

BE18873

Equity and Special Education Policy for Minority Students in Small Rural Districts

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Introduction

Educational policy initiatives for ethnic and racial minority children and children with disabilities enacted over the past few decades have aimed at increasing equality of opportunity. Legislative as well as judicial actions have directed resources to school districts to insure equal opportunity in education, including fair and appropriate assessment and placement, for all students. Public Law 94-142, for example, provides that testing and evaluation materials must be selected and administered so as not to be racially or culturally discriminatory, and the tests and evaluations must be conducted in the child's native language. The judicial decisions in the landmark cases *Diana v. California State Board of Education* (1970) and *Larry P. v. Riles* (1979) have decreased districts' reliance on the scores of IQ tests administered in English for placement decisions about children from predominantly non-English speaking homes and have increased pressure for testers to be fluent in the child's native language. The U.S. Supreme Court's decision in *Lau v. Nichols* (1974) extended the definition of equal educational opportunity to include the rights of limited English speaking students.

Despite these actions, inadequacies in assessing and educating cultural and language minority students persist. In many rural regions, two minority groups of students, children of migrant laborers and children of Native American origin, are often inappropriately identified for special education services. Inadequacies in the assessment and placement of language minority (Garcia & Ortiz, 1988; Ortiz, 1984; Wilkinson & Ortiz, 1986) and Native American (Chinn & Hughes, 1987; Ramirez, 1988) students are well documented. In some cases, students in these populations who have special needs have not received appropriate services. In other cases, these students have been overreferred for special education.

Various factors influence the educational services a minority student receives, including staff training and skills in assessment and instruction of cultural and language minority students and district resources for minority instruction. A district's size and geographic location are factors often overlooked, but they can determine whether students are properly identified and placed in programs.

Small rural districts in many parts of the country have more limited resources for minority education than large urban districts that often serve significant numbers of minority students. Teachers and school staff in rural areas, particularly those who are graduates of urban universities, are often unfamiliar with the cultural and language differences that affect the placement and performance of

local minority students. In some parts of the country, rural communities are experiencing an influx of minority families, straining already limited resources. In other rural districts, property tax reductions and changing economic conditions may limit administrators' eagerness to be advocates for minority student needs. Minority students in these rural districts, as a consequence, are currently at higher risk of overreferral or underreferral, depending upon their background, for special education services.

Between October 1989 and June 1990, we undertook a pilot ethnographic study in a predominantly rural educational service district in Washington State to learn how policies regarding special education assessment and placement have been translated into school district procedures for serving minorities. The study focused on two groups of minority students served in small numbers in districts across the state—migrant and Native American students. The goals of the study were to identify the best practices for serving these students and the barriers rural districts experience in implementing those practices and to develop policy recommendations that insure equity of educational opportunities for minority students with special educational needs.

Procedures

Backward Mapping. The qualitative approach used in the pilot study is a policy analysis tool known as backward mapping (Elmore, 1980). This approach is based on the assumption that the closer one looks at the areas where administrative decisions interact with individual actions, the better one can formulate objectives that in fact have a chance of influencing policy. Backward mapping captures the local context of policy implementation and the micro-level questions about how policies affect practice on a day-to-day basis. Structured interviews were used to record the perspectives of persons most closely involved in identifying and instructing migrant and Native American students: school psychologists, bilingual aides, special education teachers, parents, tribal leaders, special education administrators, and minority advocates.

Sample. The site for the pilot study was an educational service district composed of 35 school districts. The project's advisory board of state, regional, and local experts in migrant and Native American education selected 9 rural districts that would represent the region as interview sites. Four districts were selected for study of migrant issues (Most of these districts had experienced increases in Hispanic migrant population growth in the 1980s.), and five

districts were selected for study of Native American issues. The advisory board also assisted in identifying key informants within the districts and in formulating the list of questions that would be asked in each interview. Within each district, 5-8 interviews were conducted, about half with school district staff and half with nondistrict informants. A total of 54 interviews were included for analysis.

