

Section 7 Special Education Procedures for Culturally and Linguistically Diverse Students

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1. Definitions

- a. *Culturally and Linguistically Diverse (CLD)* refers to students who have a language other than English who may or may not be participating in ESL services. The term also includes students who come from a home, community or school environment where another language has had a real and significant impact on the student's development of English language proficiency. (Best Practices in the Special education Evaluation of Students who are Culturally and Linguistically Diverse (Alvarado, 2011).
- b. *English Language Development (ELD)* or *English Second Language (ESL)* refers to the Department and program that provides English language development instruction and supports to English learners.
- c. *English Language Learner (ELL)*, *English Learner (EL)* and *Emerging Bilingual (EB)* are used interchangeably to refer to students who are in the process of learning English as a second or additional language.
- d. *Interpretation* - it refers to oral communications between two parties. PPS utilizes consecutive interpretation for Special Education meetings. This method has proven to be more effective for families as they are able to focus on one language at a time. Due to COVID-19 services could be provided in-person, video remotely, telephonically. In all instances, please notice that PPS does not practice sight translation (translating verbally a document for a family), if this service is required, PPS Special education staff must read aloud the document for the interpreter to interpret the content of the reading.
- e. Linguistically diverse families (A.k.a. *Limited English Proficient families (LEP)*) PPS prefers to use "linguistically diverse families" as part of the Language Access focus on strengths and not deficits. This refers to families that speak a language other than English at home and that expressed their chosen language to meaningfully communicate with the district during their enrollment process. A family can change their language at any point during their time at PPS
- f. *PPS linguistic diversity*: PPS recognizes the richness and value that linguistically diverse

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students bring to the PPS community. Our students speak over 100 different languages at home, including American Sign Language. Every year, through the enrollment process, PPS evaluates the five top most commonly spoken languages across the district by students and families. Current data indicates that the most commonly spoken languages other than English are: Spanish, Vietnamese, Chinese, Somali and Russian.

- g. *Translation* is for written documents. Translation supports the creation of cohesive school communities by providing language access necessary to better integrate immigrants, refugees and other linguistically and culturally diverse parents. To this extent, the role of translations at schools is that of conveying messages to parents as accurately in the source language as possible.

2. Communicating with CLD/Multilingual families

- a. [Multilingual Line for Families](#): A service for parents or guardians (in the five PPS supported languages) to communicate with schools regarding attendance, achievement, behavior, assessment, evaluation, registration, parent /teacher conferences, special instruction, disciplinary matters.
 - i. School office staff are responsible for posting and providing information about the Multilingual Line for Families to parents/ caregivers. Contact: nmuleta@pps.net to order materials or you can print them directly ("[We Speak Your Language](#)" business card size; "[Language Access Services for Families](#)" postcard size).
- b. To schedule an interpreter, submit a request to the [Language Access Services Department](#).
- c. For immediate, on-demand interpretation: Call LionBridge at 800-444-6627 use the code: 2168-5962. Remember All documents should be interpreted at the meeting with a PPS staff member present and leading the conversation..
 - i. Step 1: Call the parent using the Lionbridge service.
 - ii. Step 2: Request your required language from the language facilitator
 - iii. Step 3: Start your conversation

3. Working with Interpreters

- a. The person facilitating the meeting (often case manager) is responsible for ensuring that an interpreter is available at all meetings with linguistically diverse parents. If the family speaks multiple languages, make sure to ask their preferred language to receive interpretation.
- b. Families may decline school interpretation services and may bring someone to interpret for them. Meeting minutes should state if parents decline school-offered interpreter services or if they bring their own or a community-based interpreter to the meeting. (If parents decline the school's offer of an interpreter, staff may offer to have an interpreter present or on stand-by in the event it becomes

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necessary given the technical nature of special education meetings.

