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ABSTRACT

This document provides guidance on the appropriate evaluation and placement of culturally and linguistically diverse (CLD) preschool students with disabilities. The document discusses the need for providers to be aware of the individual needs generated by disabilities and their interaction with early development and take specific cultural and linguistic information into account as they assess development and learning. It describes specific considerations that should be reviewed prior to making a non-parental referral to special education, including language factors, cognitive factors, social/emotional factors, and motor development. Steps for providing services are then explained and include: (1) referral made to the Committee on Preschool Special Education (CPSE); (2) consent for evaluation obtained from parent; (3) evaluating agency selected by parent; (4) child evaluated by a multidisciplinary team; (5) CPSE meeting held; and (6) IEP development. Language instruction strategies for preschool children with disabilities are provided for each level of English proficiency. The document closes with requirements for the annual review and for transition to the school-age program. Appendices include sample developmental milestones, a home language questionnaire, a list of detailed steps for data collection, New York teacher certification requirements for bilingual education, and a list of resource network contacts. (Contains 28 references.) (CR)



Guidelines for Services for Culturally and Linguistically Diverse Preschool Students with Disabilities, Ages 3-5 [with Updated Appendices]. March 1997.

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DEPUTY COMMISSIONER FOR VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES

March 1997

TO:

District Superintendents

Presidents of Boards of Education

Superintendents of Schools

Organizations, Parents and Individuals Concerned with Special Education

New York State Association for Bilingual Education

New York State Teachers of English to Speakers of Other Languages

Superintendents of State-Operated and State-Supported Schools

Nonpublic School Administrators and Educators

State and Local Teacher Association New York City Board of Education

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Colleges with Bilingual Education Teacher Training

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Community Dispute Resolution Center

Impartial Hearing Officers

SETRC Project Directors and Training Specialists

Bilingual Education Technical Assistance Centers

SEALTA Project Directors

Head Start Directors

Chief Elected Officials of Counties

Independent Living Centers

FROM:

Lawrence C. Gloeckler, Deputy Commissioner

Office of Vocational and Educational Services for Individuals with Disabilities (VESID)

SUBJECT:

Guidelines for Services for Culturally and Linguistically Diverse

Preschool Students with Disabilities Ages 3-5

The attached document, New York State Guidelines for Culturally and Linguistically Diverse Preschool Students with Disabilities Ages 3-5, provides guidance on the appropriate evaluation and placement of culturally and linguistically diverse (CLD) preschool students with disabilities.





It is the Department's expectation that this document will serve as a catalyst for the improvement of assessment and placement of limited English proficient students with disabilities. It is anticipated that this document will stimulate discussion which will result in: 1) the improvement of the assessment process to better reflect the cultural needs of the student; 2) an expansion of least restrictive opportunities for preschool students with disabilities who speak languages other than English; and 3) the expansion of certification and staff development opportunities.

If you need additional information, please contact Dr. Peter M. Byron at (518) 486-7462.

cc: James A. Kadamus



NEW YORK STATE GUIDELINES FOR SERVICES FOR CULTURALLY AND LINGUISTICALLY DIVERSE PRESCHOOL STUDENTS WITH DISABILITIES AGES 3-5

February 1997



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FOREWORD

The New York State Guidelines for Services for Culturally and Linguistically Diverse Preschool Students with Disabilities Ages 3-5 has been developed jointly by the New York State Education Department Offices of Vocational and Educational Services for Individuals with Disabilities (VESID) and Bilingual Education in consultation with a panel of State and national experts to address the need for guidance on the appropriate evaluation and placement of culturally and linguistically diverse (CLD) preschool students with disabilities. The Guidelines are meant to inform agencies and providers on the 1) issues which must be considered in determining whether CLD children should be referred for evaluation and 2) requirements which must be met in ensuring that the evaluation and placement process is in compliance with State and federal regulations.

The number of limited English proficient students is increasing in New York State. The number is substantial and reflects a diversity of language backgrounds and learning styles. The challenge being raised to educators at all levels is to reexamine teaching skills and update knowledge to address the needs of an increasingly diverse population. The specific challenge in the education of students with disabilities is to ensure that assessment methods and placement recommendations which may be appropriate and traditional with English speakers are not applied unquestioningly to students for whom these methods and recommendations were not designed.

The <u>Guidelines</u> do not contain specific information on each of the more than 135 language groups in New York State but they provide insight into the types of language and social factors which are often overlooked and may result in over referral to special education programs. Agencies are cautioned not to confuse language delay in English with disability. Agencies should rely on multidisciplinary assessment teams staffed with certified or licensed bilingual professionals to make Individualized Education Program (IEP) recommendations which ensure that limited English proficient students with disabilities receive appropriate services.

It is the Department's expectation that this document will serve as a catalyst for the improvement of assessment and placement of limited English proficient students with disabilities. It is anticipated that this document will stimulate discussion which will result in: 1) the improvement of the assessment process to better reflect the cultural needs of the student; 2) an expansion of least restrictive opportunities for preschool students with disabilities who speak languages other than English; and 3) the expansion of certification and staff development opportunities.



I. INTRODUCTION

The number of children in New York State who come from homes where a language other than English is spoken has increased dramatically. The numbers at both the preschool and school age levels have resulted in an increased concern for appropriate evaluation and placement of children requiring special services.

The New York State Guidelines for Services to Culturally and Linguistically Diverse Preschool Students with Disabilities Ages 3-5 have been developed to address the need for appropriate evaluation and placement of three- to five-year old preschool students with disabilities from homes where a language other than English is spoken. These guidelines are appropriate for districts and programs providing evaluation, direct instructional services and related services to culturally and linguistically diverse (individuals who come from a home were a language other than English is being used; or who have had significant amounts of exposure to a language other than English, and whose culture differs from the mainstream U.S. culture) three- to five-year old children suspected of having disabilities in New York State. The document contains information regarding prereferral considerations, multidisciplinary assessment, language intervention strategies, and due process requirements that will assist districts and programs in establishing services that address the needs of culturally and linguistically diverse (CLD) preschool students with disabilities.

A. General Observations

Concerns regarding the referral of young children from different language backgrounds to special education are not new. Both under-referral and over-referral have been identified as significant concerns. In many instances, the referrals and subsequent intervention are inappropriate because the referrals did not take into consideration the languae or the culture of the child. Referral to special education is typically triggered when parents and other care providers find that a child is not learning as anticipated, or as would be expected in particular settings. Not all learning or developmental difficulties; arise from disabilities; however, some arise when cultural and linguistic diversity is unrecognized or is not addressed appropriately. Other difficulties arise when chronic poverty or trauma impact on learning and development. When the actual cause of learning and developmental difficulties is not identified, neither assessment nor intervention will produce desired results. Therefore, it is critical that all causes of learning and developmental difficulties be identified in order to determine (a) whether a child demonstrates a disability and (b) which special education services can provide the most appropriate intervention.

Assessment and intervention for <u>CLD</u> children must match their needs and must be consistent with State and federal laws and regulations. The material in these guidelines is based on these requirements and on literature, practice and research in early childhood education, early childhood special education, and bilingual education. These areas yield two principles for responding to young children with disabilities from culturally and linguistically diverse backgrounds. Providers of services to young children must 1) be aware of the individual needs generated by disabilities and their interaction with the dynamics of early development and 2) take specific cultural and linguistic information into account as they assess development and learning and

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recommend appropriate interventions and activities to support and enhance that development and learning.

B. Cultural Perspectives

Learning and development always occur within a particular sociocultural context (Price-Williams & Gallimore, 1980). Gonzalez-Mena (1993) echoes this interweaving between culture and development. "You can't remove from a cultural framework the ways you relate to children, rear them, determine program curriculum, handle daily routines, and even view the landmarks of physical [or other] development" (p. xi). Culture involves more than "behaviors" or "strategies"; culture and languages are inseparable from identity and social connectedness. Further, individuals use their cultural experiences to access language.

For preschool students from culturally and linguistically diverse backgrounds, the areas of language(s), cognition and social/emotional development should be considered prior to determining if referral to special education is appropriate. A discussion of referral for these students should begin with the following questions.

• Language(s) Usage

- What are the communication style(s) within the family and the community, i.e., the child's immediate environment?
- What is the child's relative language proficiency in both the language(s) of the home and English? That is, how well does the child understand (receptive language) or express (expressive language) his/her needs, wants, ideas, feelings?
- How different is the <u>language of the home</u> from English?
- What is the relationship between language use and sense of self of the child and how comfortable is the child using the home language(s) and/or English in a particular setting and/or with particular groups of individuals (e.g., parents, siblings, strangers)?
- Is the child in a foster care environment in which the language(s) used differs from the child's previous language environment?

Cognitive Functioning

- What are the child's preferred learning strategies?
- What is the degree of disparity between the child's knowledge and developmentally appropriate knowledge (e.g., the knowledge that is necessary for success in the school, community, family and/or environment and that a typically developing child would display at this age)?



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Social/Emotional Development and Acculturation

- What degree of interaction does the child have with the mainstream culture and in what context (e.g., church, media)?
- How comfortable are the child and family with the mainstream culture?
- What are the family's beliefs about the value and role of schooling?
- How strong are the child's and the family's sense of identity with the predominant culture of the home?

A review of these areas is critical when making referral decisions. Young children are still largely in the process of making sense of their environment, learning its rules and expectations, and acquiring its language(s). They are also in the process of developing a sense of self, of who they are within that environment. The introduction of an environment such as daycare that is significantly different from the home environment can disrupt these two processes, especially when disabilities place learning and development at risk, and when language and cultural differences impact upon the families' abilities to support their children's transition into the new environment.

These guidelines focus on children, ages three to five, who come from a home where a language other than English is spoken. This document will provide information to assist service providers in determining the degree to which, if any, a CLD child's performance is a result of a disability and the degree to which it reflects a lack of familiarity with the United States, English language, culture and/or the school setting. The primary objective of the document is to improve the evaluation and recommendation process to ensure that all CLD students with disabilities needing services are appropriately evaluated and placed.