Instruments. The advisory board members and project staff developed a set of interview questions on key concerns regarding screening, assessment, and placement procedures for Native American and migrant students. We conducted the interviews.

Results

This section summarizes the responses to each of the ten questions that we asked the respondents (One open-ended question is not included in this summary.).

1. What tests are used in your district to determine a child's dominant language? Does the district use a screening tool to identify bilingual children? Is this test administered by a trained professional who speaks the child's native language fluently?

Determining the Child's Native Language

All five of the districts serving migrant students used the Language Assessment Scale (LAS) for determining a child's dominant language. Respondents indicated that the LAS is sometimes used in combination with another measure such as the Distar Language Test or a language survey. Other instruments mentioned were the Home Language Survey, the Pre-LAS, and the Basic Inventory of Natural Language (BINL). One respondent said that the district relied on its child study team to determine a child's dominant language.

Screening Tools for Identifying Bilingual Children

All of the districts surveyed used a screening tool to identify bilingual children. In most cases, the LAS results were used. The Wide Range Achievement Test (WRAT) was used in one district for quick screening. One district indicated that it did not have a screening tool for special education.

Test Administration

In most cases, respondents said that professionals (i.e., a certified teacher, CDS) administer these tests and explained that the testers are not always fluent in the child's language. In several districts trained bilingual aides administer the tests, serve as interpreters for the professionals administering the test, or do both.

2. Are tests for special education placement for Limited English Proficient (LEP) students to establish language competency (proficiency and dominance) routinely given in both languages?

Responses to this question suggested that tests to establish language competency for special education placement are most often given in both languages for LEP students.

We noted that personnel within the same district frequently did not agree on this item; some said the tests were given in both languages, and others said they were not. Two districts indicated they had no bilingual children in special education and had not yet needed to determine a child's dominant language. The tests that were mentioned included the Woodcock Johnson in Spanish and English, the LAS in Spanish and English, and the SOMPA in English.

3. Does your district use an interpreter to screen and/or assess bilingual children? If so, what training do interpreters have, and how are they used in the identification process? Is the interpreter literate in the child's primary language, and what level of language is used by the interpreter?

Use of Interpreters in Screening and Assessment

Interpreters or special education staff who are fluent in Spanish were used in all but one of the districts for screening and assessment. The district that did not use interpreters cited its low referral rate and the risk of compromising test results as reasons for not using interpreters. Special education departments usually rely on migrant and bilingual aides and teachers to serve as interpreters for assessment and screening.

Training for Interpreters

It appeared that interpreters had some training in test administration; however, comments indicated that aides who serve as interpreters, test administrators, or both, may not be adequately trained.

Literate Interpreters

Responses regarding the literacy of interpreters were mixed, often within the same district. Personnel in two of the five responding districts unanimously

agreed that the aides were literate; in the remaining three districts there was disagreement and concern about the literacy of the interpreters.

4. When staff in your district are testing Limited English Proficient children who have non-English speaking parents, how is informed consent for those children obtained? Are due process forms mailed to parents? Is this process similar for Native American and for migrant children?

Obtaining Informed Consent

Most respondents indicated that staff from migrant and bilingual programs were recruited to assist in obtaining parental consent for testing. Some home visitors expressed concern that they were not accompanied by special education staff or a representative of the Multi-Disciplinary Team (MDT) on these visits. Several home visitors said they refused to obtain parental consent unless they were accompanied by a special education representative. In other cases, the migrant staff served only as interpreters for special education staff.

Concern was expressed that parents were providing consent for testing without clearly understanding the process or their rights. In one district with strong staff commitment to do everything possible to keep special education students in the regular classroom, it was not clear whether Native American parents were informed that their child was receiving special education services: (for example, a parent whose child was in special education was not familiar with the term or concept of an Individualized Educational Program (IEP).

