

Assessing Limited English Proficient (LEP) Students for Eligibility for Gifted Programs

PURPOSE

The laws of the United States and Florida require all limited English proficient (LEP) students to receive “appropriate and comprehensible instruction” in all subjects and equal access to all academic and scholastic opportunities. Florida law also requires all exceptional education students to receive a “free and appropriate public education” (FAPE). Florida law includes “gifted” students within the exceptional student category. LEP students who are gifted must be provided equal access to all gifted programming.

This technical assistance paper is intended to assist school districts (a) in identifying LEP students to be referred for screening and evaluation for placement in exceptional student education gifted programs, (b) in evaluating LEP students who are referred, and (c) in determining eligibility of LEP students for the gifted program. Staff from the Office of Multicultural Student Language Education (OMSLE), the Bureau of Instructional Support and Community Services (BISCS) and the Student Support Services Project have collaborated in the preparation of this paper.

REQUIREMENTS

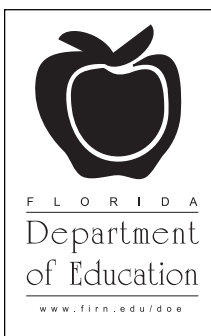
1. What is required by state and federal statutes and rules regarding the assessment of LEP students who might be gifted?

A “Limited English Proficient Student” is defined in Rule 6A-6.0901(1), FAC, as “a student whose home language is one other than English as determined by a home language survey and whose English aural comprehension, speaking, reading, or writing proficiency is below the average English proficiency level of English speaking students at the same age and grade.” Students are classified as “Limited English Proficient” according to the procedures defined in Rule 6A-6.0902, FAC, Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students.

Rule 6A-6.0331, FAC, Identification and Assignment of Exceptional Students to Special Programs, defines the state’s policy regarding the evaluation of LEP students who might be exceptional students. Section (1)(b), Valid Tests, specifies that “[f]or children and students who are not proficient in the English language, the district’s evaluation procedures shall provide for the use of the language or other modes of communication commonly used by the child or student.”

Rule 6A-6.03019 (2), FAC, Special Instructional Programs for Students Who Are Gifted, defines the criteria for eligibility for the gifted program. There are two parts to this rule, (a) and (b). Part (a) has three components for

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eligibility: need for the program, a majority of characteristics of gifted students as evidenced on a scale or checklist, and measured intelligence of two or more standard deviations above the mean. Part (b), commonly referred to as “Plan B,” is written for students who are members of an underrepresented group. Students who are limited English proficient are classified as members of an underrepresented group. Each school district is authorized under part (b) to develop a plan for increasing the participation of underrepresented groups in programs for gifted students. Under Plan B, greater flexibility is allowed on the domains of behavior (e.g., creativity, social competency, leadership) and on cut-off scores used to identify gifted LEP students. These plans must be submitted to the Department of Education (DOE) for approval.

Federal statutes and regulations do not expressly include “gifted” as a category of special education. However, Florida statutes and rules do. Like parents of all other candidates for gifted programming, the parents of LEP students who are dissatisfied with evaluation, placement, and other school district decisions can invoke the due process remedies available under Florida administrative rules (Rule 6A-6.03311, FAC) but not the remedies that are exclusively federal.

2. What are the requirements regarding home-school communications for LEP students?

Education is a shared responsibility of the home and the educational community. To maximize school-based programs for students, a strong communication network must be established between the home and school settings. Rule 6A-6.0908(2), FAC, Home-school Communication, requires that “all written and oral communication between a school district’s personnel and parents of current or former limited English proficient students shall be in the parents’ primary language or other mode of communication commonly used by the parent unless clearly not feasible.”

The requirements of this rule and the establishment of a strong communication link between the home and school have clear implications for the identification of gifted LEP students. First, a broader array of information will be available to teachers and other school personnel about the student. Second, parents and guardians will be well informed about the evaluation activities involved in the gifted identification process. Finally, evaluation results will be shared in a manner that ensures understanding on the part of the student’s primary caregivers. To strengthen communications between the home and school, parents should be provided with referral and evaluation information about the gifted program. This information, if given when students are enrolled and at the beginning of each school year, informs parents of the steps they can take to initiate a referral for evaluation.