- c. This person will use LionBridge at 800-444-6627 for on-demand telephonic interpreters to confirm the family is available.
- d. Submit a request for interpretation to [Language Access Services](#). Include all the needed information including links if the meeting is remote. In the comments section, state that the interpreter needs to be familiar with IEP terminology. Schools may use other building resources for interpretation as long as those individuals have completed annual district interpreter training and met language standards.
- e. If you need training using LinguistLink, want to learn more about interpretation, or translation visit LAS Pepper training". We created two courses (about 15 minutes each) to help you submit successful requests for (oral) interpreters or for (written) translation.

Course Name: Submitting interpretation requests

Course Name: Submitting translation requests

Both courses are ready in Pepper. Please use the instructions below.

- Login into Pepper (pepper.pps.net)
- Click on the "Course Library" on the top menu
- Click on the "Subject" filter
- Scroll until you see "Communications" and select
- Click the course title and then "Access Course"

- f. Scheduling the meeting:

- Allow extra time. 15 minutes before the meeting to meet with the interpreter and go over terminology.
- Include necessary participants and limit those non-essential to the meeting.

- g. Preparing the interpreter for the meeting:

- Let the interpreter know what you will be discussing and review any technical terms that will be discussed at the meeting (see attached sample list for reference).
- Provide the interpreter with any helpful background on the family, if the interpreter has not worked with this family before.
- Remind the interpreter to ask participants to slow down, repeat, clarify or take turns as needed. Ask the interpreter to let you know if unfamiliar words are causing a problem.
- Familiarize the interpreter with confidentiality rules. ("Remember that everything we discuss at this meeting is confidential and that you are working

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under PPS Educational interpreters code of ethics.”)

h. At the meeting:

- As the meeting facilitator, explain to your colleagues that you will be taking turns to talk. That they should look directly to the family member when speaking, and to allow time for the interpreter to interpret for them (this allows the family to process the whole experience and conversation).
- Look and speak directly to the parent/guardian, not the interpreter.
- Try to use simple sentence construction, go slow, and avoid jargon.
- Pause after every 2-3 sentences to allow the interpreter to interpret.
- Do not allow side conversations. One person should speak at a time.
- Allow time for thinking and reflection – do not rush through the process.

i. After the meeting

- Debrief with the interpreter.
- Provide feedback to Language Access Services regarding the performance of the interpreter

4. Special Education Procedures for ELL Students

a. CLD Pre-Referral Process -

- i. After a School Intervention Team (SIT) has completed at SIT Request on dashboard, implemented interventions that are culturally and linguistically appropriate and collected progress monitoring data. The SIT and a SpEd representative will complete a hypothesis statement related to the suspected disability category. This includes comparison of culturally and linguistically similar peers.
- ii. If a CLD family request an evaluation in special education, schedule evaluation planning meeting

b. Evaluation Planning Meeting for CLD students and Evaluation Process

- i. If the decision is made to refer a CLD student for a special education evaluation, the special education team holds an evaluation planning meeting. If the student is participating in ESL, the ESL teacher is invited to participate in this meeting.
 - a. The team decides what evaluation is necessary to determine whether the student is eligible and the student’s educational needs.
 - a. **Tests must be administered** in a manner necessary to ensure full comprehension including use of any modifications and alterations necessary to reduce barriers to performance, while documenting approach to tasks, errors in responding, and behavior during testing. Any modifications in test administration must be documented in the evaluation report. Scores must be analyzed both quantitatively and qualitatively to confirm and validate results. (Ortiz, 2014).
 - b. Evaluators must review the cultural and language characteristics associated with

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the student's cultural/language background before engaging in the assessment process.

