

Key Issues in Bilingual Special Education Work Paper #5 Qualified Special Education Personnel

***Office of Vocational and Educational Services for Children with Disabilities
New York State Education Department***

Fall 2002

School administrators face daily challenges in their assignments. The challenge of being asked to evaluate and provide special education services for a limited English proficient student is one that has become more common in the past ten years. The question “**How do I find qualified staff to conduct evaluations and provide services?**”, once asked almost solely in New York City and the Big Four cities, now is being asked in districts of all sizes throughout the State.

This work paper describes State Education Department (SED) standards for personnel evaluating and educating students with disabilities who are English language learners, provides guidelines for meeting the standards, and identifies sources of technical assistance.

What are the SED standards?

Under Part 80 of the Regulations of the Commissioner of Education, the New York State Education Department issues certificates in teaching, including classroom teaching, special education, school psychology, school social work and school administration among others. All salaried staff working in these categories must hold valid teaching certificates... Bilingual special education service providers must hold a New York State certificate as indicated above with a bilingual education extension to that certificate. (Certification and Licensing of Bilingual Special Education Professionals - June 1997)

School districts are familiar with SED regulations for the use of qualified personnel in conducting evaluations and providing services. Administrators must only use personnel who are certified or under some conditions, licensed, in the areas sought i.e.: psychology, speech. In the case of limited English proficient students, the school district must identify personnel who are certified and/or licensed and in addition speak and understand the student’s language(s). In the case of less frequent languages, the Department has also provided standards for the use of

interpreters who “...working under the direction of the psychologist will assist the psychologist in the evaluation of tasks such as the translation or communication of instructions, questions, test items and the interpretation of responses.” (Psychologist/Interpreter Work Standards for Conducting Bilingual Evaluations – June 1997)

I understand the standards now what do I do?

The first step is the determination of the language(s) in which the evaluation will be conducted. This is accomplished by reviewing the results of the Home Language Survey and subsequent language screening (see Work Paper #2). The next step is to determine the availability of qualified evaluation staff.

Immediate Action to Identify an Evaluator

Assuming that the district does not have qualified personnel on staff, the first step is to contact the local Special Education Training and Resource Center (SETRC) or Bilingual Education Technical Assistance Center (BETAC) to access lists of available qualified personnel. Larger school districts in the region also may have personnel who could assist in the evaluation process.

Caution on hiring ‘independent contractors’:

School districts should not violate licensing law when using personnel from other school districts. The requesting district may contract directly with an individual licensed psychologist or licensed speech pathologist from another district if s/he is qualified to conduct the evaluation.

In the case of a psychologist who is not licensed, but is certified as a school psychologist and holds a bilingual extension, or a speech professional who is not licensed but is certified as a Teacher of the Speech and Hearing Handicapped and holds a bilingual extension, the requesting district must contract with the district for which the individual works rather than directly with the individual for more information

see *Certification and Licensing of Bilingual Special Education Professionals - June 1997*).

In the case of less commonly occurring languages, the initial search may not be successful. In that case, the next canvass should be made of licensed psychologists and licensed speech-language pathologists working in medical facilities or in private practice in the area including those on the faculty of local institutions of higher education. These professionals may be contracted with directly to conduct the necessary evaluation.

If All Else Fails

Because of the difficulty encountered in securing appropriately qualified personnel, SED has developed a cascade of options that can be used when personnel searches are unsuccessful. (see *Psychologist/Interpreter Work Standards for Conducting Bilingual Evaluations – June 1997*)

It is important that the district document its attempts to secure qualified personnel before using these options.

When reviewing the options, the district will also see the skills that are required of professional personnel as well as bilingual interpreters.

Long Term Actions for Building Local Resources

The school district works on a specific timetable when conducting an evaluation for special education. The steps provided above are intended to assist in the case of unanticipated referrals. To be safe, the district should evaluate the likelihood of an ongoing need for similar evaluations and subsequent placements and take appropriate steps such as the following:

Step 1: Review school demographic data to determine the likelihood of future need for services for limited English proficient students both in general education and special education.