3. What are the required steps for identifying students as gifted?

The following steps must take place in the identification of students as gifted:

- **Characteristics of giftedness observed or noted in the student, in the student’s home history, or in his or her academic history:** Gifted characteristics are usually noted first by family members or by teachers. However, other individuals who know the student well may provide observations about the child’s apparent accelerated growth patterns. Screening is optional for students who are being referred for gifted program consideration. However, many districts include screening procedures to further identify students who may be in need of more in-depth evaluation.
- **Referral for evaluation:** A referral for evaluation must be completed, including parent consent and notification of due process rights, before any formal evaluation procedures can be conducted with the student.
- **Evaluation:** State Board of Education Rules define the evaluation procedures that must take place and who performs the assessment for gifted program eligibility determination.
- **Eligibility:** Eligibility for the program is determined by an eligibility team consisting of the parent, the student when appropriate, the teacher, a school system representative, and an evaluation specialist.

IDENTIFICATION PROCESS: PRESENCE OF CHARACTERISTICS

4. At what point during the process of learning English should LEP students be considered for gifted screening, referral, and evaluation?

LEP students, like non-LEP students, should be considered potential candidates for gifted programs and services from the beginning of their school attendance, regardless of their English proficiency. It is not appropriate to wait until the student has mastered or even begun to master English before considering him or her as a possible gifted student. English-language acquisition or proficiency may not be deemed a prerequisite to consideration of gifted programming.

As required in Rule 6A-6.0908, FAC, each LEP student is assessed to determine appropriate academic proficiency and programmatic needs. Information from the home setting obtained through an interview enables the school to have a developmental history of the student that is likely to demonstrate his or her accelerated cognitive growth, creativity, social competence, and so on. The academic history and parent interview are recorded on an academic assessment form. It is necessary to take into account the information obtained during the parent/guardian interview and the academic assessment to identify the strengths of the child. School personnel, then, are better able to meet the student's unique needs, including needs for accelerated learning opportunities.

5. What particular characteristics should teachers be careful to explore in maximizing their efforts to identify LEP students who are candidates for screening and referral for gifted evaluations?

Teachers must be knowledgeable about and look for characteristics of giftedness in LEP students so that when one or more of these characteristics are evident to a significant degree, the student will be referred for screening and possible evaluation.

The following characteristics often are seen among students in English-dominant settings who have not mastered the English language yet are intellectually advanced:

- Successful history in previous school settings in the United States or another country or in the school setting in which instruction was conducted in the student's heritage (otherwise referred to as "native," "home," "dominant," or "preferred") language
- Advanced developmental history based on information provided through parent interview
- Rapidity of learning
- Ability to solve problems that are not dependent on English (e.g., putting complex pieces together to make a whole, matching or sorting according to complex attributes, doing mathematical calculations, acquiring nonverbal social cues in the heritage and other cultures to guide behaviors)
- High academic performance in tasks using heritage language
- Successful history in environments where heritage language is required

IDENTIFICATION PROCESS: SCREENING AND REFERRAL FOR EVALUATION

6. What are some recommended techniques or tools for screening potentially gifted LEP students?

Screening is initiated by a request of the teacher, parent, or an interested individual and, as defined by Rule 6A-6.03411(2)(b), FAC, is that process by which a rapid assessment is made to identify candidates for formal evaluation. Gifted screening may include survey, review and assessment of a student's behavior, history, and current strengths and weaknesses. These data assist school personnel in determining whether a referral should

be initiated for a full evaluation as required under one of the two plans defined by Rule 6A-6.03019(2), FAC. Techniques for screening potentially gifted LEP students may include these:

- Parent interviews to elicit evidence of behaviors in the home and community settings
- Academic assessment, irrespective of English proficiency
- Academic skills not dependent on English language (e.g., mathematics calculations, problem solving using visual-spatial reasoning)
- Nonverbal cognitive screening tests (e.g., Matrices subtest of the Kaufman Brief Intelligence Test [K-BIT]; Test of Non-verbal Intelligence [TONI])
- Curriculum-based assessment (if used with accommodations for heritage language)
- Student interviews
- Review of prior school records and performance including scores on tests in heritage language
- Work samples in heritage language and English
- Observations of student by school personnel, especially those who are proficient in the student's heritage language
- Interviews with teachers with special consideration of ESOL teachers, bilingual paraprofessionals, and other personnel who work with the student
- Interviews with other appropriate people with knowledge of the student/family (clergy, former teachers, pediatrician, etc.)
- Test-educate-test paradigms to assess the modifiability of the student's cognitive processes