II. PREREFERRAL CONSIDERATIONS

A. Factors Other Than Disabilities Which May Affect the Child's Performance/Behavior

Children are typically referred for special education services when they exhibit a delay in their development or their learning. Referrals may be made by the child's doctor, parent or primary caregiver, or an individual from a service agency that is providing educational or other services. Before a decision is made to refer a CLD child for special education services, the individuals considering a referral need to review the degree to which a child's behaviors might be resulting from a disability versus a cultural or experiential difference. Children who have a history of poverty or trauma in the home or who have had limited exposure to language related activities, may be exhibiting learning or adjustment difficulties without having a specific disability. Perceived behavioral problems can trigger inappropriate referrals for special education services. The following questions need to be asked to determine whether the child is exhibiting delay caused by factors other than a disability.



Question 1: Does the child come from a background of chronic poverty or exposure to traumatic experiences?

Chronic poverty and traumatic experiences (e.g., civil disturbances, forced family separation) both have significant and distinct impact on development and learning. They can and do affect children's funds of knowledge and skills. Unlike disabilities, however, poverty and trauma tend to leave basic abilities and potential intact. Their presence can mean that a child is having problems because of a lack of opportunity to learn. An accurate assessment of the child's ability can be made only when the referring individual indicates whether the child has experience with certain skills. It is recommended that, prior to referral, these children be provided with opportunities to stimulate their language and learn school-related tasks (e.g., tearing paper, holding markers, coloring, drawing, and self-help skills--dressing, toileting, grooming, etc.).

Question 2: Was the child born outside the continental United States?

Children with a history of having lived or spent significant time outside the United States bring to the learning environment previous experience of another country, culture and in most cases, another language(s). They may, as a result, have knowledge and/or skills other than those required by the school program to which they are being admitted. Questions such as "Was the country from which they emigrated their home country?" "Were they in a minority group there also, or did they have the experience of being in the dominant culture of that country?" need to be asked to tap the implications of these experiences. In addition, when emigration from that country has been forced, loss and trauma issues need to be explored; for example, did they spend time in a refugee camp before arriving in the United States? Answers to these questions have different implications for conducting and interpreting both prereferral activities and subsequent assessment. A child who has experienced a different life style should be provided with an opportunity to adapt to the new environment's expectations and customs before being considered for referral. Failure to adapt quickly should not be assumed to represent a disability.

Question 3: Was the child born in the continental United States but has had limited exposure to English?

Being born and raised in the United States, regardless of ethnic, linguistic, racial, or other cultural factors, implies at least some degree of exposure to English and the English-speaking culture. It typically also implies the presence of family members with some degree of familiarity with the English-speaking culture. However, residence in the continental United States does not guarantee that a child has developed English language skills or has had significant exposure to the mainstream American culture. Therefore, it is critical that the child's personal social history include information regarding whether the child has experience in English and the extent of exposure to the American culture. For such a child, a referral should not be based only on the lack of English speaking ability.

A review of the child's home background can determine the type of prior experiences the child has had, the degree to which the child has been exposed to both formal and informal learning

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activities, and the amount of language stimulation the child has received in both English and the home language(s). These factors have a direct bearing on the evaluation of the child's potential and the specific recommendations for instruction. A determination of home language usage can be made through the use of a home language questionnaire (See Appendix B). The questionnaire requests information on language usage and assists the evaluator to determine the language which should be used for evaluation and assessment.

B. Information to Be Reviewed Prior to Making a Non-Parental Referral to Special Education

Many referrals to special education are made by individuals who may have limited knowledge of the development of CLD children. This limited knowledge may result in unnecessary and inappropriate referrals of these children. In order to minimize inappropriate referrals, information should be collected in the developmental areas of language, social/emotional, motor and cognitive skills prior to a formal referral. The information should be collected by personnel who are familiar with the child's cultural background and who are aware of the developmental stages of early childhood, and are knowledgeable of the community norms for the particular cultural group. All information should be documented and compared with developmental milestones in order to determine if the child's development is age-appropriate and/or culturally appropriate and whether a referral is warranted. The specific areas for documentation include:

1. Language Factors

Components of language (pragmatics, semantics, discourse, phonology and syntax) with regard to both receptive and expressive language, in the child's home language(s) as well as English.

2. Cognitive Factors

Categories of play, attention span, early object use, symbolic and representational play, gestural imitation, problem solving approaches, discrimination/classifications, one-to-one correspondence, sequencing ability, and drawing ability.

3. Social/Emotional Factors

Temperament, motivation, social relations with others, emotional characteristics of play, and awareness of social conventions.

4. Motor Development

General physical motor ability, large motor, fine motor, visual and perceptual abilities, mobility, strength, and endurance.





C. Developmental Milestones

Skills or behaviors that are typical for children at different ages in their development are called developmental milestones. Catron & Allen (1994) and the National Association for the Education of the Young Child (Bredekamp, 1987) are two of many sources which provide extensive examples of developmental milestones for children ages 0-5 years. The majority of these sources, however, make little or no reference to culture or cultural diversity as they relate to age-appropriate skills.

Persons considering referral must be aware that different cultures may place different values or different emphasis on the development of each of the skills. Families from diverse cultures may expect certain skills to emerge at different ages and may provide different experiences and materials for their children. Typical parent-child interactions and the interactions of children with peers and adults other than their parents also differ significantly between cultural groups as well as within a given cultural group.

If an agency or a school district develops or selects a checklist for observation of behaviors based on the developmental milestones, the agency or the school district must ensure that those milestones are culturally appropriate. One way of doing this is to identify a person(s) knowledgeable of the language(s) and the child rearing patterns common to the child's culture. These persons should review the observation checklist to determine what that child's performance represents (e.g., does weak performance indicate lack of ability or lack of familiarity)? Persons considering referral can review the sample milestones included in Appendix A. A review of the information collected should assist the person considering referral to determine whether the child's observed behavior reflects a need for referral for evaluation or is an indicator of delayed development attributable to lack of exposure to the new culture.

The following chart and subsequent discussion describe each of the steps through the referral, evaluation, and IEP development process when a referral to the Committee on Preschool Special Education (CPSE) is warranted.

III. REFERRAL, EVALUATION, AND INDIVIDUALIZED EDUCATION PROGRAM (IEP) DEVELOPMENT

Both federal and State laws and regulations govern the requirements to be met by the school district and the rights to be afforded to parents and their children. The applicable federal regulations are CFR 300.500 through 300.534 while, in New York State, Sections 200.4, 200.5 and 200.16 of the Regulations of the Commissioner of Education indicate the standards to be met by the districts.

These requirements and other relevant considerations can be described through a six-step process. (See Figure 1.) The elements of each step are discussed below.



FIGURE 1: CPSE REFERRAL AND EVALUATION PROCESS STEP 1

Written Referral is Made to the Committee on Preschool

Special Education (CPSE)

STEP 2

Consent for Evaluation Obtained from Parent/Caregiver

STEP 3

Evaluating Agency Selected by Parent/Caregiver

STEP 4

Child is Evaluated by a Multidisciplinary

Team

STEP 5

CPSE Meeting is Held

STEP 6

IEP is Developed



A. STEP 1

Referral is made to the Committee on Preschool Special Education (CPSE)

1. Starting the Referral Process

A preschool student suspected of having a disability may be referred to the CPSE by:

- a student's parent or person in parental relationship;
- a professional staff member of the school district in which the student resides, or the public or private school the student legally attends;
- a licensed physician;
- a judicial officer; or,
- the commissioner or designee of a public agency with responsibility for welfare, health or education of children; (Section 200.4 (a)(1)(i)-(v))

A preschool student suspected of having a disability may also be referred to the CPSE by:

- an Early Childhood Direction Center (ECDC);
- preschool programs approved pursuant to section 4410 of the Education Law;
 or
- programs providing special instruction to children birth to three years of age approved by the lead State agency as designated by the Governor to administer Federal funds for such programs. (Section 200.16 (b)(i)(a)-(c))

2. Referral Documentation

The referral should specify the extent to which the preschool student has received any services prior to referral. When the referral is made by someone other than the parent, the agency should document the following:

- Person responsible for initial referral, including:
 - position;
 - context within which the person observed or worked with the child; and
 - degree of knowledge of the child's linguistic and cultural background.



- The results of any informal or formal assessments conducted prior to referral including results from administration of the Home Language Questionnaire. (Samples of the Questionnaire appear in Appendix B.)
- Person(s) responsible for implementing prereferral activities, including:
 - description of activities;
 - length of time implemented; and
 - language(s) used for implementation.
- Nature of parent participation in child's educational setting, if the child received services prior to referral.

3. Language Safeguards

Once the CPSE receives a referral for a child suspected of having a disability, the CPSE Chairperson must contact the parent(s) to obtain consent for evaluation. During that process, the following areas should be addressed:

- The CPSE must determine the preferred language of the home for both oral and written communication. Unless previously administered, the CPSE should administer the Home Language Questionnaire. All further written and oral commic rication must be provided in the preferred language, unless clearly not feelible to do so.
- For parents who speak a language other than English, an appropriate bilingual professional or translator should be available at all meetings and at all levels of the due process procedures.

B. STEP 2

Consent for Evaluation Obtained from Parent/Caregiver

1. Request for Consent for Evaluation

When a referral is received, the CPSE chairperson must immediately notify the parent and request consent for evaluation of the preschool student. In order to ensure that the parent has the opportunity to provide informed consent, the following areas must be addressed:

• Explanation of referral, evaluation, and due process rights must be provided in the parent's primary language or mode of communication. Where no appropriate bilingual staff are available on the CPSE, it may be necessary to rely on an interpreter working with monolingual professionals for on-the-spot



spoken discourse. Interpreters are necessary to translate for parents, evaluators and CPSE members and to ensure that the parents are informed of their due process rights in their primary language or mode of communication. The CPSE should ensure that, if the child is classified as a preschool student with a disability, goals and objectives on the IEP will reflect and include the parents' areas of concern and specific skills their child needs to function in his/her culture and linguistic group.

- Where parents are preliterate or illiterate, written communication is sometimes not adequate to ensure informed consent. In these cases, oral communication must be used to provide required information and obtain informed consent.
- Parents need to be made aware that consent for evaluation is only required for the **first time** the child is to be evaluated. Service providers may reevaluate the student anytime after that without parental consent as long as the parent has not withdrawn consent.
- Parents should be made aware that consent for evaluation can be withdrawn at anytime during the evaluation process.

2. Bilingual Multidisciplinary Evaluation

• Parents must be informed that their child requires a bilingual multidisciplinary evaluation when the home language(s) is other than English or when the child has been exposed to a language(s) other than English for a significant amount of time and appears to have some receptive or expressive skills in that language(s) (e.g., adopted children, foster children).

