

## CHAPTER 7

# Emotional/Behavior Disorder, Learning Disability, or English-Language Learner?

**Edith:** "She's NOT handicap!"

Born in the United States of Haitian parents, Edith had been exited from ESOL programming by the time we observed her in her third-grade class at Mabel Oakes Elementary School. Located in the southern end of the county, this school had a student mobility rate of 66%, and 99% of the students received free/reduced-price lunch. The student population comprised African American, Haitian, and Hispanic students, the last being mainly the children of migrant workers. Edith stood out in her class physically because she was very tall and overweight for her age, and was usually dressed in long skirts, which reflected the religious beliefs of her family. However, the data on her during that time are limited because, apart from her appearance, she did not stand out appreciably in terms of behavioral or academic difficulties. In the 2nd year of the study, the school counselor informed the researchers of Edith's EBD placement and expressed concern and surprise at this outcome.

### FIRST YEAR OF THE STUDY: THIRD GRADE AT MABEL OAKS

A heavyset girl with large brown eyes and a broad, kind smile, Edith sat lethargically at the rear left of the classroom, adjacent to the wall. Most days, she actually faced the wall, with several objects in her vicinity to serve as a distraction to any instruction that may have been occurring at the front of

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\*Authors' note: This chapter was written by Juliet Hart.

the room. These mild diversions included the window above her desk, the class artwork next to her desk, the class plant terrariums on a table nearby, and the computers at the back of the room. When these objects were no longer interesting, Edith found ways to distract herself, including playing quietly with her water bottle, pencils, pens, pieces of paper, and hair.

## **EDITH GETS NOTICED: FOURTH GRADE AT MABEL OAKS**

Although we did not observe Edith during her fourth-grade year, we gleaned much information about her referral and placement through interviews and informal conversations with her general education referring teacher, Mr. Peterson; her school counselor, Ms. Sanchez; and the school psychologist, Ms. Fernandez. Mr. Peterson reported, "I've known Edith since about first grade. You just couldn't miss her. I've got lots of Edith stories."

Mr. Peterson was a White male with a master's degree in ESOL education whose instructional and classroom management skills were rated by our research team as adequate. He had taught fourth grade for a number of years. He described Edith as "different":

Well, you could just tell she was different. It was Halloween. Edith really made an impression that day. We had a teacher dress up as the cowardly lion from the *Wizard of Oz*, and Edith just freaked. I don't know what her situation was. The teacher's costume was very realistic. Edith was crying and making a complete ass of herself in the office all day.

Mr. Peterson did not comment on whether this might be a response conditioned by Edith's culture and religion. He did concede that "by fourth grade, she did dress up for Halloween, like a fairy princess. She got into the culture some more." While he mentioned Edith's involvement in occasional conflicts with her classmates, he indicated that "the kids picked on her and she had to defend herself." He also commented that "in my class, she only stuck out because of her size. Otherwise, she wasn't much different than anybody else. She was just lumped in with the dregs of society."

## **THE REFERRAL: TEACHER'S PERCEPTIONS**

When asked about the reasons for Edith's referral for special education, Mr. Peterson stated:

She's got no attention span, no focus. I don't know that she was ever told "a school's purpose is this" or if she understood what education is for. Edith didn't seem to understand the reason for school. Kids come to school for a lot of different reasons—some come for meals or to get out of their parents' hair. If I could teach her social skills so she could get a job and not get fired, that's a goal. . . . Lots of kids at this school will become labor. We create blue collar here.

Expanding on his perceptions of the level of parental involvement and the family's understanding of schooling, he added:

There was no support for Edith. Her mom had two jobs, one of which was down in [a town about 30 miles away] as a maid. I suspect there were times when she did not even see her mom. She was practically raising herself and probably still is. I think she was more concerned with surviving. I did meet the mom at the staffing, but I threw the referral to the reading teacher because that's where her academic problems seemed serious. She initiated it; Edith was referred for her academic problems. I think when they did the testing, all of her other issues came up.

