,222	36	Wisconsin	3,568	28
Minnesota	490	23	Wyoming	488	20
Mississippi	41	24			

[1]Students identified by teachers as being limited English speaking or non-English speaking.

SOURCE. U.S. Department of Health, Education, and Office for Civil Rights. *State and National Summaries of Data Collected by the 1976 Elementary and Secondary Schools Civil Rights Survey*, 1978.

Chart 2.09.–Meeting the needs of Hispanic children with limited English speaking skills

In those states where the need was greatest, only one-third to two-thirds of the Hispanic children were being served.

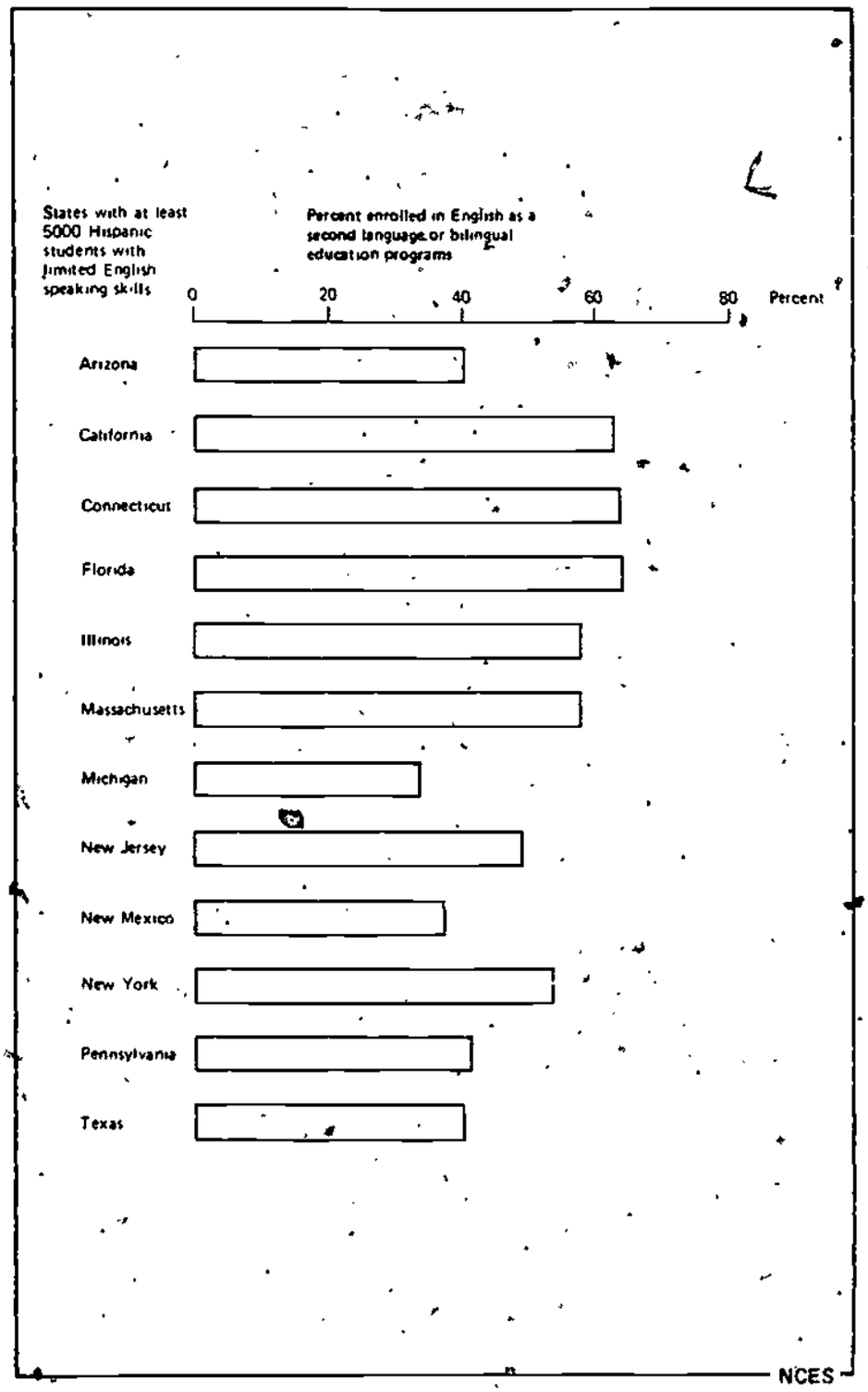

Table 2.12.–Percent of Hispanic and white public elementary and secondary students in special education programs, by type of program and by State: 1976