- i. Evaluations may include, as needed: Review of all data in pre-referral packet, including reviewing all culturally and linguistically appropriate interventions and response to interventions as compared with CLD similar peers.
- ii. Observation of student in classroom and, if student participates, ESL setting and compare with CLD similar peers (by school psychologist, learning center teacher, and/or speech-language pathologist).
- iii. File review (by school psychologist, learning center teacher, and/or speech- language pathologist), including progress in general education and ESL program
- iv. Parent, student and teacher interviews (by school psychologist and/or learning center teacher). An interpreter is provided for the parent and student interviews if needed. The person conducting the interview is responsible for arranging for an interpreter and reviewing terminology to be used with interpreter before the interview. [Link to Best Practices for Interviewing CLD parents and students](#)
- v. Cognitive testing (by school psychologist): Cognitive testing for any reason should be conducted using the Cultural-Language Test Classification (C-LTC) and Culture-Language Interpretive Matrix (C-LIM). For more information, see PPS manual Guidance for Identification of [Specific Learning Disabilities – Pattern of Strengths and Weaknesses](#).
- vi. Academic assessment – Information about student academic performance is collected from the ESL teacher, classroom teacher and parents, including progress monitoring data, State assessment results, and classroom work samples, compared to CLD similar peers. Standardized academic assessments are conducted. Results are used to describe current academic performance in language of instruction. Language acquisition issues will always be considered in interpreting these results.
- vii. Autism Rating Scales and other Behavior Rating Scales – For LEP parents, the parent questionnaire is provided in Spanish, if available, or an interpreter is used to provide a verbal translation of the items. The child's culture and language must be considered in interpreting results.
- viii. Vision and hearing screenings
- ix. Language/communication:
 - a. Developmental history and parent interview are critical components of an evaluation when language disability is suspected for a CLD student. (A language disorder must be present in both languages for a EB student to be considered eligible for a Speech Language Impairment.)

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- a. Language samples conducted in home language(s) and English using an interpreter as needed for the home language(s).
 - b. Speech samples collected in home language(s) and English. Phonological/articulation differences between in home language and English, as well as dialect differences, must be considered when analyzing English articulation and determining disability
 - c. Use of dynamic assessment and other criterion tests to assess language skills.
 - x. Standardized assessments results are generally de-emphasized unless administered and interpreted in a non standardized way (e.g. accepting as correct answers in either language with interpreter present). Document any nonstandard administration in the student evaluation report.
- c. Evaluation Results & Eligibility Meeting & IEP meeting**
- i. The evaluation results, eligibility and IEP meetings may be combined into one meeting, but it may take more than one meeting to complete this process. Meetings with translators take longer to complete.
 - ii. The ESL teacher is invited to participate in these meetings for ELL students.
 - iii. The team must consider the impact of the student's language and culture in evaluating assessment results and in decision-making. The information in the pre-referral packet is essential to ensuring that a student is not found disabled if the basis for the student's learning or behavior issues are due to language acquisition or cultural or environmental factors.
 - iv. Families should be encouraged to continue to speak their home language with the student.
 - v. CLD families may need additional encouragement to ask questions and express concerns. Staff should check in frequently for understanding and agreement or disagreement.
- d. Manifestation Determination/Dispute resolution**
- i.
- e. Special Education Paperwork**
- i. We are legally required to translate:
 - a. Notice/Consent for Evaluation;
 - a. Notice/Consent for Initial Placement;
 - b. Prior Written Notice.
 - c. If there are other documents that need to be translated please connect with your SpEd Admin for approval. Written translations will be provided within a reasonable time. Generally, a written translation through Language Access can be provided within 10 days of the request, depending on the length of the document and the language requested. In urgent situations, a quicker turnaround is possible. Through SynergySE the written translation is accessible immediately.