Step 2: Search the New York State Inventory of Registered Programs to contact teacher-training programs with registered programs in bilingual education and bilingual special education as a source for consultants as well as future staff recruitment.

Step 3: Advise local Boards of Cooperative Educational Services (BOCES) of the need for personnel and shared services.

Step 4: Survey all district staff to determine if they are proficient in the target languages that might be needed in the future.

Step 5: Consider requesting approval from the Department for approval of a temporary license (until September 2003) or a transition certificate which will allow the district to use already employed bilingual staff as uncertified teachers while they pursue certification in a registered bilingual education or bilingual special education teacher training program.

Tip on the benefit of hiring bilingual staff: Personnel holding bilingual education extensions may work in an English-only and/or a bilingual (English and another language) setting. A school district may use staff in a monolingual English classroom until the need for a bilingual classroom arises or use the staff to provide services in English and the other language.

Thoughts on the Bilingual Special Education Personnel Issue

VESID has provided and continues to provide incentives to universities to develop teacher-training programs for bilingual special education personnel. In some cases, universities have opted not to request funding because there has not been a voiced need for personnel in their geographic area. School districts should identify their needs and communicate these needs to their local training institutions as well as to BOCES.

Resources

New York State Teacher Certification Requirements (www.highered.nysed.gov/tcert/)

New York State Inventory of Registered Programs (www.nysed.gov/heds/irps11.html)

Psychologist / Interpreter Work Standards for Conducting Bilingual Evaluations

The following information has been prepared in response to field requests concerning the use of licensed psychologists to conduct bilingual evaluations. It is designed to assist school administrators who contract with licensed psychologists to conduct psychological evaluations of children/youth who speak languages other than English **when a New York State certified school psychologist with a bilingual extension is not available as a salaried district employee** or through a contractual agreement between the district and another school district or BOCES.

The State Education Department distributed a June 1997 memorandum to many organizations, including public and nonpublic school officials and administrators, providers, elected officials, hearing officers, bilingual educators, teachers, parents groups, special education professionals, and related organizations.

The signers of this memorandum are the following State Education Department staff:

Johanna Duncan-Poitier, Associate Commissioner - Office of the Professions

Lawrence T. Waite, Coordinator - Special Education Services

Charles C. Mackey, Jr., Administrator - Teacher Certification Policy

Their memorandum follows below.

A cascade of options is provided to assist school administrators in selecting an appropriate psychologist and/or interpreter. These options are presented in the order of "most to least" recommended. A list of work standards is provided for personnel conducting the evaluation who do not hold a New York State certificate as a school psychologist with a bilingual education extension. These standards are to be used in determining qualifications of personnel who are not certified to conduct evaluations in the the child/youth's primary language only when an appropriately certified school psychologist is not available.

Limits of Practice

New York State certified school psychologists with a bilingual extension may conduct evaluations in elementary, middle, or secondary public schools only as salaried employees of the district or through a contractual agreement between their district and another school district or BOCES . A certified school psychologist who is not licensed under Article 153 cannot contract directly with a school district to provide psychological services, including evaluations. A person holding a school certificate as a school psychologist may be employed by exempt settings (e.g.: federal, State, county or municipal agency; other political subdivision; a chartered elementary or secondary

school; or degree granting educational institution) and may conduct evaluations and provide other psychological services as a salaried employee of the exempt setting.

A board of education has no statutory authorization to contract with a licensed psychologist for the services provided by school psychologists unless so ordered by a Court of Law to ensure the timely provision of special education services and programs. When a public school district is the approved provider, a certified school psychologist would determine the need to contract with a licensed psychologist to conduct an evaluation based on an assessment of the child by a certified school psychologist.