State	Percent of enrollment											
	Total enrollment		Total handicapped		Educable mentally retarded		Trainable mentally retarded		Learning disabled		Gifted and talented	
	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White	Hispanic	White
United States	6	76	6	71	5	56	7	64	7	77	3	86
Alabama	0	66	0	49	0	38	0	42	0	79	0	80
Alaska	1	74	1	59	1	42	0	66	1	57	1	79
Arizona	21	69	20	63	28	48	25	64	18	64	8	86
Arkansas	0	77	0	62	0	44	0	63	0	83	3	56
California	20	65	17	69	20	58	21	61	14	76	5	85
Colorado	14	80	18	74	25	62	13	80	17	76	23	74
Connecticut	5	85	6	78	13	57	8	78	5	82	1	94
Delaware	1	76	1	69	22	41	1	65	1	73	1	75
District of Columbia	1	4	1	3	0	1	1	2	1	4	0	0
Florida	6	70	5	57	3	30	7	55	7	66	2	93
Georgia	0	65	0	54	0	31	0	51	0	73	0	90
Hawaii	6	20	8	37	9	32	8	26	8	41	0	0
Idaho	3	94	4	93	4	93	3	96	4	93	0	97
Illinois	5	75	5	73	5	50	5	60	4	80	2	80
Indiana	1	89	2	81	1	72	2	80	1	87	0	87
Iowa	1	97	1	96	1	93	1	96	1	97	1	96
Kansas	2	89	3	87	4	79	4	86	2	89	3	90
Kentucky	0	90	0	83	0	77	0	83	0	81	0	91
Louisiana	1	58	1	48	0	26	0	36	1	70	0	85
Maine	0	99	0	99	0	99	0	100	0	99	0	100
Maryland	1	70	0	57	0	39	0	62	0	51	0	44
Massachusetts	2	92	1	96	1	90	1	94	0	97	0	98
Michigan	2	82	1	86	2	72	1	87	1	92	1	89
Minnesota	1	96	1	94	1	93	0	97	1	94	0	97
Mississippi	0	51	0	36	0	22	0	35	0	74	0	84
Missouri	0	87	0	80	0	67	0	85	0	85	1	84
Montana	1	91	2	92	2	82	2	94	1	94	0	94
Nebraska	2	92	2	90	3	84	4	88	2	91	0	99
Nevada	4	83	5	74	5	60	3	84	5	69	1	93
New Hampshire	0	99	0	99	0	99	0	100	0	99	0	99
New Jersey	6	75	8	68	12	46	9	63	4	81	2	79
New Mexico	42	45	44	43	59	23	51	33	41	46	18	80
New York	11	70	12	60	12	54	19	50	6	77	3	91
North Carolina	0	69	0	52	0	32	0	50	0	70	0	87
North Dakota	1	94	1	95	1	96	3	96	1	95	3	96
Ohio	1	86	1	82	1	77	0	50	1	88	1	60
Oklahoma	1	78	1	75	1	65	1	76	1	79	0	90
Oregon	2	94	2	92	2	91	3	93	3	93	1	97
Pennsylvania	1	86	1	82	2	73	3	67	1	90	0	92
Rhode Island	1	94	1	91	1	88	3	92	1	93	1	98
South Carolina	0	58	0	42	0	26	0	39	0	59	0	88
South Dakota	1	92	0	89	0	84	0	81	0	94	5	82
Tennessee	0	78	0	74	0	57	0	64	0	78	0	88
Texas	25	69	25	55	29	33	30	43	25	56	13	61
Utah	4	93	6	90	9	87	5	91	7	88	6	90
Vermont	0	99	0	99	0	98	0	99	0	99	0	100
Virginia	0	74	0	66	0	46	0	60	0	78	0	84
Washington	3	90	2	86	3	81	2	90	2	88	1	92
West Virginia	0	96	0	95	0	93	0	93	0	95	0	98
Wisconsin	1	92	1	89	2	84	1	84	1	93	1	89
Wyoming	5	91	8	87	16	79	7	91	9	89	1	98