(In the event that consent for an individual evaluation is not provided for a preschool-age student, the CPSE must implement the district's practices and procedures for ensuring that parents have received and understood the request for consent. This process must include documentation of outreach in the appropriate language(s). If the parent still declines to consent for evaluation, the case may be closed by the CPSE and no further action is required by the CPSE or district).

C. STEP 3

Evaluating Agency Selected by Parent/Caregiver

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1. Choice of Evaluation Site

Parents must be informed of their right to choose an approved evaluation site to complete their child's evaluation. Parents must be provided with a list of service



providers and evaluation sites from their county and adjacent counties which indicates those sites where bilingual evaluations are available and the specific language(s) in which evaluations are available. To ensure timely evaluations, the district should be aware of those agencies able to provide bilingual evaluations and to assist parents in locating an appropriate evaluation site (e.g., one that employs a bilingual multidisciplinary team).

2. Reported Selection

If contacted by the parent of a CLD child, agencies not able to conduct an
appropriate bilingual evaluation must refer the parent back to the CPSE for
assistance in choosing another evaluation site.

D. STEP 4

Child is Evaluated by a Multidisciplinary
Team

1. Determining Language of Evaluation

In order for the evaluation site's multidisciplinary team to determine both the language(s) and range of evaluations to be conducted, information must be gathered from the parent/caregiver on the child's early development and experiences. This assessment, often referred to as a Social History, must include information on the child's early language(s) development and the language(s) of communication within the home. The Home Language Questionnaire (Appendix B) must be reviewed at this time to assist the team in determining the language(s) to be used during the child's evaluation.

When collecting language information, the primary care setting of the child must be determined. It is important to note that the answers received might be misleading if the child's primary care setting is with a person other than the birth parents. Evaluators need to determine the following:

- Does the child reside with another person acting "in parental relation," e.g., grandparent, relative, godparent? There may be linguistic competencies displayed by these adults, but these may not be the linguistic models the child has been exposed to for most of his/her life.
- Is the child adopted? At which age was the child adopted? This child may now be a part of a monolingual English language household, but his or her main linguistic exposure was to a language(s) other than English. [Due to privacy laws, parents do not have to disclose that the child is adopted.]

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• Is the child in foster care? These children, like adopted children, had exposure to a language(s) other than that of the adults with whom they now reside. Some children have had alternating language experiences, i.e., English language foster home, back to other-than-English language home, and so on.

The evaluation team must also make every effort to obtain and review any previous reports and evaluations, including any information which may have been collected during the prereferral data collection process described above. For students who have received special education or related services under their county's Early Intervention Program, the assessment team should:

- review all evaluations, progress reports and recommendations from professionals who have worked with the student.
- determine the language of instruction in the Early Intervention setting. [In many instances, a LEP student may be inappropriately receiving monolingual English Early Intervention services.]

For culturally and linguistically diverse children, every effort must be made to locate appropriately licensed/certified bilingual professionals to conduct the evaluation. However, in instances where families speak languages which are less frequently spoken in New York State, it may be necessary to rely on an interpreter working with monolingual English-speaking professionals who do not speak the child's language.

2. Selecting Areas of Evaluation

Once the preliminary information has been gathered, the multidisciplinary team should meet to determine the particular evaluations needed to determine the child's functional levels in both the home language and English. Assessment data should be collected in the following areas:

- language/communication
- cognitive/pre-academic
- social/emotional
- sensory motor

Detailed steps for addressing each of these four areas are included in Appendix C.

3. Specific Evaluation Considerations for CLD Children

The assessment of children at the early childhood level must be conducted with an awareness of the youngster's shorter attention span, egocentricity, and the continual



emergence of new skills. It is especially challenging because these new skills may not be firmly established and consistently demonstrated across a variety of contexts. Culture and linguistic diversity add to this challenge.

Issues in bilingual assessment and bilingual recommendations for school-age students are discussed in the <u>Guidelines for Services to Students with Limited English Proficiency and Special Education Needs in New York State</u>. There are however, specific considerations and adaptations at the early childhood level which are necessary to ensure appropriate, valid nonbiased assessment.

To determine whether a CLD preschooler should be classified as a preschool student with a disability, his or her performance should be compared with the accepted milestones for child development within his or her cultural and linguistic group. Because so few instruments have been normed on CLD populations, evaluators will need to rely on other methods of evaluation such as transdisciplinary play-based assessment (Linder, 1993), task analyses (Howell, Fox & Moorehead, 1993), criterion-referenced tests (Tindal & Marston, 1990) and/or observations of the child in a variety of settings.

At the preschool level, the student's linguistic skills are not fully developed and there is a heavier reliance on nonverbal cues which may easily be misinterpreted by the student or the examiners. Therefore, it is extremely important that the personnel involved in all aspects of the multidisciplinary assessment be familiar with the student's cultural and linguistic background and relevant research regarding such background. It is also important that these individuals have experience with culturally and linguistically diverse <u>preschool</u>-age student who are exhibiting age-appropriate behaviors.

In those cases where the initial evaluation is being conducted on a CLD student, the evaluation must:

- be conducted in the primary language(s) of the student and in English.
- utilize developmentally appropriate materials and procedures.
- utilize culturally appropriate methods and materials.
- be responsive to the individual strengths and needs of the student and his/her family.
- address the relationship between skills in the cognitive, linguistic, social emotional, and motor domains.
- take into account the second language acquisition process and its impact on the various areas of development.
- include observations of the student in primary language settings whenever possible.
- be conducted by bilingual professionals who hold appropriate New York State certification or licensure. If not possible, the efforts to obtain bilingual



- professionals and the subsequent use of translators or interpreters must be documented in reports, minutes and/or the IEP.
- include anecdotal information from parents whenever possible. These data will provide a better picture of the child's functioning at home and with others within his/her cultural and linguistic group.
- determine and clearly indicate the child's level of functioning in both English and the language(s) other than English across all areas evaluated.

4. Forwarding Evaluation Documentation to CPSE

Once completed, the evaluation site must forward documentation of the evaluation to the CPSE for review within a timeframe which will allow for the CPSE meeting to be conducted within 30 days of receipt of parental consent. This documentation shall include all assessment reports and a summary report of the findings of the evaluation on a form prescribed by the Commissioner. The CPSE must provide the parent with a copy of the summary statement. Upon request of the parent, the Committee shall also provide copies of all written documentation to be considered by the Committee in the development of the preschool student's individualized education program (IEP) [8NYCRR200.16(c)]. These documents must be provided in English and, when necessary, in the dominant language of the parent or other mode of communication used by the parent unless it is not feasible to do so.

E. STEP 5

CPSE Meeting is Held

1. CPSE Membership

For a child referred for special education for the first time, the CPSE must include the following participants:

- an appropriate professional employed by the school district who is qualified to provide, or supervise the provision of, special education, who serves as the chairperson of the Committee;
- a parent of a student with a disability who resides in the school district and whose child is enrolled in a preschool or elementary level education program (it is recommended that the parent be a representative of the same language background as the student referred for special education);
- a professional who participated in the evaluation of the student or an appropriate professional employed by the school district, other than the chairperson, who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation (when a



bilingual evaluation is required, it is recommended that this professional be bilingual and familiar with the cultural background of the child);

- a representative of the Early Intervention agency, if the student transitions from a program serving children with disabilities 0 2 years old;
- a representative of the municipality where the child resides may attend but is not a required member;
- a teacher; and
- other persons invited by the parent to attend the meeting (e.g., friend, advocate, day care provider).

2. Bilingual Representation

For CLD children, a member of the evaluation team or district employee who is familiar with assessment and programming for culturally and linguistically diverse preschoolers must attend the meeting. If no CPSE member speaks the language of the parent of the referred child, the CPSE is responsible for providing an interpreter. Where possible, this person should serve as a culture and language mediator to ensure that the parent's areas of concern are addressed and that the parent participates in the decision making process.

The parent must be notified of any meeting of the CPSE at least five business days prior to the meeting. The meeting must be held at a mutually agreeable time and place and the notice must state that the parent has the right to invite any individuals to the meeting. If the parent cannot attend, the CPSE must use other methods to ensure parental participation, including individual or conference telephone calls.

3. Determination of Educational Disability vs. Lack of Familiarity with English Language or Culture

The purpose of the CPSE meeting is to review all of the available evaluation material and discuss the findings with the parent. At the CPSE meeting, the Committee must first determine whether the child has an educational disability. For a CLD student, proposed recommendations must be discussed from a perspective of cultural and linguistic diversity. The team should discuss the role of cultural and/or linguistic factors related to the stated problem or problems identified by assessment personnel, as well as other possible explanations for the student's behavior before determining that special education services are required.



- Before a student is classified as having a disability, the CPSE must ensure that the educational needs are not due primarily to unfamiliarity with the English language, or environmental or cultural diversity.
- In order to classify a student as having a disability, the CPSE shall rely on evidence which indicates that the disability interferes with the student's ability to function effectively in a general education placement without the provision of appropriate special education supports and services, including a setting where bilingual intervention or instruction is available.

If the CPSE determines that the student does not have a disability, the recommendation shall indicate the reasons the student was found to be ineligible for special education. A copy of this recommendation, which goes to the board of education for review, must be provided to the parent in the preferred language.

If the CPSE determines that the student has a disability, it must then develop an Individualized Education Program (IEP) which indicates the student's needs, goals and objectives, and the type(s) of special education programs/services necessary to meet those goals and objectives. In addition, the CPSE must determine whether the student is limited English proficient (LEP), e.g., 1) a student who has been exposed to a language(s) other than English and who does not speak English at a developmentally appropriate level and 2) a student who cannot benefit from an instructional program or related services conducted exclusively in English and would benefit from bilingual services.

F. STEP 6

IEP is Developed

In accordance with Section 200.16(d) of the Regulations, "the CPSE shall provide a recommendation to the board of education within 30 days of the date of the receipt of consent." The recommendations should address the student's needs in the areas of academic or educational achievement and learning characteristics, social development, physical development and management (Section 200.1(kk)).

1. Use of English and the Native Language

The IEP must describe the student's present levels of performance and should include how and when the student's native language is being used. The extent of past instruction or interventions in English, and in the language(s) other than English, should be described. When a preschooler has a limited vocabulary in both languages, the specific expressive and receptive skills demonstrated or lacking in each language should be addressed on the IEP.