I. Selection of a Psychologist to Conduct a Bilingual Evaluation

When a **New York State certified school psychologist with bilingual extension with proficiency in the child/youth's primary language is unavailable**, one of the following three options, presented in the order of "most to least" recommended, must be selected:

Option 1: New York State licensed psychologist who meets the New York State Recommended Bilingual Psychologist Work Standards.

Option 2: New York State certified school psychologist with bilingual extension with no or limited proficiency in child/youth's primary language with an interpreter proficient in the home language.

Option 3: New York State licensed psychologist who also meets the New York State Recommended Bilingual Psychologist Work Standards #2 - 6 with no or limited proficiency in the child/youth's primary language with an interpreter proficient in the child/youth's primary language.

II. Bilingual Psychologist Work Standards

Licensed psychologists who are asked to conduct an evaluation of a child/youth whose primary language or usual means of communication is a language other than English should meet the following standards:

1. Language proficiency in English and the student/youth's primary language including:
 - oral communication with children and parents in general communication, assessment and intervention situations;
 - reading and writing; and
 - technical language associated with psychological assessment.
2. Knowledge of the culture of the child/youth's language group and an understanding of the impact of culture on performance and behavior.
3. Professional experience with culturally and linguistically diverse (CLD) children and youth.
4. General knowledge of psycho-educational assessment and report writing for CLD children and youth in English and the primary language including the:

- limitations of assessment for CLD children and youth;
- selection of appropriate instruments for CLD children and youth;
- adaptation of available instruments for CLD children and youth;
- use of qualitative and alternative assessment techniques; and
- ability to interpret assessment data through the integration of socio cultural background, experiential background and socio-linguistic developmental factors.

5. Knowledge of instructional interventions appropriate to the needs of CLD children and youth in general and special education settings including but not limited to native language and English as a second language instruction.

6. Knowledge of mental health interventions appropriate to the needs of CLD children and their families.

III. Selection of a Bilingual Interpreter

In some cases, a psychologist who is not proficient in the student's primary language may be required to conduct the evaluation with the assistance of an interpreter. The interpreter working under the direction of the psychologist will assist the psychologist in the evaluation in tasks such as the translation or communication of instructions, questions, test items and the interpretation of responses. It is strongly recommended that the interpreter be a professional staff member who is also trained as a school interpreter. The following selection options presented in the order of "most to least" recommended should be followed in selecting an interpreter who is proficient in the student's primary language to assist during the evaluation:

Option 1: New York State certified teacher or pupil personnel staff with a bilingual education extension in the child/youth's primary language working under the direction of the certified school psychologist or licensed psychologist.

Option 2: New York State certified teacher or pupil personnel staff with a New York State temporary license in bilingual education and proficiency in the student's primary language working under the direction of the certified school psychologist or licensed psychologist.

Option 3: Paraprofessional with proficiency in the student's primary language working under the supervision of the certified school psychologist or licensed psychologist.

Option 4: Community interpreter who is proficient in the student's primary language working under the supervision of the certified school psychologist or licensed psychologist. [Under no conditions shall a member of the student's immediate or extended family be used for evaluation assignments other than initial screening and general information gathering.]

IV. Bilingual Interpreter Work Standards

It is strongly recommended that interpreters be professionals who are trained to work in a school setting. An individual who serves as an interpreter to assist a psychologist who is conducting an evaluation in a language in which the psychologist is not proficient should meet the following standards:

1. Language proficiency in English and the child/youth's primary language including:
 - oral communication with children and parents in general communication, assessment and intervention situations; and
 - reading and writing.
2. Knowledge of the culture of the child/youth's primary language group.
3. Experience with culturally and linguistically diverse (CLD) children and youth.
4. General knowledge of testing practices and procedures.

Additional information on these standards can be obtained by contacting:

Dr. Peter M. Byron
New York State Education Department
Office of Vocational and Educational Services for Individuals with Disabilities (VESID)
(518) 486-7462
or
Dr. Kathleen Doyle
New York State Education Department
Office of the Professions
(518) 474-3866.