[1] Includes Number of students enrolled in programs for educable mentally retarded, trainable mentally retarded, seriously emotionally disturbed, learning disabled, speech impaired, orthopedically handicapped, blind or visually handicapped, deaf or hard of hearing, other health impaired, and multihandicapped

SOURCE Department of Health, Education and Welfare, Office for Civil Rights State and National *Summaries of data collected by the 1976 Elementary-Secondary Schools Civil Rights Survey*, 1978.

Chapter IV

Current Requirements And Policy Options

Current Requirements

Before proceeding to develop and discuss the various policy options related to providing services to handicapped children who are of limited English proficiency, it would be helpful to list the current requirements that school districts must comply with under Lau, P.L. 94-142 and Section 504 of the Rehabilitation Act. According to the Office for Civil Rights (Gutierrez, 1980), the following are the current requirements:

1. Every school district shall conduct a language screening at the beginning of each school year for all new students to determine if there is the influence of a language other than English on the child;
2. If the initial screening did find the influence of a language other than English, then a language assessment shall be made to determine language dominance and proficiency;
3. If a child is found to be of limited English proficiency, then an Individualized Education Program (IEP) shall be developed which reflects the language related needs;
4. When the child is evaluated, the instruments used shall be appropriate and the testing shall be non discriminatory;
5. The parents of the child shall be informed of all his/her due process rights in his/her native language. An interpreter shall be provided at all meetings if the parent cannot communicate in English;
6. The handicapped child of limited English proficiency shall be provided a program of instruction which addresses his or her unique needs including the language related needs.

Policy Options

1. Screening

Every school district shall assure that each of its schools conducts a uniform language screening for all new students at the beginning of each school year to determine if there is the influence of a language other than English on any of the children.

Potential Positive Effects of Option 1

- This option will increase the number of students identified as being in need of special language related services.
- This will assure that all schools within the district use the same criteria and procedures for identifying students who may be of limited English proficiency.
- This will assist all school districts in complying with Lau.

Potential Negative Effects of Option 1.

- This will add an additional requirement to school districts already burdened with excessive bureaucratic red tape.
- This will add another level of identification and assessment to an already overly identified and assessed population.
- This will take time away from much needed instruction.

2. Acceptable Tests

Every school district shall adopt a list of acceptable language dominance and proficiency tests in the various necessary languages. In the event that instruments are not available in certain languages, alternate methods of language assessment should be suggested.

Potential Positive Effects of Option 2

- The use of poorer quality instruments and/or procedures will be minimized.
- Low incidence languages will be included.

. An acceptable standard for language assessment will be maintained.

Potential Negative Effects of Option 2

. Technical data on validity and reliability are not available for some language assessment instruments.

. Having the proper instruments and procedures identified does not insure that they will be administered properly.

3. Testing Guidelines

Every school district shall establish guidelines which will assure that appropriate testing instruments are used and that all testing will be non-discriminatory in terms of language and culture.

Potential Positive Effects of Option 3

. The assessment of handicapped children of limited English proficiency will be improved.

. The assessment practices within each school district will be more consistent for this group of students.

. More districts will be in compliance with P.L. 94-142.

Potential Negative Effects of Option 3

. There is no assurance that guidelines will be updated from time to time.

. The state of the art is not sufficiently advanced to assure that the guideline will be effective.

. The personnel needed to do the job may not be available.

4. Bilingual Advocate

Every school district shall designate a bilingual specialist(s) who will participate on all staffings for handicapped children who are of limited English proficiency.

Potential Positive Effects of Option 4

. All handicapped children of limited English proficiency will have an advocate on the staffing team.