Based upon these strengths and weakness, the CPSE should consult with the parent to determine the annual goals and short-term objectives which are necessary to address the child's disability. For the LEP child, the language(s) of instruction for each particular goal and objective should be identified. In general, the primary or native language of the student should be used for introducing concepts, in developing social skills and adaptive behavior. In addition to being culturally and linguistically appropriate, goals and objectives and criteria for achieving the objectives should also be developmentally appropriate. Only when the proposed goals and objectives have been completed can the CPSE determine the least restrictive program/services necessary to meet those goals.

2. Least Restrictive Environment

It is a requirement of federal and State law and regulation, and a priority of the New York State Education Department, that all students with disabilities be placed in the least restrictive environment appropriate to meet their needs. Least restrictive environment means that students are not removed from the home or a daycare environment unless absolutely necessary, that they are provided with services to the maximum extent appropriate with other students who do not have disabilities, and that services are provided as close as possible to the student's home.

In order to ensure that preschool students are placed in the least restrictive environment, the CPSE is required to first consider the appropriateness of providing: (1) related services only; (2) special education itinerant services (SEIT) only; (3) related services in combination with special education itinerant services; (4) a half-day program; and, finally, (5) a full-day program. In addition, prior to recommending the provision of special education services in a setting which includes only preschool students with disabilities, the Committee must first consider providing such services in a setting which includes age-appropriate peers without disabilities (e.g., Head Start, special class in an integrated setting), including the student's home.

A student's need for bilingual services does not affect the requirement that students with disabilities be placed to the greatest extent possible with nondisabled peers. Within New York State, bilingual services are available in some districts at all levels of the preschool special education continuum described above, especially in the most common other-than-English languages. In addition, extensive efforts are underway to increase the number and variety of bilingual providers to ensure appropriate services for LEP students with disabilities.

For these students with educationally significant exposure to a language(s) other than English (e.g., home, early intervention program, etc.) who require services in both English and another language in order to benefit from special education, the recommendations should specify the language(s) in which special education

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instruction and/or related services are needed to meet the educational needs of the student. Cases in which other-language programs are deemed necessary but not available, home language usage should be considered as providing educationally significant exposure. Even if the CPSE is not aware of the current availability of bilingual services, the IEP should reflect the appropriate recommendation based upon the student's needs. The CSPE must then continue to attempt to identify or develop the recommended placement until it is available.

However, when the recommended bilingual service continues to be unavailable and the student is able to derive some benefit from less than the recommended level of bilingual services, it may be appropriate to develop an interim recommendation. The interim recommendation may be for monolingual related services or, when a special class placement is required, a program consisting of a monolingual teacher with an aide who is linguistically and culturally competent in English and in the student's language or part-time intervention by a bilingual teacher. The need for such an interim placement is most likely to occur when the student speaks one of the less common languages. Currently, the State Education Department requires approved preschool programs wishing to provide these alternate interim programs to submit a plan documenting the qualifications of their staff including completion of a State-funded program in bilingual education/issues in linguistic and cultural diversity. The plan must indicate how the approved preschool program is moving toward the development of full bilingual services.

Effective as of school year 1996-1997, the State Education Department will begin to require preschool program providers in New York City to reduce and ultimately phase-out the use of Alternate Interim Placements for limited English proficient students whose primary language is one of the major languages spoken in New York City, as bilingual personnel are appropriately trained, as determined by the State Education Department, and become available.

When bilingual services are not available, interim speech services are appropriate for 1) those who do not speak or understand any conventional language and 2) students who demonstrate emerging expressive skills and knowledge in English while still being dominant in their native language. Individual students can be selected for this type of service only after a comprehensive review of all requisite evaluations and after input from the individual student's parents and teachers. Speech providers providing this service are required to have training in English as a Second Language (ESL) and specialized training on speech and communication issues specific to special education students. Ongoing technical assistance and/or consultation must be provided to these teachers by speech supervisors, bilingual teachers of speech and hearing handicapped and ESL teachers. Monolingual speech services in English are unlikely to be appropriate even on an interim basis if a student speaks no English.



3. IEP Documentation

The Committee on Preschool Special Education (CPSE) should document the following factors when developing the IEP for a culturally and linguistically diverse student.

- The recommended special education services program model and level of instruction in the first language. These different strategies for a CLD student are described in Section IV of these guidelines.
- The use of adaptive equipment related to both limited English proficiency and the disability.
- The changes in testing procedures and/or modifications related to both limited English proficiency and the disability.
- Intervention which focuses on the student's linguistic and cognitive abilities while targeting the area of disability.
- The degree of participation with English-speaking and other-than-English speaking students in the appropriate setting, including access to nondisabled peers.
- The location for Special Education Itinerant Teacher (SEIT) and/or related services.
- The language(s) in which special education and related services will be provided.
- The projected date for the initiation of special education and related services; the amount of time per day the student will receive such services; and whether the student is eligible for a 12-month educational program.

The program should build on the student's primary language skills and assist the student to develop English language proficiency while meeting his or her unique educational needs of the student.

IV. LANGUAGE INSTRUCTIONAL STRATEGIES

The National Association for the Education of Young Children (NAEYC) believes that a high quality early childhood program provides a safe and nurturing environment that promotes the development of young children while responding to the needs of the family. In the case of CLD students, professionals communicate with the student and the family in their native language and use culturally appropriate interactions. In the classroom, adults



accept the student's emerging English language skills and provide experiences and opportunities to extend the development of both languages.

Bilingual special education programs and/or services for CLD preschoolers are similar in nature to those provided in monolingual special education programs for preschoolers. An important goal of special education is the development of conceptual, linguistic and social abilities commensurate with the potential of the student. This goal is accomplished in bilingual special education through (a) instruction in the primary language of the student, (b) consideration of the role of culture in learning, and (c) the provision of appropriate second language acquisition methodologies necessary to learn English language skills. The student's special education programs and services should take into consideration the student's level of language proficiency in both languages in order to be pedagogically sound. It is important to note that concepts learned in the first language are readily transferred to the second language.

As discussed above, determination of the level of bilingual services for CLD students with disabilities is made by the CPSE based upon a comprehensive, multidisciplinary assessment, including an assessment of the student's level of performance in both languages. Programs and services are then recommended and provided to CLD preschool students in the least restrictive environment in accordance with Section 200.16 of the Commissioner's Regulations.

Appropriate special education placements for CLD preschool students with disabilities are described in Section 200.16(h). The continuum of services includes:

- Related services
- Special Education Itinerant Teacher Services
- Special Class in an Integrated Setting
- Special Class Half-day
- Special Class Full-day
- Residential Special Education Program
- Twelve-Month Special Education Program/Service

For each of these placement levels, attention should also be given to appropriate instructional interventions. In order for CLD preschool students with disabilities who are limited English proficient (LEP) to benefit fully from instruction, a level of bilingual special education services will be necessary. The degree to which the native language of the CLD student with a disability is used in bilingual special education will vary from student to student, depending on the student's level of proficiency in the native language and in English.

A. Language Instructional Strategies Based on Levels of English Proficiency

Once the child has been classified as a preschool student with a disability and the CPSE has determined that special education services are necessary, the Committee must determine whether



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bilingual instruction would be appropriate. When needed, bilingual services should be integrated into the appropriate level of the special education continuum, i.e, related services, itinerant services, integrated special class, etc. Five language delivery strategies are described below. The first three strategies apply to students who have been determined to be limited English proficient. The final two strategies apply to students who have another language(s) and/or culture in their background but who are not limited English proficient.

The appropriate language strategy should be based upon the student's language proficiency in both English and the home or primary language of the student. Given the results of the multidisciplinary assessment, the Committee should determine whether the student:

- Speaks and/or understands only a language(s) other than English.
- Primarily speaks and/or understands his or her home language(s).
- Is bilingual, but speaks and/or understands mostly his or her home language (L₁).
- Is bilingual, but speaks and/or understands mostly English (L₂).
- Speaks and/or understands only English, but has strong cultural foundations or is bilingual, but has developmentally appropriate skills in English (L2).

The strategies described below are applicable across different types of special education programs, e.g., SEIT, related services, special class. In addition, these strategies may be used for students with disabilities who attend bilingual general education programs such as Head Start or State Pre-K programs. In some cases, students at different language levels can be served in the same classroom with the service providers adjusting the language of instruction based on individual need.

Although it is recommended that CLD students receive services in English and their native language to ensure that they develop bilingual proficiency in both languages, bilingual services are only required for students who are determined to be limited English proficient by the CPSE.

1. Bilingual Instructional Strategy I

(i) Student Characteristics

The student only speaks and/or understands a language(s) other than English. This student has no or limited expressive or receptive language skills in English and has been determined by the CPSE to be limited English proficient. (This may include nonverbal students who only have receptive skills in a language(s) other than English or who have prelinguistic skills in that language.)

(ii) Instructional Design

Because the student speaks and understands little or no English, s/he will be provided with bilingual special education which includes:



- development and continued reinforcement of the native language;
- beginning instruction in English, as appropriate;
- instruction for concept development in the native language; and
- use of the native language in the delivery of recommended related services.

This is considered the optimum option for students with little or no proficiency in English because it supports continued learning in the non-English language while English skills are being acquired. Teachers and other providers must be fluent in English and the student's language, as well as able to use appropriate strategies for teaching concepts through the primary language.

(iii) Staffing Requirements

At least one service provider should:

- be knowledgeable of mainstream culture and the culture of the home;
- be certified in bilingual special education (New York State Certification Requirements for Bilingual Education Extension appear in Appendix D); and
- have extensive preservice/ training in early childhood education.

2. Bilingual Instructional Strategy II

(i) Student Characteristics

The student primarily speaks and understands a language(s) other than English as demonstrated by receptive and expressive skills in the first language (L_1) . This student also has some receptive skills in English (L_2) as well as beginning expressive skills in English. The student has been determined to be limited English proficient by the CPSE.

(ii) Instructional Design

Because the student speaks and understands a language(s) other than English and also understands some English, s/he requires extensive instruction in the language other than English. This instructional strategy includes the development and continued reinforcement of the native language with some instruction in English as a second language. The degree to which English is used in content area instruction depends on the student's level of proficiency in English. The student can follow directions, understand simple instructions, and understand some content in English. English language skills are not proficient enough, however, for the cognitive and linguistic demands of instructional tasks in English only. Teachers and other providers must be fluent in English and the student's language, as well as able



to use appropriate strategies for teaching concepts through the primary language.