Mailing Due Process Forms

Responses were mixed, even within the same district, regarding whether or not due process forms were mailed to minority families. It appeared that the practice is used to varying degrees in many of the districts surveyed. Some districts have translated the forms into Spanish. One respondent reported that the district mailed English forms to the parents with a note in Spanish requesting that they sign the forms.

Due Process for Native American Parents

Respondents indicated that due process forms were frequently mailed to the Native American parents: the reason cited was that they speak English. Two

districts used Native American home visitors to contact Native American parents.

5. What procedures and assessment tools are used to identify and test preschool students with limited English proficiency for special education?

None of the staff interviewed from three of the five responding districts could identify tests or procedures used to assess students with limited English proficiency. A staff member from one of these districts indicated that preschool services were provided through an outside agency, and another suggested that because the students all speak English there had not been a need to define a procedure.

Two of the districts had a process for assessing preschool students with limited English proficiency. In the first district, a teacher visits the migrant camps in summer before school begins to conduct screening, and assessments are later conducted at the school.

In the second district, which had a small population of migrant students, respondents indicated that no one was actively trying to identify preschoolers with limited English proficiency. A test developed in the district was cited as the screening instrument used to refer children to Chapter I, kindergarten, or special education.

6. Are Limited English Proficient students in your district ever placed in special education because of a lack of other program resources?

Responses to this question were mixed within two of the five districts; some personnel thought that students with limited English proficiency were placed in special education due to a lack of other options, but others thought they were not placed in special education classes. In the three districts that clearly stated that special education placements were not used because of a lack of other options, the availability of other special program options was cited as the reason. Other options included bilingual resource rooms and elementary services that do not require labeling. Other respondents said they did not place LEP students in special education because their district staff were committed to avoiding over-referrals. The respondents who felt that special education placements were made because of a lack of other options expressed a need for bilingual programs. One respondent indicated that the district had an ESL program but also needed a bilingual program.

Respondents were concerned about the lack of appropriate placement options for bilingual students. Special education staff most often chose between placing students in special education or not providing any special help to students who

are experiencing severe academic problems.

7. In your district, are students who are determined eligible under federal migrant regulations for special education reported to the district's special education office? Who reports the child's special education status?

This question was designed to determine if the special education status of migrant students entering the district was reported to the district's special education office in order to insure timely and appropriate placements. Unfortunately, responses to the question provide little information about this issue.

However, the responses did reveal much about the usefulness of the Migrant Student Reporting and Tracking System (MSRTS). Respondents who referred to the MSRTS commented that MSRTS information is frequently slow to arrive at the school and is often incomplete. Individual teachers expressed frustration at having to call MSRTS directly to obtain missing data. School records arrive well after the child has arrived. In one case a severely handicapped migrant child arrived in the district without any prior notice.

8. What kind of training does the special education staff receive to insure that Native American and migrant children are being appropriately assessed to determine their eligibility for special education?

There was overwhelming agreement in the nine responding districts that no formal in-district training procedure insured that Native American and migrant children are being appropriately assessed. Most respondents agreed that training is needed.

Even though there is a lack of formal, in-district training, a number of districts had informal procedures to help insure appropriate assessment results. Several districts cited MDT meetings as a forum for assuring appropriate assessments. Others described informal staff communication, particularly in smaller districts, as an effective means of staff development.

A number of respondents used inservice opportunities from outside the district. Most of the outside inservice referred to, however, was general multicultural training and did not specifically address assessment problems.

Many respondents indicated that district staff should receive this type of training in their personnel preparation programs. One district designed a hiring process that includes evaluating candidates' sensitivity to cultural issues, and in another district, staff felt that teachers' cultural sensitivity was a factor considered for placement at the district's reservation-based school. Another district contracts with a local tribe for school staff.

This question elicited concerns regarding school district employees' understanding of students' native cultures, particularly school staff who work with Native American students and families. Respondents felt that an understanding of Native American culture and rituals would help schools respond more appropriately to students' educational needs, provide services in a way that is more consistent with their culture, and help explain some of the unique characteristics of Native American students.