- Every IEP will include provisions related to language needs.
- Services for handicapped children of limited English proficiency will be improved.

Potential Negative Effects of Option 4

- The specialist may be limited in his or her knowledge of the particular handicap.
- The specialist may be limited in his or her knowledge of the various languages in the district.
- This may add an additional expense to an already strained budget.

5. Establishing Primary Need

Each staffing team will have the responsibility for determining if the student's principal obstacle for learning in the regular classroom is his/her handicap or his/her language difference.

Potential Positive Effects of Option 5

- This will help ensure that the proper remedial emphasis is placed in the area of greatest need.
- This will help facilitate the development of the IEP.
- This will help facilitate the proper placement of the student.

Potential Negative Effects of Option 5

- It is sometimes difficult to separate the impact of the handicap from the impact of the language difference.
- The lesser of the two needs may be considered unimportant and thus the child may not receive appropriate services.

6. Use of Parents' Language

Every school district shall print parent due process rights in the appropriate target languages and shall compile a list of available interpreters for the various languages.

Potential Positive Effects of Option 6

. Printed material in the various languages will be readily available at the time of staffings.

. A pool of interpreters will be available when needed for staffings.

. The meaningful involvement of linguistically different parents will be improved.

Potential Negative Effects of Option 6

. School districts may not hire bilingual staff if they can use community people.

. Some languages do not have an orthography and thus material cannot be printed,

7. Comprehensive Services

Every school district shall design and implement a plan with various alternatives for serving the handicapped child of limited English proficiency.

Potential Positive Effects of Option 7

. This should help insure that appropriate programs are provided for handicapped students of limited English proficiency.

. Providing a variety of alternative programs will allow the staffing team the opportunity of selecting the most appropriate program.

. This will assist school districts in complying with Lau.

Potential Negative Effects of Option 7

. School districts may not have the expertise and resources to carry out this policy option.

. The staff needed may not be available in many parts of the country.

. Providing a range of alternative programs may be too idealistic.

8. Establishing Primary Responsibility

When the student's primary need has been determined, the student will become

the primary responsibility of the appropriate program, i.e., bilingual education or special education.

Potential Positive Effects of Option 8

. The lines of responsibility will be clearly established.

. The proper follow up and restaffing will be assured.

. This will promote the use of the least restrictive placement.

Potential Negative Effects of Option 8

. Additional red tape may not be justified.

. Special education may view bilingual education as encroaching into its area of responsibility.

9. Use of Existing Services

The school principal will insure that, whenever possible, handicapped students in need of bilingual education will utilize the existing services of the bilingual program in the school building.

Potential Positive Effects of Option 9

. This should help reduce a duplication of effort and personnel.

. This would keep the student in his/her local school rather than busing him/her to a special program.

. This will help bilingual programs become more accessible to handicapped students.

Potential Negative Effects of Option 9

. Existing bilingual programs may not be able to meet the students' needs.

. The students' education may become too fragmented.

. This may encourage matching the student to the program rather than matching the program to the student.

10. Bilingual Special Education

When the number of handicapped students who are of limited English profi-

ciency is large enough, a school district shall design and implement a bilingual special education program.

Potential Positive Effects of Option 10

- Students will be assured of an appropriate educational experience.
- The education of students will not be fragmented "pull out" programs.
- The teachers in these programs will be trained in both special education and bilingual education methodology.

Potential Negative Effects of Option 10

- The properly trained personnel may not be available to staff such a program.
- The term "large enough" is open to a wide range of interpretations.

11. Parent And Community Involvement

Any school district planning to develop a bilingual special education program shall involve parents and community members in the planning of the program.

Potential Positive Effects of Option 11

- When parents are involved in the planning of the program, they are much more supportive of the program.
- Parents will be much more likely to assist as volunteers for the program.
- Parents will be able to contribute especially in the area of language and culture.

Potential Negative Effects of Option 11

- Some parents may act more like observers than active participants.
- If the role of parents and community members is not clearly delineated, conflicts may result.