(iii) Staffing Requirements

At least one service provider should:

- be knowledgeable of mainstream culture and the culture of the home;
- be certified in bilingual special education (see Appendix D); and
- have extensive preservice/in-service training in early childhood education.

3. Bilingual Instructional Strategy III

(i) Student Characteristics

The student speaks English and another language(s) with no clear dominance in either language. This student has receptive and expressive skills in both the first language (L_1) and English but is not at a developmentally appropriate level in English and has similar limitations in the first language. The student has been determined to be limited English proficient by the CPSE.

(ii) Instructional Design

Because the student demonstrates no clear dominance in either language(s) and a developmental delay in both languages, the recommendations for these students will include instruction in both languages dependent on the curricular area. For example, vocabulary development that is specific to the classroom setting, (e.g., colors and shapes) may be taught in English (L_2) while vocabulary related to common objects in the home or familiar home activities would be introduced in the native (L_1) language. A general rule of thumb that should be kept in mind for instruction for this population is that prior knowledge always be used as a starting point for delivery of instruction. In other words, concepts should be extended based on the student's stronger language for that particular concept. Teachers and other providers must be fluent in English and the student's language, as well as able to use appropriate strategies for teaching concepts through the primary language.

(iii) Staffing Requirements

At least one service provider should:

- be knowledgeable of mainstream culture and the culture of the home;
- be certified in bilingual special education (see Appendix D); and
- have extensive preservice/in-service training in early childhood education.



The following two strategies are recommended for students who come from homes where a language other than English is spoken but the students have not been determined to be limited English proficient by the CPSE.

4. Transitional Instructional Strategy I

(i) Student Characteristics

The student primarily speaks English and has receptive and expressive skills in English (L_2) . This student also has receptive skills in the first language (L) with minimal to no expressive skills in the first language (L_1) . This student has not been determined to be limited English proficient by the CPSE and has not been recommended for bilingual services.

(ii) Instructional Design

This option primarily uses English for all aspects of instruction but is responsive to the need for occasional use of the non-English language for clarification and reinforcement and as a support to reduce acculturation stress. It is important for teachers using this option to be able to speak some of the student's home language, "survival" vocabulary and to have knowledge of second language acquisition and development. Teachers also need to communicate to the students that use of the non-English language(s) is acceptable even though they (the teachers) may need the students' help to understand what is being said, just as the students may need their help with English. This option is appropriate when a student's oral English language proficiency is fairly strong. It should be noted, however, that students can often appear to have a better command of English than they actually do, especially if they have not had access to and support of their non-English language(s) outside the home. These students, although appearing fluent in English, may lack the depth and breadth of language skills typical of a child who has been hearing and using English throughout childhood (e.g., they "sound" appropriate for their age, but have been using English for a significantly shorter length of time than their English monolingual peers and thus may have gaps that are not apparent at first). These student's performances can start to deteriorate as they progress in school and encounter situations that require more abstract and complex levels of language. Therefore, this monolingual strategy must be chosen with caution.

(iii) Staffing Requirements

At least one service provider should:



- have in-service/preservice training in multicultural/bilingual education, be knowledgeable of culturally-appropriate instructional strategies and be able to speak some of the student's home language(s);
- be sensitive to culturally appropriate social interactions;
- be certified in the appropriate area of special education; and
- have extensive preservice/in-service in early childhood education.

It is helpful to have a paraprofessional or other staff person who speaks the other than English language(s) be available to speak to the student and family.

5. Transitional Instructional Strategy II

(I) Student Characteristics

This student speaks and understands English almost exclusively although there has been some exposure to another language(s) in the home or the student speaks and understands English at a developmentally appropriate level while speaking another language(s). There is a strong home language cultural component that is used for communication. This can include the use of paralinguistic cues in the language(s) other than English. This student has not been determined to be limited English proficient by the CPSE.

(ii) Instructional Design

Since the student's proficiency includes a very strong nonverbal communication mode based on the home's cultural component, bicultural special education services are recommended for this student. Instruction may include nonverbal cues or paralinguistic cues which are culturally based and readily understood by the student. Examples of these include:

- Body language related signals:
 - hand signals
 - eye signals
 - facial gestures
 - the degree and type of touch that the primary caretaker uses for reinforcement, validation, and rewards.
- Pacing and rhythm of the language:
 - emphasis on positive and negatives
 - tone, time and rhythm



- Occasional words, phrases and concepts that the student expresses in the non-English language(s):
 - kinship terms, e.g., mother, father, aunt, uncle, grandpa, sister, etc.
 - objects in the home, e.g., different names for kitchen utensils
- Resolving conflict:
 - expressions of feelings
 - manner in which the student asks for help
 - manner in which the student expresses joy, needs, and wants
 - who takes the lead--parent, student, other student

The strategy will include instruction conducted in English with the integration of delivery modes that are appropriate to the communicative style of the home. These culture specific nonverbal cues can also affect parent-professional interactions. Intervention with the parents might necessitate the use of culture-language mediators.

(iii) Staffing Requirements

The service provider should have:

- knowledge of culturally responsive strategies;
- knowledge of second language acquisition theory and teaching strategies;
- certification in the appropriate special education area; and
- extensive preservice/in-service training in early childhood education.

If the parents are most comfortable in a language other than English, efforts must be made to have communication between the home and service providers in that language;

B. Global Instructional Characteristics

Early childhood education programs need to provide students with meaningful and real educational experiences. The National Association for the Education of Young Children (1987) defines six general principles that service providers must address in developing developmentally appropriate curricular programs. These global characteristics must also address the needs of the culturally and linguistically diverse student. The general principles are:

Developmentally appropriate curriculum provides for all areas of a student's development: physical, emotional, social, and cognitive through an integrated approach.



- Appropriate curriculum planning is based on teachers' observations and recordings of each student's special interests and developmental progress.
- Curriculum planning emphasizes learning as an interactive process. Teachers prepare the environment for students to learn through active exploration and interaction with adults, other students, and materials.
- Learning activities and materials should be concrete, real, and relevant to the lives of young children.
- Programs provide for a wider range of developmental interests and abilities than the chronological age range of the group would suggest. Adults are prepared to meet the needs of children who exhibit unusual interests and skills outside the normal developmental range.
- Teachers provide a variety of activities and materials; teachers increase the difficulty, complexity, and challenge of an activity as children are involved with it and as children develop understanding and skills. (Bredekamp, 1987, pp 3-5)

The curriculum to achieve those principles must include several components. Each component must be related to the student's background, taking language(s) and culture into consideration. These components include the following:

- a real experience or constructivist approach where students are actively involved with people, ideas, and materials;
- a well-organized classroom environment divided into well-defined learning areas such as home living, manipulatives, art, books, library, and science;
- a daily routine;
- extensive experiences in language, literacy, social relations, movement, classification, numbers, spatial and temporal relations;
- opportunities for role playing; and
- positive adult/child interactions.

Young students need areas and spaces that are arranged and equipped to promote their learning experiences and activities. These learning areas and spaces provide a variety of materials stored in consistent locations that are accessible to students. Adaptations to this environment may need to occur as different students with disabilities enter the learning areas. Shelves, containers and materials are labeled and tables and chairs are arranged to facilitate small group and large group activities. Children also need consistency and structure in their day; therefore, a daily routine must be carefully planned. Daily routines should reflect a balanced program and be designed so that both teacher and paraprofessional can implement the program. Teachers must plan small group lessons that integrate concepts, vocabulary and experiences from content areas such as reading, writing, math and science. These lessons must take into account the students' interests, their home language(s) proficiency, their English language proficiency, home/cultural experiences, and cognitive developmental levels. Every effort must be made to facilitate close communication with the family and to involve the family in the student's educational experience.

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CLD students with disabilities are encouraged to use critical thinking skills and should be provided with opportunities to manipulate objects, choose activities, acquire skills with tools and equipment, make choices, solve problems, work independently and cooperatively to complete a task, use large and small muscles and take care of their own needs. In addition, adults working with young children must establish a supportive climate where children are encouraged to develop trust, make choices and share control. In these environments, adults take a problem-solving approach to social conflict.

C. Staffing

All student/staff ratios and configurations are contingent upon the specific State-approved program option recommended (i. e., related services, special education itinerant services, integrated special class, segregated special class programs) taking into consideration the nature and range of students' disabilities and relative language(s) proficiency. When appropriate, related service group size and class size/staffing ratios are reflected on IEP's as determined at the Committee on Preschool Special Education (CPSE) Review.

D. Preservice and In-service Education

Preservice and in-service training of staff should address those standards developed by the Council for Exceptional Children, Division for Early Childhood Task Force on Recommended Practices (1993). These standards define the competencies early childhood services providers (e.g., teachers and related personnel) need. For in-service training, school districts and agencies should select those competencies that are appropriate to their level of service and program option(s). Preservice and in-service training should also address specific topics on first and second language acquisition strategies, cultural influences in intervention methods and appropriate person-to-person interactions for working with culturally and linguistically diverse families.

Service providers may wish to contact their local Special Education Training and Resource Centers (SETRC's) or Bilingual Education Technical Assistance Centers (BETAC's) for possible in-service training. A listing of these is found in Appendix E. Other sources include universities with approved bilingual special education programs, and professional organizations, i.e. State Association for Bilingual Education (SABE), National Association for Bilingual Education (NABE), Council for Exceptional Children (CEC).

E. New York State Certification

The New York State Education Department issues certificates in both teaching and non-teaching areas for service in bilingual education settings. Staff providing bilingual instructional or related services must hold an appropriate bilingual extension to their special education or pupil personnel certificate. A copy of the Commissioner's Regulations certification appears as Appendix D. Bilingual special education teacher certification titles in New York State include:



- Teacher of Special Education with bilingual education extension.
- Teacher of Speech and Hearing Handicapped with bilingual education extension.
- Teacher of the Deaf and Hearing Impaired with bilingual education extension.
- Teacher of the Visually Impaired with bilingual education extension.

Non-teaching titles which also have bilingual extensions include:

- School Psychologist with bilingual education extension.
- School Social Worker with bilingual education extension.
- School Counselor with bilingual education extension.