## THE ASSESSMENT

Analysis of Edith's records and an interview with Ms. Fernandez, the psychologist, confirmed that Mr. Peterson had initially referred Edith "due to her poor academic performance and behavior difficulties at school." Intellectual functioning was determined to be in the low-average range, with deficits in reading and writing, and a relative strength in mathematics. Personality assessment was conducted using the usual projective battery, on the basis of which the psychologist concluded that Edith had EBD. Ms. Fernandez never mentioned conducting actual observations of Edith in her classroom or any other environment and there is no record of such observation in the report.

The psychologist's report indicated that Edith's response to a single item was of particular concern: To the statement "I feel like hurting myself," Edith responded, "All the time." As a result of her assessment, the psychologist concluded that Edith "presented as an unhappy youngster with a negative self-image" who "is experiencing a significant amount of emotional difficulties." During the interview, when asked about her impressions of Edith, Ms. Fernandez stated:

I can recall Edith somewhat. I remember because I had to do crisis intervention with her because she mentioned suicidal thoughts. She was a very needy child. She was somber, but at the same time, eager to please. She'd interact regardless of knowing me. She seeked attention and affection, was rejected by her peers. She didn't have a lot of positive interactions with her peers. I think she told me she wanted to kill herself, with a knife? [raised intonation]. I took the case seriously.

There was no record in the psychologist's report of Edith's stating she wanted to kill herself with a knife.

## FAMILY PERSPECTIVES

The researchers paid several visits to the home and discovered a strong family unit, with Edith's mother, stepfather, and a total of six siblings living in a well-kept home about 5 miles away from the school to which Edith had been moved for the EBD program. Her original school was a short walk to her home. While the mother worked long hours, an elder sister was clearly in charge of daily housekeeping. Two of her siblings attended a local college, and two were in high school. Edith attended a Haitian church on a weekly basis and participated in Sunday school class and choir practice with a dozen other girls her age. One of the researchers went to church one Sunday with Edith and observed her in the Sunday school class, where she participated with full compliance, showing no distinction between her behaviors and those of her peers.

In a lengthy interview, Edith's mother emphatically disagreed with the school's assessment of Edith:

Edith is not handicap! . . . I tell them at school, Edith do lots for me at home. I send her to the store, she get everything I need, no problem. She listen at home and do what I tell her. She behave. She no have problem in the brain. She fine. I pray to God and she fine. I have six children. Two in college, two in high school, doing fine. I have a 4-year-old and he doing fine too. . . . There was these kids, bothering Edith every day, that's why. Edith come home, she cry every day. I go Edith have problem. So I take her to doctor. He say she fine. No handicap. I take her to another one. Same thing. I take her to three doctor. They all say she fine! They [school personnel] say Edith say she want to die, so she have problem. I tell them, kids been bothering

Edith every day and she cry, she upset. That why she say that. . . . She fine with me at home. She go to church every week. She walk with her cousins. She sing in the chorus at church. She going to be in a play at church in December 25. Edith, she OK. She fine. She need help with her reading and writing, but she not handicap. I went to the school [placement conference]. I am not agree with them about Edith. They tell me Edith cannot read and write, and she have problem. . . . They say she stay in program one year. She still there. If she need help to read, they should help her.

When we asked the psychologist if it was possible the mother was making a valid point about Edith's emotional difficulties, she acknowledged that they were "mostly school related." Ms. Fernandez said that Edith was upset because of her mother's insistence that she had to wear a skirt to school. Regarding Edith's threat to "kill herself," Ms. Fernandez felt that "if a child is making those kind of serious statements, there must be something more going on, and I don't think the mother recognized this." Regarding her perceptions of Edith's family involvement, Ms. Fernandez concluded, "Edith's parents need to continue becoming involved in her educational and emotional well-being."

## SPECIAL EDUCATION DETERMINATION

Following the psychological assessment, placement for Edith in the EBD program was swift. In an interview regarding the mother's role in the staffing, Mr. Peterson reported, "The mother was there. She went along with everything. She may not have understood everything going on, although there was an interpreter there, a Haitian kindergarten teacher we have." When asked about her current school placement, Edith herself reported in an interview:

My mom want me to go to Sunny Acres Middle by my house, 'cause I could walk, but I got to go to Lafayette [school with EBD program to which she was bused]. One day I came home from school. My mom said I have to go to Lafayette because they gave her a paper that I'm supposed to go.