9. How frequently do Native American or migrant children meet special education eligibility based on professional judgment? What is the rationale used in ruling out the influence of cultural, environmental, and economic factors on educational progress?

Use of Professional Judgement

Most of the personnel interviewed in each of the nine districts surveyed replied that Native American and Migrant children rarely meet special education eligibility criteria based upon professional judgment. However, in five of the districts at least one respondent indicated that professional judgment is always used.

This discrepancy may be due in part to the respondents' interpretation of the question: professional judgment can be used to make inappropriate placement of students in special education who do not meet the testing criteria but who do need special services; or, it can be used to exclude students who do meet testing criteria but who may not be truly handicapped in the eyes of the evaluator. In the words of one administrator, "If we only looked at test scores, many students would be automatically referred."

The availability of other program options and services appeared to influence the number of students who are evaluated for special education. In response to this question, personnel from four of the districts indicated that they seek out and try other program options, such as the Learning Assistance Program (LAP) or Chapter I, before referring students to special education. Others said that they try to avoid special education placement and focus on serving students in the regular classroom. One district categorized these students as "language delayed" or "communication disordered only" to avoid labeling students inappropriately as special education eligible, yet still provided them with needed services.

The cultural bias of available standardized tests was cited a number of times. One district solved this problem by hiring a Native American to provide

use with minority children. However, three respondents (not psychologists) felt that analysis of test scores alone was adequate to determine eligibility. To protect against the overidentification of minority students for special education services, several districts used the Multidisciplinary Team process.

The responses of two Native American tribal representatives from different districts reflect the dilemma faced by districts and parents when considering special education placement. The two respondents expressed opposite viewpoints in regard to classifying students for special education. One felt that it was difficult for Native American students to qualify for special education and receive needed services. The other felt that students were too frequently included in special education and inappropriately labeled as handicapped. While the need for special services is great, the nonspecial education resources available are sparse.

Rationale for Ruling out Cultural, Environmental, and Economic Factors

Most respondents indicated that the assessment process included obtaining a picture of the whole child and looking beyond just the test scores. This included a review of school history and performance, adaptive behavior, the child's behavior in relationship to peers and siblings, and the parents' view of the child.

Many districts relied on the MDT to rule out the influence of cultural, environmental, and economic factors. Three districts used the state regulations for guidance in this area. None of the respondents referred to a formal district process for ruling out the influence of cultural, environmental, and economic factors, but several respondents suggested that this would be helpful.

10. Do parents of Native American and migrant children in special education participate in the IEP process? How frequently do they attend the annual IEP meeting? What accommodations, if any, are made for non-English speaking parents or parents from Native American cultures?

Parent IEP Participation and Attendance

Parent participation in the IEP and attendance at the IEP conference were considered problems in all of the districts. Most districts indicated that parents did attend meetings, but it was difficult to get them there. Districts appeared to expend effort in assisting parents to attend the initial IEP meeting and were

usually successful. However, subsequent IEP meetings were not well attended, and less effort was expended to enlist and support parent participation. Parents of primary-aged children were more likely to attend IEP meetings than parents of older children.

Respondents indicated that parents whose school-aged children had been enrolled in birth-to-three programs and who had been exposed to the IEP process when their children were young tended to feel most comfortable with and least intimidated by the process.

There were a number of exceptions, however, and several respondents indicated that parents of Native American children participated as much as or more than parents of Anglo children. Problems with encouraging and helping parents of migrant children to attend school meetings were mentioned in most of the districts serving these students.

Even those districts that cited high rates of parent participation indicated that parent participation was a problem and that Native American parents tended to be passive participants and would be unlikely to challenge a district placement decision. Informants underscored that simply attending an IEP meeting did not constitute parent involvement and that parents were often not encouraged to contribute to the child's IEP but to merely sign off on the district's decision.

Parents of Native American children who were interviewed expressed great concern, and they felt that the schools did not encourage or respond to their requests. One parent of a high school student had never been invited to an IEP meeting and received the IEP in the mail each year with a request for her signature.