In shortage areas, when appropriately certified staff are not available, the director of a program may request a one-year New York State temporary license in bilingual education for each staff member who is not eligible for the issuance of New York State bilingual education extension to his/her current area of certification. This request should be made to the New York State Education Department Office of Teaching with a copy to the Office for Special Education Services Regional Office when considering employing such a staff person. Upon documentation of adequate progress toward meeting certification requirements (i.e., a minimum of six graduate credits per year), a temporary license may be renewed up to a maximum of four times.

V. ANNUAL REVIEW

A. Preparation for the Review

In accordance with Section 200.16(f), all preschool students with a disability must have their IEP reviewed at least annually. The following must be taken into account in the review process:

- Prior to conducting the annual review conference the CPSE shall arrange to send a notice of the annual review meeting to the parents in their preferred language.
 - All annual review conference proceedings must be understandable to the parents.
 - If the attendance of a bilingual professional is not possible, a translator/mediator must attend the meeting.
 - The participation of bilingual professionals and/or translators/mediators must be documented in the IEP.
 - For all students receiving special education services, the service provider must attend the conference.



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B. Summary Progress Reports

- At the annual review, the individualized education program of each student must be reviewed. Summary progress reports from service providers should provide the following information:
 - (a) Updated language information regarding the student's proficiency in the native language and in English. This should include both social and academic language skills. For students with severe language delays, non verbal communication skills and prelinguistic behaviors should be assessed in the settings where each language is used. For all CLD preschool students with disabilities, an updated interview should be conducted with the parents regarding changes in patterns of language use at home or in other settings where the student spends significant amounts of time.
 - (b) Current levels of performance as measured in accordance with the student's level of language proficiency.
 - (c) An identification of the language(s) of instruction that is/are being used to accomplish the IEP goals and objectives.

C. Implementation

• Implementation of the recommendation must occur no later than 30 days subsequent to the CPSE final recommendations or as specified on the IEP. This includes those instances where there has been a change in the services provided, from bilingual to monolingual, or monolingual to bilingual.

VI. TRANSITION TO THE SCHOOL-AGE PROGRAM

Transition is the process of moving preschool students from the preschool program to kindergarten or a school-age program, and/or from one service delivery model in prekindergarten to another service delivery model in kindergarten. This service usually begins in the spring prior to the fall when the child is eligible for school-age services (e.g., age 5). According to the Council for Exceptional Children's Division for Early Childhood Recommended Practices for transition, the goal of both the agency serving transitioning students and the program receiving them must be to (a) ensure continuity of services, (b) facilitate adaptation and change for both children and families, (c) ensure that transitioning students are able to function in the least restrictive environment of a receiving program, and (d) fulfill the legal requirements of P.L. 99-457 such as planning, implementation, and evaluation within and between programs and with the family. Transitions should also present the student and the families with new opportunities for growth and development. Successful transitions require ongoing communication between programs and the families.



A. Strategies for Involving Families of CLD Children

- 1. The purpose of the transition meetings is to review with parents/caregivers the child's needs when they reach school age. Therefore, all meetings must be conducted in the parents/caregivers' preferred language. Information to parents/caregivers must be provided prior to the CSE meeting.
- 2. The options available for appropriate school-age programming in the least restrictive environment must be explained.
- 3. Parents/caregivers should be aware of any documents or tasks that will be required for registration into the new program.
- 4. Parents/caregivers should be informed of options and allowed and encouraged to visit and observe possible programs or service options.
- 5. Parents/caregivers should be an integral part of the decision-making team as the student is transitioning from preschool to school-age settings, or from one service delivery model to another.

B. Initial Meeting of the Committee on Special Education (CSE)

1. Participants at the Committee on Special Education (CSE) meeting are:

- a representative of the public agency, other than the student's teacher, who is qualified to provide or supervise the provision of special education;
- other parent of a child with a disability (it is recommended that the parent be a representative from the same language background as the child);
- the student's teacher; and
- one or both of the student's parents.

2. Other members may include:

- individuals at the discretion of the parents (e.g., friend, advocate, daycare provider) or the school district (e.g., speech/language pathologist, occupational therapist and/or physical therapist);
- a qualified mediator/facilitator to assist with language and cultural issues;
- a sign language interpreter if the parent if deaf, and
- a physician, if requested by the parent or district.

3. The CSE will study all past and present assessment data that have been collected before making a placement decision.

 This information must include an assessment of the student's English language proficiency as required under Part 154 of the Regulations of the Commissioner of Education. If the student is determined to be LEP at this time, the CSE must include the appropriate bilingual and ESL services on the



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school-age IEP whether or not the student received bilingual services at the preschool level.

- 4. Due process rights must be discussed with the parents at this time.
- 5. Whenever possible, at least one member of the team should be a bilingual professional.

VII. CONCLUSION

The New York State Guidelines for Services for Culturally and Linguistically Diverse Preschool Students with Disabilities Ages 3-5 was developed to 1) provide a summary of information which must be considered before referring CLD students for evaluation and to 2) review State and federal procedures for conducting an evaluation and recommending services. The Guidelines should be used as a reference when considering referral to special education and, if used in this fashion, should ensure appropriate considerations for CLD students.

Readers requiring additional assistance in the first instance are referred to the document bibliography. Ongoing technical assistance can be obtained through the New York State Education Department resource network which includes the Special Education Training and Resource Centers (SETRC's) and Bilingual Education Technical Assistance Centers (BETAC's). Resource contacts for these Centers appear in Appendix E. New York State Education Department staff can be contacted at:

Office of Vocational and Educational Services for Individuals with Disabilities

Albany: (518) 486-7462 New York City: (718) 722-4544

Office of Bilingual Education

Albany: (518) 474-8775

New York City: (718) 722-2632



DEFINITIONS

For purposes of these Guidelines all the terminology which has been defined in CR 200.1 remains in effect. In addition, the following definitions should be used.

- (a) Acculturation refers to the process of adapting to a new cultural environment.
- (b) <u>Culture</u> refers to the ways, systems, techniques, and tools which make up a way of life; the customs, beliefs, values, and means for regulating interaction with other humans and with the supernatural. Language is a key component of culture (Saville-Troike, 1979, p. 139).
- (c) <u>Culturally and linguistically diverse (CLD)</u> refers to those individuals who come from a home where a language(s) other than English is being used; or who have had significant amounts of exposure to a language(s) other than English, and whose culture differs from the mainstream US culture;
- (d) <u>Enculturation</u> refers to the process of learning the home culture.
- (e) <u>English</u> (L₂) refers to the predominant language of the U. S. schools and other social-government institutions.
- (f) <u>First language</u> (L₁) refers to the language other than English that is predominantly used by the child and/or in the home by the primary caretakers.
- (g) <u>Home culture</u> (C_1) refers to the predominant culture of the home.
- (h) <u>Interpreter</u> an individual who describes the spoken word from one language/mode to another; works in middle of group or pair of conversation partners; quickly chooses precise words; is aware of idiomatic expressions and regional variations; must remain neutral; and needs not be good writer.
- (i) <u>Limited English Proficient Preschooler</u> refers to 1) a student who has been exposed to a language other than English and who does not speak English at a developmentally appropriate level and 2) the student cannot benefit from an instructional program or related service conducted exclusively in English and would benefit from bilingual services.
- (j) <u>Majority culture</u> refers to the culture reflected and transmitted in schools and other social institutions in the U. S.
- (k) <u>Primary language</u> refers to the language most often used by the child or the parents.



- (l) <u>Relative language proficiency (RLP)</u> refers to a child's degree of proficiency in one language relative to the degree of proficiency in the other language. This information is necessary because it ultimately drives all assessment and intervention strategies.
- (m) <u>Translator</u> provides written translations of documents from one language to another.
- (n) <u>Multidisciplinary assessment</u> refers to the assessment data that are collected by professionals from several disciplines, i.e. teachers, speech and language pathologists, social workers, physical therapists, psycholinguists, etc.





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Full Text Provided by ERIC

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APPENDIX A DEVELOPMENTAL MILESTONES



	Toddlers to 3 years (24-36 months)	3 to 5 years
1.	Social Emotional Completely toilet trained Can put on shoes, coat, shirt- no tying Aware of self Begins to express needs Begins to enjoy cooperative experiences	. Washes and dries face and hands without assistance . Buttons/zips clothes-ties shoelaces . Aware of male/female . Tells street address . Begins to respond to the needs of others . Begins to exhibit concerns for fairness
2.	Cogntive . Plays with stacking toys . Sorts by groups (small, large; soft, hard) . Matches one color . Can select longer of two sticks . Can name an object that has been hidden . Understands the concept "big"	. Connects three objects . Knows concept of "one more" . Knows concept of "empty" . Draws a two-part person . Works a 12 piece puzzle . Recalls familiar objects
3.	Language . Repeats a five-word sentence . Follows one-step commands . Can use plurals . Listens to a simple story . Can identify simple actions in pictures . Can ask simple "what" questions	Tells a simple story Can follow a two-step command Average five-word sentences Can describe objects by function Can tell a story using pictures Can give first and last names
4.	Motor . Can build a six-block tower . Plays with clay . Stands and kicks ball . Cuts with scissors functionally . Begins to hold crayon . Can stand on one foot (momentarily)	. Can hold paper in place . Can catch a ball . Can pedal a tricycle . Cuts with scissors . Can lace shoes . Can jump rope

^{*} This list is not exhaustive.

Taken from: Bredekemp, S. (Ed.) (1987). <u>Developmentally appropriate practices in early childhood programs serving children from birth through age 8</u>. Washington, DC: National Association for the Education of Young Children.



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APPENDIX B SAMPLE HOME LANGUAGE QUESTIONNAIRE





Home Language Questionnaire (HLQ)

Dear Parent or Guardian: In order to provide your child with the best possible education, we need to determine how well he or she understands, speaks, reads and writes

English. Your assistance in answering

these questions is greatly appreciated.