Ms. Sanchez, the school counselor from Edith's referring school, stated:

We have a majority of students who are minorities and who are from the migrant community. . . . One of the biggest problems is that the

people from these communities will sign away anything, and they don't know the questions to ask. Some of the parents come in and they're so confused, and they ask me, "What's this paper? What do I do?" I imagine Edith's mom just signed whatever paperwork she was given.

Relying further her feelings about the appropriateness of Edith's EBD placement, Ms. Sanchez stated:

In my heart, I believe it was wrong, inappropriate. When Edith was here, she knew who she could come to. The counseling services she was referred for [counseling program] were not forthcoming. That wasn't her fault. This is a full-service school. She could get services she needed right here. Now she travels out of her community to another school, where she doesn't have those connections. I think the worst part is that there was absolutely no closure for her. One day she was here, and the next day she was just gone. The child will experience that as 'There must be something wrong with me. They sent me away.' She had a caring nest here at Mabel Oakes. She doesn't have that anymore.

### **THE PLACEMENT: BEHAVIOR MANAGEMENT IN A RESTRICTIVE ENVIRONMENT**

Edith began her self-contained fifth-grade EBD placement the following fall at Lafayette Elementary School, a school similar demographically to her home school. Lafayette is a relatively large building that has a center courtyard with well-kept grass and trees. Edith's EBD class was located out in the portables at some distance from the main building and common areas such as the office, cafeteria, and library.

The EBD teacher was Mr. Donovan, a handsome, heavyset Black man with a booming voice, shaved head, and wide smile. He commented on having several years of teaching experience, though it was unclear whether he was certified to teach students with EBD. He was the behavior management teacher for the EBD unit at the school, and he remarked that he likely would seek an administrative position in the near future. He described the students in the program:

Well, we get a lot of students just out of control. We want to give them self-worth, and reinforce them to feel good about themselves. You've got to control them. You've got to allow them to learn according to their modalities. A big issue here is new staff. They're not trained with

safe physical management. . . . They're apprehensive. There's steps to it. You've got to calm them down, use nonverbal, verbal, touch, gestures, speaking calm. You, the teacher, need to back into the corner, not back the kid in the corner. You have to avoid confrontation.

Our observations of this classroom revealed daily instructional and organizational routines based totally on teacher control. Routines included supervised breakfast in the cafeteria at a later time than that of the general education population and supervised bathroom breaks at specified times. Students were required to line up daily to have their pencils sharpened by the teacher or aide; to line up by behavioral level for out-of-class activities; and when transitioning, to keep a specified distance between themselves and the next student.

Our observations of Mr. Donovan's management style contrasted sharply with his own description, as in the following excerpt:

As I approached Mr. Donovan's class as they walked from the cafeteria, he yelled, "File the line!" Students are required to keep a distance of [approximately] 3 feet and to be silent, hands at their sides. One student was sent to the back of the line for failing to keep the distance rule. Edith reported that a student called her a name. This student was also sent to the back of the line. Mr. Donovan yelled to the student, "You are off level!" And to the paraprofessional he instructed, "Add him another day! You keep it up, and you and me will be on the floor today! If this line is not in order, I'll cancel PE!"

In addition to *file the line*, Mr. Donovan and his assistant frequently used commands and threats such as *Heads down, Bury your face, You're off level, You just got three extra days, PE is canceled, Stand in the corner, Give him zeroes, I'll give you something to cry about, and You and me will be on the floor*. Staff would also use physical intimidation tactics, such as the teacher and assistant walking menacingly toward students, grabbing student's faces, the teacher's banging of a chair or desk en route to deal with an off-task student, and the use of physical restraint with students for "becoming verbally disrespectful" (as reported by Mr. Donovan).