Among both migrant and Native American families parental attitudes toward school were used to explain low levels of parental involvement. Respondents suggested that parents distrusted teachers and schools based on their experiences as students and parents. Parents were also described by district staff as being complacent and willing to go along with the school's recommendations. Several district respondents indicated that parents were not aware of how special education might affect their child's educational future or did not know their rights to seek other services and opinions.

Other barriers to parent participation were also cited. The fishing season and important cultural celebrations prevent many Native American parents from attending school meetings. The nature of migrant labor and its long work days prevents families from attending meetings.

With regard to migrant and non-English speaking parents, concern was expressed that they receive different treatment than the parents of the majority school population. Frequently, the migrant teacher or home visitor takes the IEP

school population. Frequently, the migrant teacher or home visitor takes the IEP to these homes rather than having the parents meet with the special education teacher and other personnel who developed the IEP.

Those districts with reservation-based preschool programs suggested that the preschool had helped to increase parent involvement. Parent activities (field trips, workshops) were regularly scheduled to increase familiarity and trust among preschool staff and parents. Native American parents stated that it took time to develop trust in school staff, and high staff turnover rates inhibit the growth of this trust.

Accommodations to Encourage Parental Involvement

Most of the districts made accommodations to encourage parental involvement. These included home visits, interpreters, transportation, leaving parts of the IEP for parents to complete with staff during the meeting, flexible scheduling, willingness to reschedule, limiting the size of meetings, simplifying forms, involving Native American or migrant staff, sending reminder letters, scheduling phone calls, ride pooling, and holding meetings at the tribal or migrant center or at the home. However, many respondents were frustrated when their accommodations did not increase parent involvement.

The more successful districts seemed to take seriously the need to make parents feel comfortable in the meetings. Frequently, home visits were cited as unsuccessful because they increased the parents' discomfort. And it appeared that IEP involvement occurred against the backdrop of district efforts to develop stable, trusting relationships with parents.

One of the more successful interventions was to use Native American liaisons (usually hired with Johnson O'Malley funds) to help explain the IEP process to parents and to provide transportation. However, this approach was not effective if it was not a collaborative effort and the liaison was used only as a messenger. Similar problems occurred when migrant home visitors were used as messengers rather than as members of a team.

One district felt that school staff were not welcome on the reservation it served. School districts that provided transportation for parents had mixed results: sometimes it worked, sometimes it did not.

Incidence Findings

As part of this qualitative study, we also requested the participating districts

to provide us with data on their total enrollment of Native American, migrant, and bilingual/nonmigrant students, and their representation in special education. Data were available from eight of the districts. As can be seen in Table 1, in general, Native American students appeared to be disproportionately overrepresented in special education, and migrant students appeared to be underrepresented. Results of an earlier Washington State study of migrant children with exceptional needs indicated that approximately 30% were inappropriately classified (Duran, 1983).

Table 1. Percent of Native American, Migrant, and Bilingual Students in Special Education School Districts

	<u>School Districts</u>							
	1	2	3	4	5	6	7	8
% of total district enrollment in special ed	9%	10%	8%	10%	16%	17% ²	13%	11%
% of Native Am. students in total enrollment	2%	12%	1%	1%	8%	32%	7%	unk
% of Native American students in special ed	22%	13%	24%	33%	11% ¹	32% ³	15% ²	unk
% of special ed enrollment Native American	6%	16%	4%	3%	5%	60%	8%	6%
% of migrant students in total enrollment	0	<1%	5%	3%	0	7%	0	2%
% of migrant students in special education	0	0	3%	0	0	3%	0	21%
% of special education enrollment migrant	NA*	NA	2%	NA	NA	1%	NA	3%
% of bilingual/non-migrant students in total enrollment	1%	<1%	<1%	<1%	0	0	<1%	<1%
% of bilingual/non-migrant students in special ed	3%	14% ⁴	0	0	0	0	5%	0
% of special ed enrollment bilingual/non-migrant	<1%	<1%	NA	NA	NA	NA	<1%	NA

*NA=not applicable in district

¹11 of 16 are in developmental preschool program on reservation; adjusted to 5 to exclude preschool-age population.