Thank You

	1. 2.1 di 2147		
DISTRICT	Please	print or type clearly	
SCHOOL		<u>-</u>	GRADE
			GRADE
STUDENT NAME			
DATE OF BIRTH			
DAILE OF BIRKITI	Month:	Day:	Year:
STUDENT IDENT	IFICATION NUM	(BER	
COUNTRY OF BU	TH / ANCESTR	Υ .	
NUMBER OF YEA	RS ENROLLED I	N SCHOOL OUTS	IDE THE U.S.
			·
NAME/POSITION	OF SCHOOL PE	ERSONNEL COMP	PLETING THIS SECTION
DETERMINATION	V :	☐ Possi	ble I ED
		L Engli	sh Proficient

		(✔ boxes	that apply)			
1.	What language(s) is spoken in the student's	□ En	glish 🔾 🔾)ther		
	home or residence?				specify	
2.	What language(s) are spoken most of the time	□ En	glish 🗆 O	ther	·	
	to the student, in the home or residence?				specify	
3.	What language(s) does the student understand	d? 🔾 En	glish 🗆 O	ther	<u> </u>	
					specify	
4.	What language(s) does the student speak?	□ En	glish 🗆 O	ther		
					specify	
5.	What language(s) does the student read?	□ En	glish 🗆 O	ther	Does Not Read	
				specify		
6.	What language(s) does the student write?	□ En	glish 🗆 O	ther	O Does Not Write	
				specify	•	
7.	7. In your opinion, how well does the student understand, speak, read and write English?					
		Very well	Only a little	e Not at all		
	Understands English					
	Speaks English		0	0		
	Reads English		0			
	Writes English					



Year.

Day:

Month:



CUESTIONARIO SOBRE EL IDIOMA QUE SE HABLA EN EL HOGAR ("Home Language Questionnaire, HLQ")

Estimado Padre/Madre o Guardián:

Para poder ofrecer a su hijo(a) la mejor educación posible, necesitamos determinar cuán efectivamente él o ella entiende, habla, lee y escribe el idioma inglés. Su ayuda será apreciada si contesta estas preguntas.

Gracias.

tere par Novari	. 19(55 %)		
DISTRITO (IMPRIM.	A O ESCRIBA O	LARAMENTE)	
F			
ESCUELA		G	RADO
NOMBRE DEL ESTUDIAN	TE		
FECHA DE NACIMIENTO	_		
	Mes:	Día:	Affo:
NUMERO DE IDENTIFICA	COON DEL ES	TUDIANTE	•
PAIS NATAL O ASCENDE	NCIA .		
NUMERO DE AÑOS MATI	RICULADO EN	ESCUELA(S) FU	ERA DE LOS E.U.
NOMBRE/POSICION DEL PER	SONAL DE LA E	SCUELA COMPLETA	ANDO ESTA SECCION
DETERMINACION:		☐ Posiblem	ente LEP
		☐ Proficient	te en inglés

	(✔ Marque las casillas que aplican)					
1.	¿Qué idioma(s) se habla en el hogar	🗖 Inglés	🔾 Español	Otro _		
	o residencia del estudiante?				(Especifiq	ue cuál)
2.	¿En qué idioma(s) se le habla al estudiante	🔾 Inglés	🔾 Español	Otro _		
	la mayor parte del tiempo en el hogar o residencia?				(Especifi	que cuál)
3.	¿Qué idioma(s) entiende el estudiante?	□ Inglés	□ Español			
			- - - - - - - - - - -			que cuál)
4.	¿Qué idioma(s) habla el estudiante?	🛚 Inglés	□ Español	□ Otro		
		J	•			que cuál)
5.	¿En qué idioma(s) lee el estudiante?				· · · · · · · · · · · · · · · · · · ·	_ 🗅 No lee
	•				Qué idioma)	
6.	¿En qué idioma(s) escribe el estudiante?	□ Inglés	glés 🔾 Español	Otro		_ 🛭 No escribe
					(Qué idioma)	
7.	¿En su opinión, qué tan bien el estudiante en	ntiende, habla, lee	y escribe inglé	s?		
		Muy bien	Un poco	Nada		
	Entiende Inglés		٥	a	_	
	Habla Inglés	<u> </u>		a		
	Lee Inglés	0				
	Escribe Inglés	۵	۵	0		· .
=			Mes:	Dia:	Aflo:	



Firma del Padre/Madre/Guardián/Otro

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Fecha

APPENDIX C

DETAILED STEPS FOR DATA COLLECTION: FOUR AREAS OF ASSESSMENT



Data information should be collected from parents and any other environments currently attended by the child including daycare, childcare and preschool providers.

1. Language/Communication

- a) As part of the data collection, the assessment team should:
 - Ensure that the data in the Home Language Questionnaire (Appendix B) are current;
 - Determine the child's Relative Language Proficiency;
 - Interview the parents in order to determine:
 - the parents' primary areas of concern;
 - the contexts in which the child has been exposed to each language (e.g., at home, with parents, with siblings, with grandparents or other family members, at a daycare, or in a nursery school) and the amount of exposure to that language;
 - when the child was first exposed to each language and for how long:
 - previous group experiences the child has had;
 - the types of toys the child usually plays with and his favorite activities:
 - determine if language proficiency data exists on the child. If it does, ensure that these data are considered; and
 - determine whether the child has played with other children on a regular basis and how he or she interacts with them).
 - To allow for greater diversity in parents' responses, open-ended questions should be used during the interview process.
 - (b) In determining the Relative Language Proficiency (RLP), the assessment team might wish to consider:
 - An expanded version of the Home Language Questionnaire and Supplemental Scale (Appendix B);
 - Portions of speech-language tests appropriate for use with CLD preschoolers;
 - Clinical observations of the child in various contexts where other than English language(s) are spoken (these should assess receptive, expressive, and pragmatic skills in each language); and



- Checklists or observation guides for children who appear to be severely delayed or who do not respond to typical RLP screening.
- (c) Preschool and school-age children often develop certain skills or vocabulary in only one language (e.g., colors may be learned in English, counting in the other language). Children should be tested in both languages so that the child's skills in all areas of development are fully assessed and the child can be credited for all skills he or she has developed in each language. Both informal communication skills and communication skills necessary for cognitive/academic environments should be assessed in both English (L₂) and the language other than English (I₁). Specifically, observations should be documented for:
 - Receptive skills;
 - Expressive skills;
 - Nonverbal communication skills;
 - Pragmatics;
 - Phonology;
 - Semantic understanding in verbal expression; and
 - Syntactic understanding in verbal expression.
- (d) The child's responses to speakers who use English and the non-English language(s) should also be documented. These should include:
 - Changes in facial expressions and eye contact;
 - Use of gestures;
 - Extension of play scenarios initiated by others;
 - Nonverbal responses to directions, questions and gestures;
 - Physical proximity to speakers; and,
 - Length of time spent with various speakers.

2. Cognitive Assessment Data

- (a) The collection of data must be sufficiently conducted so as to ensure that all materials and methods are culturally appropriate, that the evaluators be aware of the child's past experiences, and that the assessment teams be linguistically competent in both English and the language other than English.
 - Assessment of cognitive functioning should be conducted by a New York State certified psychologist with a bilingual extension, or a professionally licensed psychologist who is bilingual. This person should be sensitive to the cultural background of the child and aware of the indications of culturally appropriate behavior that may be demonstrated throughout the testing situation.
 - Standardized tests are valid only for those populations who are part of the standardization population of the test. If a test used to assess a CLD child is not valid for the individual, informal assessment tools may be the best alternative. When the informal assessment techniques are used, clinicians should describe the tasks and how they were presented, the child's



responses and the basis for the conclusions drawn from the behaviors described.

- Scores obtained from tests translated but not standardized on the student's cultural group or translated by the examiner during the assessment process may not be used as representative of the student's present performance. The information collected and reported should be of a descriptive nature. Reports should state the language in which the tests were administered and whether a translator was used during the assessment.
- Consideration should be given to the student's ability to adapt to new learning situations and the potential for the student to modify and apply new skills to a variety of different areas through active learning. This could best be measured through trial teaching. This type of assessment looks at the "process" of cognitive functioning rather than the "end product" that is usually measured by static intelligence tests.
- Transdisciplinary play-based assessment can yield information on many cognitive skills in situations that are functional and meaningful to the child. Evaluators must be sure they correctly interpret differences in play behaviors in light of the child's cultural diversity and the cultural and linguistic environment in which the child is observed while playing. For example, turn-taking skills, sharing with peers, making requests, etc. This is necessary in order to determine whether these differences indicate culturally appropriate interactions, a delay or disorder, or appropriate responses to an environment in which the child's primary language is not being used.
- Other types of assessment strategies can be used which will allow for use of various types of materials which are familiar to the child. These can include:
 - criterion-based assessment;
 - curriculum-based assessment;
 - task analysis;
 - error analysis;
 - direct observations; and
 - trial teaching.

These strategies lend themselves to written reports which are more descriptive of the child's current strengths and needs and are more easily used to develop educational objectives.

- (b) Observational areas in the cognitive cluster include:
 - Play interactions;
 - Attention span;
 - Interactions with early object use; 56



- Symbolic and representational behavior;
- Ability to imitate;
- Problem-solving approaches;
- Discrimination/classification;
- One-to-one correspondence;
- Sequencing ability;
- Fund of knowledge;
- Spatial organization; and
- Short-term memory.

3. Sensorimotor Skills

(a) Motor Skills

Motor skills should be assessed by a professional who is fluent in the child's primary language(s) and familiar with how cultural differences can affect the development of motor skills. Culturally and linguistically diverse children may have had different experiences or be familiar with different materials and equipment than the children on whom assessment instruments were standardized. For example, some children may not have had experiences in using scissors, coloring, throwing/catching objects, building towers, riding tricycles, holding paper in place, etc. Examiners should always ask parents if the child has used materials or equipment similar to those used during the evaluation and at what age parents expect various skills to emerge. If parents are encouraged to participate in and observe their child's assessment, professionals should gain more knowledge about the child's previous experience, and parents will be more likely to understand the results of testing and the assessment team's recommendations.

(b) Observational areas

This cluster should include assessment of:

- General appearance of movement;
- Muscle tone/strength/endurance;
- Attention to sensory input;
- Visual perception;
- Stationary positions;
- Gross motor coordination:
- Other developmental achievements:
- Small motor coordination; and
- Motor planning.

4. Social-Emotional Skills

(a) Adaptive behavior and social/emotional skills should also be evaluated by bilingual professionals who are familiar with the child's cultural/linguistic group. In this cluster, behaviors which may be culturally bound include: how a child expresses his or her needs or wants, e.g., how he/she requests attention; how he



or she verbalizes emotions, e.g., ways of expressing sadness/humor; age at which he or she separates from the parent without reluctance; age at which he or she expresses affections for other children; how he/she greets adults without reminders; at the age at which he/she began turn-taking behavior, etc. Data should be collected in a variety of contexts where the child can interact with peers and adults with similar cultural and linguistic backgrounds. Data should be reported in a descriptive manner in terms of appropriate behavior within the linguistic and cultural framework of the family and community. Consideration should be given to the student's level of acculturation.