## SCHEDULE

The restrictive nature of the EBD program was manifested in several ways. Since separate scheduling resulted in the students returning from breakfast

no earlier than 9:05 A.M., and as late as 9:15 A.M., they received 35–45 fewer instructional minutes than did their nondisabled peers. They attended only one class, PE, with the general education students, and whenever Mr. Donovan did not “cancel PE,” he would accompany the students to “show his face,” in order to “keep his students in line.” Instruction in music and art was delivered to these students in the self-contained setting.

When asked about possible mainstreaming for students, Mr. Donovan replied, “I’m a big advocate for inclusion. We don’t want our kids isolated. We’ve had some students be very successful.” However, out of 14 students in Edith’s class, none was mainstreamed in any subject area. With regard to Edith, Mr. Donovan reported that she was “doing great” and “has really improved.” However, when asked about her possible return to the mainstream, Mr. Donovan said, “Maybe she’ll be *partially* mainstreamed by high school.”

### **EDITH’S EDUCATIONAL NEEDS: THE INSTRUCTIONAL ENVIRONMENT**

Although Mr. Donovan occasionally provided instruction that resonated with his students, the majority of his instruction was of the worksheet variety. When whole-group instruction did occur, Edith was often silent, though attentive, appearing not to understand or to be able to keep up with the rest of the group. Our field notes illustrated that during reading activities, Edith was commonly “staring off,” “silent,” “flipping pages,” or “grimacing.” Her off-task behavior seemed to be related to lack of understanding of content or difficulty with written language rather than purposeful misbehavior.

Although Edith’s work samples were extremely difficult to decipher, she received average grades and little corrective feedback. For example, she received “happy faces” on journal essays that were barely comprehensible. The class was using a fifth-grade basal text, but both Mr. Donovan’s reports and our testing on the Woodcock Johnson Test in reading established Edith’s level at close to third grade (3.1 for letter-word identification and 2.8 for passage comprehension). When she failed an accelerated reading test based on a book that was beyond her level, Mr. Donovan reported, “I pass her with D’s because she tries.” When asked about addressing Edith’s academic needs, Mr. Donovan reported, “I taught the kids context clues to help them,” explaining that he did this so that his students would be more successful in taking the state standardized assessment. Edith’s performance on that test was in the third percentile for reading and in the fifth percentile for mathematics problem solving.

Mr. Donovan, like the referring teacher, Mr. Peterson, reported that Edith “speaks the language well,” and has “made much improvement.” However,

her work samples, class participation, grades, and conversations evidenced both written and oral language proficiency problems. For example, in Edith's interview, her language suggested an interplay of influences from her first language and African American Vernacular English such as "We play bowling," "We set up the carpet," "We put ten bowlers there," "When is nighttime I be scared," "But I only fight one time," "On Christmas I get gifts and go to places," and "She don't tell me why." These difficulties with tense, subject-verb agreement, and vocabulary were not addressed in her educational program.

### **EDITH'S RESPONSES TO BEHAVIOR MANAGEMENT**

The focus of the EBD program was on behavior, and our observations showed Edith as consistently and quietly compliant with staff directions or reprimands. The fact that she was usually quietly off task during instruction presented a contrast to many of the other students in the EBD program, who tended to react sarcastically to staff reprimands or who were repeatedly disciplined for verbal disrespect, disobedience, and aggression. Across 16 classroom observations of Edith during her fifth-grade year, the only indication of troubling behavior was a report from school personnel that Edith had had to be "taken down" (physically restrained) for "foul language" and "telling lies on the other kids." Mr. Donovan added:

Immediately, she went home and told her family about it. Her brother came out to the school to ask why. Her mom didn't know Edith could be restrained. . . . At the staffing, parents are told what *could* happen. They don't raise questions. It's possible she didn't understand the language, although we have a Haitian Creole person to translate.

Edith described the restraint, stating:

I been restrained one time. A girl, Ayesha, want to fight me. Her and her auntie want to double-team me. They told the teacher. I was already cool down and they restrain me and my momma got mad, because I didn't do nothin' to the girl. Plus, I got surgery on my leg and my hand was hurting. I got pins on my legs. My mom told my brother to come and tell them don't restrain anymore. I don't like the school at all.

