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Mid-Term Exam Case Study

Step 1: Define the Problem Situation

Carlos is a third grade student. He was originally born in Mexico, but has attended school in the U.S. for several years. Carlos was administered an acculturation scale where he received a low score and therefore was attending English as a second language and placed in reading lab classes. In order to gain some insight on his cognitive and academic abilities, he was administered the Universal Nonverbal Intelligence Test and the Woodcock-Johnson III. Data from these two assessments confirmed that Carlos' IQ was within the average range but had delays in reading and written language. Several language assessments were administered to Carlos and suggested that he had good Spanish language skills but poor English language skills. During the assessment sessions, Carlos disclosed that was not happy in the U.S. and wanted to go back to Mexico.

Dilemma: Carlos' 3rd grade teacher, the reading lab teacher, and the assistant principle are pushing to identify him as disabled so that he can receive services; however, I, as the school psychologist, feel it is inappropriate to label Carlos with a disability because language could not be ruled out as the cause of his learning difficulties.

Step 2 & 3: Define the Potential Ethical/Legal Issues Involved and Consult Available Ethical/Legal Guidelines

Under the Individuals with Disabilities Act (IDEA, 2004) and the Elementary and Secondary Education Act of 1965 (Section 9101) students should not be determined to be a child with a disability if they lack appropriate instruction in reading, math, or have limited English proficiency (LEP). In 1968, the Bilingual Education Act was added as an amendment to the Elementary and Secondary Education Act of 1965 to provide funds for bilingual education. In addition, Title III of NCLB provides funds for language instruction for LEP and immigrant students. The purpose of Part A of Title III is to provide funds to help children develop proficiency in English while meeting state academic content and achievement standards.

Several Case laws relate to this specific dilemma:

- Lau v. Nichols (1974) – schools must provide assistance or “take affirmative steps” to ensure that students with limited English proficiency have access to a meaningful education.
- Diana v. State Board of Education (1970)- requires that children be assessed in their primary language or with sections of tests that do not depend on knowledge of English.
- Brown v. Board of Education (1954) – states have a duty to provide equal educational opportunities to all children regardless of race, color, national origin, native language, sex, and disability under the 14th Amendment.

NASP Principles for Professional Ethics 2010:

- Standard I.3.1 – school psychologists do not engage in or condone actions or policies that discriminate against persons including students.....based on actual or perceived characteristics including race, ethnicity, color, religion.....national origin....primary language....or any other distinguishing characteristic.
- Standard I.3.2 – in conducting psychological, educational, or behavioral evaluations or in providing interventions, therapy, counseling, or consultation services, the school psychologist takes into account individual characteristics as enumerated in Standard 1.3.1 so as to provide effective services.
- Standard II.1.2 – practitioners are obligated to pursue knowledge and understanding of diverse cultural, linguistic, and experiential backgrounds of students, families, and other clients.
- Standard II.3.5 – school psychologists conduct valid and fair assessments.

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- Principle E – psychologists are aware of and respect cultural, individual, and role differences...

Step 4: Consult with Supervisors and Colleagues

As stated above, Carlos’ 3rd grade teacher, his reading lab teacher, and the assistant principle are pushing to label Carlos with a disability so that he will be able to receive services. In addition to consulting with these three, you have consulted with the district’s lead ESL teacher who supports your position- it is inappropriate to label Carlos as having a disability because language could not be ruled out as the cause of his learning difficulties.

Step 5: Evaluate the Rights, Responsibilities, and Welfare of All Affected Parties

Despite the additional reading lab class, Carlos is in need of support in becoming proficient in English and overcoming his academic difficulties.

Step 6: Consider Alternative Solutions and Consequences of Making Each Decision

- Qualify him for special education – he will receive services but legally he does not qualify under IDEA and special education law
- Do not qualify him – he could fall even farther
- Do not qualify him but provide services through RtI – can investigate whether after receiving more supplemental instruction whether language is the cause of his learning difficulties.

Step 7: Make the Decision and Take Responsibility for It

Carlos does not qualify for special education services at this time. However, it is the duty of the school to provide instruction for Carlos that allows him to become proficient in English. Carlos should receive support through an RtI model and monitor his progress to determine if in fact there is an underlying disability that affects his academics.