IDENTIFICATION PROCESS: EVALUATION

7. Who is responsible for evaluating the intellectual abilities of LEP students?

Rule 6A-6.0331(1)(a), FAC, requires that tests of intellectual functioning for all students referred for evaluation shall be administered and interpreted by a certified school psychologist as defined by Rule 6A-4.0311, FAC, or a psychologist or school psychologist licensed under Chapter 490, Florida Statutes. In the case of LEP students, evaluators need to have expertise in assessing LEP students. High levels of proficiency in the students' heritage language and English are desirable as is knowledge of the students' culture to ensure that all assessment data are interpreted within appropriate linguistic and cultural contexts. Evaluators should be knowledgeable about factors affecting second language acquisition and in the role that these factors play in the assessment process.

8. If there is not a school psychologist or psychologist available in the district with appropriate competencies to conduct evaluations with LEP students, how can the district ensure that the evaluation is conducted in the language or other mode of communication commonly used by the student?

The Florida Diagnostic and Learning Resources System (FDLRS) Associate Centers (see attached roster) are available to districts to assist in securing the services of a school psychologist or psychologist who meets these standards. In addition, school districts have the authority under Section 230.23(4)(m)2, Florida Statutes, to cooperate in providing exceptional education services and to contract with approved non-public schools or community facilities for services. These powers can be used to share costs in making sure that appropriate school psychologists or psychologists are available when needed. The Florida Association of School Psychologists maintains a directory of bilingual school psychologists who may be contacted for assistance.

9. What are the recommended procedures and tests for the intellectual evaluation of LEP students?

Rule 6A-6.0331(1)(b), FAC, requires that the “district’s evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials.” And, as referenced in Question 1, Rule 6A-6.0331, FAC, specifies that evaluation procedures must provide for the language and communication methods commonly used by the student. A current assessment of the student’s bilingual skills may assist in meeting this requirement.

The Special Programs and Procedures for Exceptional Students (SP&Ps) document provides a listing of test instruments commonly used for the evaluation of exceptional students, including gifted students. The Bureau of Instructional Support and Community Services does not officially endorse the use of specific tests, but evaluators can use the SP&Ps, this and other technical assistance papers, and professional resources and references for determining the most appropriate instrument and procedures for evaluating LEP students who might be gifted. It should be noted that State Board of Education Rules require intelligence testing only with students that are being considered for the gifted program under part (a). District Plan B’s may not necessarily include this type of assessment as a component of the eligibility determination.

The assessment literature provides a number of recommendations for the appropriate intellectual evaluation of LEP students including nonverbal tests, tests that are administered in languages other than English, and modifications of test items or test procedures. A brief review of these options follows, with a limited selection of tests or procedures cited to represent each evaluation alternative. More specific information about evaluation of LEP students is available from the brief bibliography provided on page 8 of this technical assistance paper.

Nonverbal Tests: Nonverbal tests are a viable alternative with LEP students. The Leiter International Performance Scale has recently been revised (Leiter-R), and, although research on the use of this instrument with LEP students is very limited, it was developed to assess children and adolescents who are non-English speaking or nonverbal.

The Differential Ability Scales (DAS) is designed to be a well-constructed battery for measuring cognitive functioning of culturally and linguistically diverse students. It has a Special Nonverbal Scale, and instructions can be communicated in the child’s heritage language or by gesture. Translations of the instructions can be prepared in advance of test administration.

The Comprehensive Test of Non-Verbal Intelligence (CTONI) is another example of a nonverbal test for estimating the intelligence of diverse populations including individuals who are bilingual or speak a language other than English.

Selection of these or other standardized nonverbal tests of cognitive functioning should be based on the unique characteristics of the child, the technical adequacy of the test, the recency of the norming process, and the recommended administration options available to the examiner (e.g., use of interpreters, translations, pantomime directions). At least one caution is in order. Because nonverbal tests minimize the influence of language in the assessment process, LEP students who are verbally gifted may not have their advanced verbal abilities measured fully if only nonverbal tests are used. Supplementary measures should be explored, such as more verbally balanced tests in the child’s language or modifications in testing procedures.