During an interview with one of the researchers, it turned out that Mr. Donovan was unaware of Edith's history of surgery, although this information was in her cumulative file.

Mr. Donovan's views of Edith's family were similar to those of Ms. Fernandez, the school psychologist. He stated that Edith's parent was one of those "who don't show up." However, Mr. Donovan also related that the mother sent the child's adult brother to school on the only occasion that there was a disciplinary issue to be addressed and consistently signed the daily home note and point sheet. When asked if he had attempted to schedule a parent conference, Mr. Donovan stated, "I think I tried to schedule a conference for her IEP. I'm sure I did. Let's check the cum." Upon checking the cumulative file, Mr. Donovan found no record that he had scheduled a conference.

Edith continued in the EBD program on into middle school, at a school at some distance from her home. Readers are encouraged to refer to Hart (2003) for follow-up on her case and a description of the quality of her special education middle school placement.

### Questions

1. Review the definition for EBD. Do you feel that Edith is a student with EBD? Why or why not?
2. In recent years, there have been many cases that have made national headlines of students who were ridiculed and who reacted by "striking back" with acting-out behavior. Do an online search of local newspapers to find at least one such case in the past 5 years. What do you think might account for such behavior? Report the case you find back to your class.
3. If you were hired as an advocate for Edith's family, what recommendations would you have made to Edith's mother? What types of services might you have suggested to assist Edith?
4. Edith's placement at Lafayette employed a behavioral system for students with EBD. What was your opinion of the behavioral system in place? Do you think this system worked for Edith? Why or why not?
5. Pretend you were hired to be Edith's general education teacher. How would you address the cultural discontinuities evident in many of the school personnel's perceptions of Edith's family? How would you address the issue of peer teasing?

## CHAPTER 9

# Educable Mentally Retarded, English-Language Learner, or Ignored?

**Clementina:** "I don't want to do no work!"

The kindergarten teacher referred her! . . . Clementina was referred a long time ago! But the staffing just took place today!? (From Clementina's staffing, May, 4th grade)

When we first met her, Clementina was a demure third grader at an inner-city, predominantly Black school with a growing Hispanic population. She was born in the southeastern United States to Puerto Rican parents and spoke Spanish at home. Although it was not clear what her ESOL level was considered to be, she was in her school's third-grade class for English-language learners, with a Spanish-speaking teacher of Cuban heritage. By the time of her placement conference in the fourth grade, she had been exited from ESOL.

Clementina's school, Beecher Stowe Elementary, was located in a neighborhood considered by many to be "unsafe," with many rundown apartment buildings and industrial warehouses. The grounds were bare, not planted with shrubs and flowers like those of many other schools. Virtually the entire student body received free lunches. School personnel reported that many students came from single-parent homes or lived with someone other than a parent (such as a grandparent), had lost a parent to violence (for example, a shooting), had a close relative who was currently or had recently been incarcerated, had relatives who used street drugs, or had a combination of these factors. School personnel believed they had seen changes in the student body over the years; students had become "angrier" and discipline had become increasingly difficult. Many of the staff members had attended Stowe themselves.

Clementina lived with her mother, named Rosa, and with seven siblings and a nephew (her older sister's infant son). Her father was reportedly in Puerto Rico. We were told that an older brother and an older sister had been in jail for drug dealing. Her aunt lived close by and attended meetings at the

school with Rosa and helped the family in many ways. Rosa herself had never attended school and was illiterate. She did not work, but lived on governmental assistance and stayed home to care for her children. Clementina's teacher told us, "The mother is retarded, and can't even sign her name, and she has eight kids. Clementina's older sister is 14, and now having a baby."

Clementina was absent for weeks at a time because of head lice. Her third-grade teacher told us, "Clementina was out all last week with head lice, and came back today, and was sent home again because she still has them." On another occasion she was not there because she had ringworm and was absent for several days. When asked at her staffing why Clementina was absent from school so often, Clementina's mother, Rosa, replied, "I don't know, she doesn't want to wake up and does not pay attention to me." When it was suggested that perhaps Clementina was sick, Rosa answered, "No, she does not complain of anything."