²14 students from out of district were excluded.

³Includes preschool handicapped.

⁴This is 1 student out of 7

⁵11 of 97 are in a developmental preschool program; adjusted to 86 to exclude preschool-aged populations.

Discussion

The findings from this exploratory study indicate that these rural districts experienced problems in several important areas in appropriately serving minority students with special education needs.

Assessment. Respondents indicated the following concerns regarding the screening and assessment of bilingual students: interpreters and instructional assistants were inappropriately used for test administration, tests to establish language proficiency were not always given in both languages, interpreters were not always literate in the language of the tests, and training for interpreters was not always adequate.

Training for special education staff in appropriate procedures for assessing bilingual and Native American students was perceived as a critical need. Respondents acknowledged the problems in using standardized test data to qualify these students for special education. In their statewide study of education services for limited English proficient students with handicaps in California, Cegelka, Lewis, and Rodriguez (1987) found little consistency in screening and assessment procedures and a great need for training and resources in this area. The district staff we interviewed expressed the need for a formal process for ruling out the influence of cultural, environmental, and economic factors. Instances of overreferral and underreferral were cited. Ultimately, placement decisions were made in light of programs that were available and appropriate, within both regular and special education. Clearly, additional programs and services for minority children were needed, but there were few nonspecial education options available.

Parental Involvement. Parental involvement in educational programs for both migrant and Native American students was regarded as a problem area. Concerns were expressed about procedures used to explain due process rights regarding assessment and IEP approval and general parental involvement. School district personnel were frustrated and frequently unsuccessful in efforts

to obtain meaningful parent participation. Parents and advocates were concerned about school district methods in dealing with minority parents, e.g., using migrant home visitors as messengers for special education due process forms and mailing due process forms without adequately informing parents of their content.

Districts made serious attempts to include parents in IEP meetings. Many districts made accommodations like providing transportation and using Native American staff to contact parents. Teachers and parents agreed, however, that simply attending an IEP meeting did not constitute parental involvement. Respondents were concerned that parents were not encouraged to be involved and that their requests were frequently ignored. Distrust between schools and parents was common.

Placement Options. Many respondents cited a lack of appropriate programs and services for bilingual and Native American students. When appropriate nonspecial education programs are available, overreferral to special education becomes less of a problem. In the absence of alternative program options, special education is often selected by default. The lack of bilingual programs was regarded as a serious problem in regard to migrant students. For Native American students, appropriate secondary programs, including programs with a well-designed vocational or life skills orientation, were needed.

All school districts today face challenges in appropriately assessing minority students, involving minority parents, and offering instructional options that challenge and prepare minority students for future study and employment. In a recent study (Lucas, Henze, & Donato, 1990) of schools successfully serving large numbers of Latino language-minority students, staff development in effective instruction and parental involvement were identified as key features distinguishing effective schools. Clearly, one means of addressing the needs of minority students is increasing the numbers of minority teachers and administrators. Equally important, teacher preparation programs must prepare teachers to work with cultural and language minority students. This is underscored by a recent national survey (Monsivais, 1990) which found that only 34% of Latino teachers reported they felt well prepared to teach limited English proficient students. As respondents of Cegelka et al. (1987) indicated, staff development must include training in appropriate assessment and instructional strategies.

Rural districts with small minority enrollments and limited resources may need to be especially creative and aggressive in identifying resources for their minority students and staff. They may include seeking state and federal grants

and assistance for staff development in valuing students' languages and cultures, understanding primary and second-language development, and implementing effective instructional methods. State education agencies, in their efforts to assist urban districts serving large minority student populations, must not overlook the resource needs of districts with small minority and changing district demographics.

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