Non-English Tests: A number of intelligence tests are available in languages other than English; however, most non-English tests are available only in Spanish. Non-English versions of cognitive measures are not available in a variety of languages. The Batería Woodcock-Muñoz Pruebas de Habilidad Cognitiva-Revisada (Batería-R COG) is adapted from, and is parallel to, the English Woodcock-Johnson Tests of Cognitive Ability-Revised. It is a well-standardized test targeting fluent Spanish speakers. The Kaufman Assessment Battery for Children (K-ABC) includes correct Spanish responses and Spanish directions for sample and teaching items on the Mental Processing Subtests, but the test items themselves are in English. Finally, the Escala de Inteligencia Wechsler Para Niños-Revisada (EIWN-R) is a Spanish translation of the Wechsler Intelligence Scale for Children-Revised that was normed on a sample of students from Puerto Rico.

Many LEP students living in the United States have experienced language loss in their heritage language and/or have not developed cognitive academic language proficiency in their heritage language. These students may have difficulty with verbally loaded cognitive tests in their heritage language, even if such tests are available. Finally, translating tests developed in the United States into the heritage language in no way ensures that the student would have previous exposure to the content and information on which the test was developed. Therefore, although the student may, with a translated test, understand the question or the task, he or she may not have had the opportunity to acquire the knowledge or skills necessary to complete the task successfully.

Procedural and Test Item Modifications: Modifications in test items or administration procedures include the use of interpreters and “testing limits.” When modifications are made in test items or administration procedures, student scores are affected in unknown ways, creating difficulty in interpreting the scores.

Interpreters can assist in evaluations but must be knowledgeable about the test being given and general test administration procedures. Standards for the use of language interpreters in testing can be obtained through a review of the references included in this paper. The American Psychological Association is currently revising Standards for Educational and Psychological Testing (1985); when completed, this revised version will be a valuable resource for interpreters in the evaluation process.

“Testing the limits” represents variations from standardized testing procedures. These modifications in test administration are employed after the standard administration and are designed to increase the accuracy of an assessment and understanding of a student’s strengths and weaknesses. However, if information obtained from limits testing is incorporated into scoring, test scores may be inflated, making the comparison value of the scores questionable. Limits testing can be achieved in both verbal and nonverbal subtests by modifying the administration procedures in one or more of the following ways: (a) providing instructions in simpler terms in either or both languages; (b) providing a demonstration of the task; (c) extending or removing time limits; (d) changing the presentation and response modes; and (e) providing prompts and feedback that aid in problem solving. All modifications in administration of test items should be explained fully in evaluation reports; they should be used sparingly and only when extreme caution is used in interpreting the results.

10. How is need for the gifted program evidenced?

A student’s need for a gifted program is based on an assessment of the student’s abilities and a consideration of learning options within the basic education program. The need for an exceptional student education gifted program or services is usually determined through a process rather than through a standard “need criterion.”

Examples of indicators of need that a teacher, other educator, or parent may observe include the following:

- unusual ability in one or more academic areas, irrespective of English proficiency
- rapid learning in his or her heritage and second languages
- successful performance and achievement in advanced level work
- ability to extend knowledge to new situations or unique applications
- aptitude at learning independently, particularly in areas of strong interest

A student is not evaluated for gifted eligibility until someone, usually a classroom teacher, observes a pattern of performance that suggests the student is ready for more advanced, in-depth, complex, or self-directed study. The student is referred for exceptional student education gifted services when instruction at the student’s performance level is not available through the school’s current instructional program.

The process and minimum criteria for documenting need are defined at the district level. Generally, need is established by reviewing each student’s (a) test data, (b) school performance information, (c) teacher recommendations, (d) gifted checklists, (e) statement of need from the referring teacher, and (f) potential for

additional growth within the gifted program. This information will be used to determine either that the student requires an ESE gifted program or that the resources of the regular education program are adequate to address the student's needs.