### **CLASSROOM OBSERVATIONS AND CONVERSATIONS WITH TEACHERS**

Our observations of Clementina in her general education classes suggested that she only occasionally participated in class activities. We noted that the classroom instruction was adequate, though not particularly inspiring. Our overall impression of Clementina was of general disengagement. Each of the following examples is from a different observation during her third-grade year:

- Clementina was sitting at her desk with a passive, blank look on her face while classmates around her wrote in their journals. Her desk was empty. Ms. Gutierrez, her teacher, asked, "What are you writing about?" Clementina responded, "I don't have no journal." The teacher responded, "This is not an art class. You'd better write."
- We went over and checked Clementina's work. She smiled mischievously and confided, "I'm not doing my work." When asked, "Why not?" she answered, "I don't feel like it." She continued to just sit, looking at another student. A few minutes later, she was still sitting at her seat, doing nothing. The teacher ignored her.
- Another student, Floyd, shouted across the room, "Clementina, you got one?" (referring to a times table sheet students were supposed to be using to find the answers to basic multiplication problems). Clementina responded, "I don't want to do no work." Floyd laughed. The teacher scolded, "Floyd, don't laugh. She can do it the same way you are doing it."

- I went over and checked Clementina's paper and saw that she had written the first sentence. I told her, "Good." She pointed to what she had copied from the book and smiled up at me.

Ms. Gutierrez was concerned that Clementina was becoming increasingly restless and even aggressive as the year progressed. She told us that "she has really changed, become very aggressive, and is not the sweet little girl she used to be." By the end of the year she had moved Clementina's desk so that she was sitting apart from her classmates.

We continued observing Clementina the following year, in her fourth-grade general education class. She again was in a class with a bilingual Hispanic teacher, Ms. Carrillo. As in the previous year, the instruction seemed adequate, but not exceptional. We observed much the same pattern of minimal engagement:

- As the teacher pointed to each part of the diagram, the students spoke in unison. Clementina spoke as well, and appeared to be parroting what the others around her were saying.
- As Ms. Carrillo continued to go over the various points of finding the main idea and supporting details/ideas of a paragraph, Clementina looked at her workbook and then placed her head on her workbook. The teacher directed students to read the following story in the book silently. Approximately 3 minutes passed and Clementina still had her head down. "All right, what is the main idea?" the teacher asked. Several students raised their hands. Clementina did not. She lifted her head and began digging around in her book bag and fidgeting at her desk.

Ms. Carrillo was quite frustrated that Clementina had not been retained. In exasperation, she told us:

Last year Clementina got all F's in reading but then she received a C [on her report card]. A D is passing. So she got promoted. I don't know how, for Clementina reads on a first-grade reading level. She is low. . . . The whole process I find very frustrating.

When we asked in December if Clementina would be promoted to the fifth grade, she responded:

I can't say. Let's leave it at that. There is a lot of documentation that is required before a child can be retained. You ask me, she should be retained. She is very low. And when she takes the [state tests] she is

going to be low. There's the issue of accountability and I have a lot of low kids. But when the scores come out, it will be considered my fault that they are so low. Everything is my fault.

## FIRST CHILD STUDY TEAM MEETING

Ms. Carrillo's frustration was not surprising when we consider the slowness of the referral process in Clementina's case. Her first CST was held in April of the third grade, yet a year later there had been no progress on her referral.

Clementina's first CST meeting lasted only about 5 minutes. We entered the room at the time the meeting was to start, with the classroom teacher, and noted that someone was interviewing Clementina's mother, in Spanish. The questions all seemed related to language use, and whether Clementina and her sister used Spanish with the mother, friends, and one another. The mother, Rosa, was saying that Clementina and her sister spoke Spanish with her, but English with one another and their friends. They both started learning English when they were 5 and started school. Rosa was not aware that the girls were getting some instruction in Spanish (answering no to this question when in fact the girls did attend pull-out Spanish classes for Spanish speakers).