12. Accessibility

Every school district with an existing bilingual program will as a matter

of policy make it available to handicapped children of limited English proficiency.

Potential Positive Effects of Option 12

. This will encourage placement in the least restrictive environment.

. This will promote the maximum use of existing resources.

. This will be more cost effective.

Potential Negative Effects of Option 12

. This may deter some districts from implementing a bilingual special education program.

. Regular bilingual teachers may not be prepared to accept handicapped children into their classrooms.

13. Removal of Barriers

Every school district with an existing bilingual program, will make every effort to remove any barriers that may prevent handicapped students of limited English proficiency from meaningful participation in the program.

Potential Positive Effects of Option 13

. This will promote placement in the least restrictive environment.

. This will help sensitize teachers and administrators to the needs of the handicapped.

. This will make existing bilingual programs more accessible to the handicapped.

Potential Negative Effects of Option 13

. Some districts may feel that their responsibility ends here.

. "Barriers" may be interpreted very narrowly to mean only physical barrier.

14. Supplementary Services

Every school district with an existing bilingual program will make every effort to provide supplementary materials and services to make it more

responsive to handicapped children of limited English proficiency.

Potential Positive Effects of Option 14

- This will improve the quality of services for the handicapped student of limited English proficiency within the mainstream of education.
- This will be more cost effective.
- This will encourage more placements in a least restrictive environment.

Potential Negative Effects of Option 14

- This may deter some districts from going a step further and establishing a bilingual special education program.

15. Minimum Services

When no bilingual programs or services are available or accessible, the school district shall, at the very minimum, provide a native language tutor for every handicapped child of limited English proficiency.

Potential Positive Effects of Option 15

- Handicapped children of limited English proficiency will be assured of a minimum level of service.
- Every school district will be accountable for at least a minimum effort in meeting the needs of the handicapped child of limited English proficiency.

Potential Negative Effects of Option 15

- Some children may require more than just a native language tutor.
- This may deter some districts from providing more comprehensive services.
- This minimum level of service may be too low.

16. Exit Criteria

A school district's exit criteria for a bilingual special education program shall be the same as the exit criteria for the regular bilingual program in terms of the language dimension.

Potential Positive Effects of Option 16

- This will assure fair and equitable treatment of the handicapped child of limited English proficiency.
- This will assist the district in adapting fair and consistent policies.

Potential Negative Effects of Option 16

- Since children in a bilingual special education program are following a program based on an IEP rather than program criteria, it could potentially pose a problem.
- The goals of a bilingual special education program may not be compatible with a maintenance philosophy in the regular bilingual program.

17. Inservice Training

Every school district shall provide inservice training for the teachers, aides and administrators who work with handicapped children of limited English proficiency.

Potential Positive Effects of Option 17

- The skills of existing staff will be improved.
- This should help bridge the gap between bilingual education and special education.
- This should improve the quality of services provided to children.

Potential Negative Effects of Option 17

- Identifying trainers with the proper background may be difficult.
- This may deter districts from hiring new teachers with the appropriate training.

18. Teacher Certification

State Departments of Education Certification units will set up the criteria for certifying bilingual special education teachers in consultation with representatives from local school districts and colleges or schools of education.

Potential Positive Effects of Option 18

. The establishment of standards will encourage schools of education to begin offering the appropriate training.

. The establishment of standards will improve the quality of teacher training.

. This should improve the quality of services provided to handicapped children of limited English proficiency.

Potential Negative Effects of Option 18

. The use of existing standards may allow for more flexibility.

. The additional bureaucratic red tape may not be justified.

19. Teacher Training

Schools and colleges of education in high impact areas will revise their training programs to include training experiences for teachers who will work in bilingual special education programs.

Potential Positive Effects of Option 19

. Teachers that are now in short supply will become more available.

. Colleges will become more responsive to needs in the field.

. Colleges will more easily place their graduates.

. The quality of services for the handicapped child of limited English proficiency will be improved.

Potential Negative Effects of Option 19

. Colleges may not have the appropriate faculty to accomplish the task.

. Such an approach may add an additional year to the training program.

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