11. What gifted characteristics checklist is recommended for LEP students?

There is no single gifted characteristics checklist that is recommended for LEP students. Cultural differences related to the use of the heritage language as well as exposure to the culture in which English is used preclude the selection and use of a single checklist. School districts may find that they will be able to identify or develop several checklists that are appropriate for students from different language backgrounds. The usefulness and effectiveness of behavioral checklists in identifying any gifted student depends on the quality of the descriptor on the checklist, the reliability and validity of the checklist, and the setting in which gifted behaviors are observed.

Characteristics of Checklist: A checklist needs to describe behavioral characteristics in ways that reflect the complexity of the gifted trait being described. If an item that defines "curiosity" directs teachers to look only for students who "ask many questions," students from diverse cultures may be overlooked. If the gifted trait is described, instead, as "displays a great deal of curiosity," and information is provided on the many ways that curiosity may be manifested in different students, settings and cultures, the usefulness of the checklist will be greatly increased.

A characteristic often included on gifted checklists is that a student "has an unusually advanced vocabulary." It has been suggested that a bright student may have an advanced vocabulary because he or she is adept at learning from his or her environment. In this case, the "good vocabulary" is not the trait, but simply one indicator of a student's keen observation skills that enable him or her to "see more" and "understand more" than other students. If a good vocabulary is viewed as the primary trait, many bright students with limited English proficiency will be overlooked.

Observing Gifted Behaviors: The primary reasons a checklist is included in comprehensive gifted eligibility criteria are to complement test measures with behavioral indicators and to provide for the identification of students whose exceptional abilities may be more evident in practical and applied settings than in test settings. A classroom teacher who has worked with a student over time, has observed many examples of his or her academic performance, and is prepared to recognize gifted traits is usually an excellent rater of gifted characteristics.

When more than one teacher is asked to rate a student on the same characteristics, a stronger indication of gifted abilities will usually emerge. However, for some students, ratings by different teachers may present different profiles for the same student. When this occurs, it may be due to (a) differences in the settings in which the student has been observed, (b) variations in teacher preparation or access to different types of information, (c) observational skills of the teacher, and (d) observation of behaviors that are temporary states of the student rather than permanent traits. A mathematics teacher who instructs students in a hands-on mathematics lab using multisensory methods may observe traits (or states) in a mathematically precocious student that the student has not exhibited in his or her reading class. If the reading teacher is the only rater of gifted characteristics, the abilities of this student may be overlooked.

For some limited English proficient students, the language arts, ESOL, heritage language, physical education, art, music, or vocational teachers may be the best evaluators of gifted abilities. A teacher who has observed the rapid acquisition of academic skills and knowledge, is familiar with the ways in which gifted traits may be exhibited in a student's culture or country of origin, and who has been prepared to recognize gifted characteristics may observe gifted traits that a LEP student (e.g., the student previously described) may not exhibit in other classes.

Information gained from parents and guardians through interviews and conferences also provides additional insights into the child's development and performance in the home setting and in the community.

PROGRAM ELIGIBILITY

11. How is a student determined to be eligible for the gifted program?

The eligibility committee, which includes the parent, teacher, LEA representative, and an evaluation specialist, convenes to consider all information available on a student. This information includes the characteristics of giftedness that first triggered the identification process, the screening and evaluation information, including the need for the program, and the gifted characteristics documents. This information is reviewed in light of the eligibility criteria as established in state board rules, part (a) or part (b). In a case where eligibility is not entirely clear, the committee may recommend collection of additional information. Students who are deemed ineligible may be targeted for a reevaluation at a later date. All decisions of the eligibility committee are documented and placed in the student's school records. Eligibility requires the need for a program unavailable through regular education.

12. What are the primary steps that a district can take to ensure the inclusion of LEP students in the gifted program?

Districts can implement a number of activities to provide access to gifted programs by LEP students. Examples of such activities are as follows:

- Educate teachers, particularly those with LEP instructional responsibilities, in the characteristics of giftedness in LEP students and the procedures for making referrals
- Inform parents in their primary language of the availability of gifted programs and services
- Inform students of the availability of gifted programs and services in a language they understand
- Include identification of giftedness in required ESOL inservice and certification training sessions
- Educate administrators and community facilitators in the characteristics of giftedness of LEP students and the procedures for making referrals

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