While this interview was taking place, the assistant principal asked the classroom teacher to sit close to her, and she went over the referral form with her, showing her where she should have written dates and put more information on the form. And then Rosa got up and left, and that was it. There was no group dialogue. No one explained the referral form to Rosa or told her what her rights as a parent were. No one asked her how Clementina was doing at home; no one explained to her how Clementina was doing in school. There was no discussion of prereferral intervention strategies. We asked the classroom teacher afterward if she thought maybe we had missed part of the meeting. She replied that she did not think so; she thought that they rushed through the meeting because they figured the parent would not understand anyway.

## PLACEMENT CONFERENCE\*

Clementina was evaluated more than a year after her third-grade teacher had referred her. Her staffing took place in May and was attended by a staffing specialist from the district office; the psychologist; the school counselor; the

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\*The school district used the term *staffing* for the special education placement conference. Other possible names for this meeting include *multidisciplinary team meeting* and *IEP meeting*.

assistant principal; Clementina's fourth-grade teacher; the special education teacher (for the school's self-contained EMH class); Clementina's mother, Rosa; her aunt, Maria; and two researchers.

While we waited in the office for the meeting to start, the assistant principal greeted us and said, "Let's see if she's going to show up today." Rosa and Maria arrived right on time at 9 A.M. "You're here," remarked the assistant principal, adding, "We are not ready to start. The psychologist isn't here." The meeting began at about 9:20, when the psychologist arrived.

As everyone was settling into their chairs around a small table, the staffing specialist asked, "Does Mom need a translator?" The classroom teacher responded, "Yes, I'll do it." While thumbing through Clementina's paperwork, the staffing specialist asked, "Has he always been in this school?" Rosa answered, "Yes, Clementina has been at this school since kindergarten." The staffing specialist continued, "How did he do in kindergarten? What were his grades?" The classroom teacher asked to see Clementina's records. As she looked through the papers, she exclaimed with surprise, "The kindergarten teacher referred her! Clementina was referred at kindergarten!" The staffing specialist responded, "Oh, I'm sorry. I said *he* instead of *she*. She's not a boy. Is this the first time she's been staffed?" She then looked at the assistant principal. The teacher responded, "Yes." The staffing specialist said, incredulously, "Clementina was referred a long time ago! But the staffing just took place today!" Once again she looked to the assistant principal for a response. The assistant principal replied, "It's because of the bilingual assessment. You know how long those can take. We were waiting for that to be done." The staffing specialist responded, "So the bilingual assessment is what held up the process."

The psychologist shared results from the WISC-Revised:

Nothing remarkable, no mental delays, she smiles when you look at her but she does not speak. She forgets things very easily. The average IQ is between 90 and 109. Clementina's full-scale IQ score is 51. She is in the mentally deficient range. Clementina has limited formal educational skills. She has some letter-word identification—she recognized letters but not words. She is at the kindergarten level.

The classroom teacher confirmed that Clementina was very low. She was able to write her first and last name, but sometimes inverted letters, such as the last letter of her surname. She knew the numbers from 1 to 20 and recognized colors. The staffing specialist asked, "Are there any words that she recognizes in class?" The classroom teacher responded, "I'm sure she recognizes the words *math* and *add*." The psychologist said:

She did 1-digit addition but no subtraction in the math computation segment. She scored 48, kindergarten level. . . . On applied problems,

she was unable to tell time by the hour or count money. She could write letters but not words. On the Bender Visual Motor, her fine-motor-skills score was 52. She may have fine-motor problems. Her vision was tested. It was 20/30 in both eyes. So both her eyes appear to be OK, but not perfect. . . . She has an immature personality.

The staffing specialist concluded, with emphasis, "She is EMR." Although the district's guidelines stipulated that an evaluation for possible placement in an EMR program should include an adaptive-behavior scale, this had not been done. Thus, the multidisciplinary team did not have a complete picture of Clementina's functioning outside school and applied the label of EMR on the basis of test scores and school performance alone. Also, that Clementina was frequently absent and missed weeks of school at a time was not discussed as a possible reason for her being so low. Nor was it discussed that Clementina spoke Spanish as her first language and continued to speak Spanish at home with her mother. Although the assistant principal said that the reason it had taken so long to evaluate her was that the school had been waiting for the bilingual assessment, in fact the results of this assessment were not mentioned at the meeting. We could not find a bilingual assessor's report in her file. Clementina was evaluated in English only, despite the district's policy that students who have recently exited from ESOL should be evaluated bilingually.