- (b) Observational areas in the Social-Emotional cluster include:
 - Temperament;
 - Mastery motivation;
 - Social interactions with parent;
 - Social interactions with service provider;
 - Characteristics of play;
 - Humor and social conventions;
 - Social interactions with peers.
- (c) Adaptive behavior that is appropriate within a specific culture should not be judged as atypical.



APPENDIX D

NEW YORK STATE TEACHER CERTIFICATION REQUIREMENTS FOR BILINGUAL EDUCATION EXTENSION



The University of the State of New York THE STATE EDUCATION DEPARTMENT Office of Teaching Albany, New York 12230

AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Section 207 of Education Law

- 80.9 Certificates valid for bilingual education.
- (a) Preparation. The validity of a provisional or permanent certificate issued pursuant to this part may be extended by the commissioner to include bilingual education if the holder of such certificate meets the requirements described in paragraphs (1), (2), (3) or (4) of this subdivision.
 - (1) Completions of an approved program registered by the Department specifically for service as a teacher of bilingual education. (i) For teachers of the common branch subjects in the lower (PreK-3) and upper (4-6) elementary grades (PreK-6) (8 NYCRR 80.15) the program will include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the native language; native language arts; evaluation in bilingual education; and linguistics. The program will provide a college-supervised field experience in bilingual education.
 - (ii) For teachers of occupational subjects (8 NYCRR 80.5), teachers of children with handicapping conditions (8 NYCRR 80.6), teachers of reading (8 NYCRR 80.7), teachers of English, languages other than English, mathematics, the sciences and social studies (8 NYCRR 80.16) and teachers of special subjects (8 NYCRR 80.17), the program will include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the native language; and native language arts. The program will provide a college-supervised field experience in bilingual education.
 - (iii) For pupil personnel service professionals (8 NYCRR 80.3), administrative and supervisory personnel (8 NYCRR 80.4), and school media specialists (8 NYCRR 80.8), the program will include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language. The program will provide appropriate college-supervised field experience in the certificate area in a bilingual context.
 - (iv) Language proficiency. The candidate will submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.
 - (2) Interstate agreement on qualifications of educational personnel. A provisional extension certificate may be issued to a candidate who has satisfied the conditions of the agreement by completing a program of preparation at an approved institution of higher education, or who has attained an initial regular certificate and required experience in a state which has contracted with the State of New York pursuant to Education Law, section 3030.
 - (3) Alternate completion of requirements. A provisional or permanent certificate may be extended to bilingual education for a candidate who has completed the following: (i) for teachers of the common branch subjects in the lower (PreK-3) and upper (4-6) elementary grades (PreK-6) (8 NYCRR 80.15), twenty-four semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the native language; native language arts; evaluation in bilingual education; and linguistics; or



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- (ii) For teachers of occupational subjects (8 NYCRR 80.5), teachers of children with handicapping conditions (8 NYCRR 80.6), teachers of reading (8 NYCRR 80.7), teachers of English, languages other than English, mathematics, the sciences and social studies (8 NYCRR 80.17), fifteen semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the native language; and native language arts; or
- (iii) For pupil personnel service professionals (8 NYCRR 80.3), administrative and supervisory personnel (8 NYCRR 80.4), and school media specialists (8 NYCRR 80.8), fifteen semester hours of collegiate study at an institution with an approved bilingual education program to include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language; and
- (iv) A college-supervised field experience in bilingual education or its equivalent. One year of paid full-time bilingual experience at the level or in the subject or field for which the extension is being requested may be substituted for the field experience when such experience carries the recommendation of the chief school officer.
- (v) Language proficiency. The candidate shall submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.
- (4) Statement of continued eligibility. (a) A person employed in a position in New York State as a bilingual pupil personnel service worker or as a bilingual school administrator or supervisor for three of the five years immediately preceding September 1, 1995, may be issued a statement of continued eligibility pursuant to which such person may continue to serve without a certificate described in this section, provided such person holds a permanent certificate which is valid for service under Section 8 NYCRR 80.3 or 80.4 of this part.
 - (b) A statement of continued eligibility shall be limited to a specific bilingual pupil personnel service certificate or a specific bilingual administrative or supervisory certificate, but shall be valid for service in any school district.
 - (c) Applications for the statement of continued eligibility must be filed in the Department by September 1, 1995.

This section shall apply to individuals applying for a provisional or permanent certificate extension on or after September 1, 1995.

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APPENDIX E

NEW YORK STATE EDUCATION DEPARTMENT RESOURCE NETWORK



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Center for Learning Technologies

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SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS IN NEW YORK STATE TRAINING NETWORK

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English as a Second Language Training Program (Required for Interim Alternate Programs)

Interagency Council of Mental Retardation and Developmental Disabilities Agencies, Inc. 275 Seventh Avenue New York, New York 10001 (212) 645-6360 Susanne Marcus



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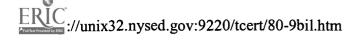
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AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION.

Pursuant to Section 207 of Education Law 80.9 Certificates valid for bilingual education.

- (a) Preparation. The validity of a provisional or permanent certificate issued pursuant to this part may be extended by the commissioner to include bilingual education if the holder of such certificate meets the requirements described in paragraphs (1), (2), (3) or (4) of this subdivision.
- (1) Completion of an approved program registered by the Department specifically for service as a teacher of bilingual education.
- (i) For teachers of the common branch subjects in the lower (PreK-3) and upper (4-6) elementary grades (PreK-6) (8 NYCRR 80.15) the program will include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the native language; native language arts; evaluation in bilingual education; and linguistics. The program will provide a college-supervised field experience in bilingual education.
- (ii) For teachers of occupational subjects (8NYCRR 80.5), teachers of children with handicapping conditions (8 NYCRR 80.6), teachers of reading (8 NYCRR 80.7), teachers of English, languages other than English, mathematics, the sciences and social studies (8 NYCRR 80.16) and teachers of special subjects (8 NYCRR 80.17), the program will include methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the native language; and native language arts. The program will provide a college-supervised field experience in bilingual education.
- (iii) For pupil personnel service professionals (8 NYCRR 80.3), administrative and supervisory personnel (8 NYCRR 80.4), and school media specialists (8 NYCRR 80.8), the program will include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language. The program will provide appropriate college-supervised field experience in the certificate area in a bilingual context.
- (iv) Language proficiency.* The candidate will submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.
- (2) Interstate agreement on qualifications of educational personnel. A provisional extension certificate may be issued to a candidate who has satisfied the conditions of the agreement by completing a program of preparation at an approved institution of higher education, or who has attained an initial regular certificate and required experience in a state which has contracted with the State of New York pursuant to Education Law, section 3030.
- (3) Alternate completion of requirements. A provisional or permanent certificate may be extended to bilingual education for a candidate who has completed the following:
 - (i) For teachers of the common branch subjects in the lower (PreK-3) and upper (4-6)



elementary grades (PreK-6) (8 NYCRR 80.15), twenty-four semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching core subject areas in the native language; native language arts; evaluation in bilingual education; and linguistics; or

- (ii) For teachers of occupational subjects (8 NYCRR 80.5), teachers of children with handicapping conditions (8 NYCRR 80.6), teachers of reading (8 NYCRR 80.7), teachers of English, languages other than English, mathematics, the sciences and social studies (8 NYCRR 80.16) and teachers of special subjects (8 NYCRR 80.17), fifteen semester hours of collegiate study at an institution with an approved bilingual education program to include: methods and materials of teaching English as a second language; cultural perspectives; theory and practice of bilingual/multicultural education; methods of teaching the subject area in the native language; and native language arts; or
- (iii) For pupil personnel service professionals (8 NYCRR 80.3), administrative and supervisory personnel (8 NYCRR 80.4), and school media specialists (8 NYCRR 80.8), fifteen semester hours of collegiate study at an institution with an approved bilingual education program to include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language; and
- (iv) A college-supervised field experience in bilingual education or its equivalent. One year of paid full-time bilingual experience at the level or in the subject or field for which the extension is being requested may be substituted for the field experience when such experience carries the recommendation of the chief school officer experience at the level or in the subject or field for which the extension is being requested
- (v) Language proficiency.* The candidate shall submit evidence of having achieved a satisfactory level of oral and written proficiency in English and in the target language of instruction on the New York State Teacher Certification Examinations.
 - (4) Statement of continued eligibility.
- (a) A person employed in a position in New York State as a bilingual pupil personnel service worker or as a bilingual school administrator or supervisor for three of the five years immediately preceding September 1, 1995, may be issued a statement of continued eligibility pursuant to which such person may continue to serve without a certificate described in this section, provided such person holds a permanent certificate which is valid for service under section 8 NYCRR 80.3 or 80.4 of this Part.
- (b) A statement of continued eligibility shall be limited to a specific bilingual pupil personnel service certificate or a specific bilingual administrative or supervisory certificate, but shall be valid for service in any school district.
- (c) Applications for the statement of continued eligibility must be filed in the Department by September 1, 1995
- * All persons shall have completed two clock hours of <u>coursework or training regarding the</u> <u>identification and reporting of suspected child abuse or maltreatment.</u> A listing of approved providers

is available, upon request, from your local library.

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Office of Teaching HomePage

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS IN NEW YORK STATE TRAINING NETWORK

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- Appendix D New York Teacher Certification Requirements for Bilingual Education. Extension-Amendments to the Regulations of the Commissioner of Education-The web address is indicated on the bottom of the first page of the amendment as http://unix32.nysed.gov:9220/tcert/80-9bil.htm.
- Appendix E New York State Education Department Resource Network-5/16/01. This
 is available on the Department's website at: http://web.nysed.gov/vesid, under Lifelong
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- Appendix E New York State Education Department Office of Bilingual Education, BETAC mailing list. This is available on the Department's website at: http://www.emsc.nysed.gov/ciai.

Please contact me at 518-473-0170 should you have any questions or require any further information regarding this document.

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Érlinda Reiino

Attachments cc: Rita Levay



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