The staffing specialist went on to say that Clementina needed to be in a smaller class and would be placed in the school's self-contained EMR class. Rosa was not asked for her opinion about this; rather, it appeared that the decision had been made ahead of time and the purpose of the meeting was to convey information and obtain her written permission for special education placement rather than involve her in the decision-making process. The staffing specialist added that Clementina would receive special door-to-door bus transportation. Rosa and Maria were pleased with this benefit.

While the psychologist was reading Clementina's test results, the special education teacher had been writing the goals and objectives for the IEP. When she finished, she made copies of the IEP and psychological report for Rosa. She asked, "Can they get this in Spanish?" The staffing specialist replied, "No. Our school system has some 80 different languages. We can't possibly provide translation for everyone." The meeting concluded.

### **FAMILY VIEWS OF THE PLACEMENT CONFERENCE**

Although Clementina's mother and aunt did not understand everything that had transpired at Clementina's placement conference, they agreed with the

multidisciplinary team's diagnosis. When we asked Rosa if she understood the term the staffing specialist had used during the staffing to describe Clementina, EMR, she said that she did not. Once it was explained that this meant that Clementina had mental limitations, but that she still could learn at school, the mother responded, "Yes, that is true." Her aunt added:

Yes, she has those problems. . . . She has trouble in learning and also with her memory. . . . She runs a lot, without any reason, laughing and talking nonsense all the time. I was recommending that she [Rosa] should take the girl to see a doctor. I have one grandson who was declared disabled and is under special care. The school evaluated him, the same as Clementina has been, and told me what to do. Right now he is attending special classes. . . . The fact is that kids with this kind of mental trouble need to be under special care. She [Rosa] has to make an appointment with the doctor to take Clementina to the pediatrician so he can refer her to some of these places that give this kind of support. That is where I am taking my grandson, and there you learn how to take care of them. If the school gives you a paper so you can take them to the doctor, then you can get this kind of help.

## SPECIAL EDUCATION PLACEMENT

Clementina seemed more comfortable and confident in her new self-contained EMR class than she had been in her general education classrooms. Her attendance improved. Her special education teacher believed that she had been appropriately placed, although she was functioning at a higher level than indicated by her test scores. She shared:

Clementina is one of the smartest in her group. . . . Clementina is a good fit. She will catch up. She's in the fourth grade and for her to be just placed in a program is very sad. She has lost a lot of time. But she doesn't have [bad] behavior. She should catch up by her sixth-grade year. . . . She's not as low as they said. However, she is in math. She reads a lot more words, not just dog. She's like at a pre-primer level. In fact, she's in my middle group and she's the smartest one in that group. I tried putting her in the high group, but it was too hard for her.

Her mother was also pleased, noting that she was doing better than previously and liked her new class. She noted, "She gets up earlier and faster. You can tell that she wants to go to school."

## Questions

1. Clementina's teachers and family did not disagree with the decision of the multidisciplinary team that Clementina was EMR. So perhaps we should conclude, "All's well that ends well." Discuss whether we have an accurate picture of Clementina's potential and of her strengths and learning needs.
2. How was Clementina affected by not being placed in special education until the end of fourth grade although she was originally referred in kindergarten?
3. Review your local school district's publication describing parents' procedural safeguards. From what you have read, what procedural safeguards were violated in Clementina's case? How might this have affected the outcome?
4. Review the definition for MR. Assessments should include an adaptive-behavior scale, which was omitted in this evaluation. Why do you think this is a requirement for this classification? What potentially valuable information was omitted that would have painted a more complete picture of Clementina's overall functioning, at home as well as at school?
5. Pretend that you are a parent advocate who was contacted to represent Clementina's family at her CST meeting and placement conference. What issues of concern would you raise? Don't forget to address issues related to her family's native language.