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IEPs; Evaluation Reports	n/a	<ul style="list-style-type: none"> • Read contents of documents aloud and the interpreter will interpret at the meeting. Remember to chunk information into short, manageable sections (i.e., 1-2 sentences) for the interpreter and <i>speak directly to the parents</i>. • In meeting minutes write “_(document)_ was read in English and _(interpreter name)_ interpreted it in _(language)_.” 	
Meeting Minutes	n/a	<ul style="list-style-type: none"> • Provide a copy of the English documents to parents/guardians with a copy of meeting minutes. • If the parent/guardians request a written translation, contact SpEd Admin. <ul style="list-style-type: none"> ○ offer the parent additional opportunities with translator to review IEP 	
Notice of Transfer of Special Education Rights (at 18) sent by central office	Adding statement in 5 languages into english form	Use the translated form. Enter names in English.	<ol style="list-style-type: none"> 1. Read contents of documents aloud and the interpreter will interpret at the meeting. Remember to chunk information into manageable chunks for the interpreter and speak directly to the parents. 2. In meeting minutes write “_(document)_ was read in English and _(interpreter name)_ interpreted it in _(language)_.” 3. Provide a copy of the English documents to parents/guardians with a copy of meeting minutes.
Manifestation Determination	n/a	<ol style="list-style-type: none"> 1. Complete English version on form 2. Read contents of documents aloud and the interpreter will interpret at the meeting. Remember to chunk information into manageable portions for the interpreter and speak directly to the parents. 	
Written Agreements between District and Parent	n/a	<ol style="list-style-type: none"> 3. In meeting minutes write “_(document)_ was read in English and _(interpreter name)_ interpreted it in _(language)_.” 4. Provide a copy of the English documents to parents/guardians with a copy of meeting minutes. 	
Eligibility Statements		<ol style="list-style-type: none"> a. Present translated forms on ODE website (Arabic, Chinese, English, Russian, Somali, Spanish, and Vietnamese) <ol style="list-style-type: none"> i. Consider if it is helpful to the family to have dates, checkboxes and other information transferred from completed English form to the translated form in family’s home language 	
Release of Information	n/a		
Medical Statement	n/a		
Other documents	n/a		

5. Appendix Summary of Parent Rights in Special Education

Note to Case Manager:

- For limited English Proficient (LEP) parents who speak/read Spanish, Vietnamese, Chinese, Somali or Russian, give the parent a copy of the Notice of Procedural Safeguards in that language and review

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highlights using an interpreter.

- For LEP parents whose home language is another language, give the parent an English copy of the Notice of Procedural Safeguards and use this summary to review the highlight of the Procedural Safeguards manual with the parent using an interpreter. Document interpretation of Notice of Procedural Safeguards in meeting minutes.

This document is a summary of parent rights in special education. You have the right to receive this information in a language that you understand. **You may ask for more information about any of these topics in a language that you understand.**

- **Notice of Procedural Safeguards** You have the right to a copy of the Notice of Procedural Safeguards once a year and at certain other times.
- **IEP Meetings**
 - You have the right to participate in developing an educational plan for your child (called an Individualized Education Program or IEP). You are an important part of the team that makes decisions about your child's education. You have the right to share information and give your opinion at any team meeting or any time you think it will help your child's education. The IEP team decides the kind and amount of services your child needs and where the services will be provided.
- **Prior Written Notice (PWN)**
 - You have the right to be given written information about the school district's actions about your child's special education needs. The notice must explain what the school decided to do or refused to do and why those decisions were made. This information will help you provide informed consent, where required. This notice must be given to you in a language that you understand.
- **Consent**
 - You have certain consent rights. The school must get your written consent before evaluating your child and before providing special education services for the first time to your child. There are some exceptions to consent for evaluation. The school must give you information in a language you understand before asking for your consent.
 - Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.
- **Revoking Consent**
 - If you gave consent for special education and now you do not want your child to have special education any more, you may revoke (cancel) your consent, but you must do so in writing.
 - If you revoke (cancel) your consent in writing at any point after your child is first provided special education and related services, the school district must give you written notice and then stop providing these services.
- **Independent Educational Evaluation**
 - If you disagree with an evaluation completed by the school district, you have the right to have your child evaluated by someone who does not work for the school district. The school will give you names of qualified people who can do the evaluations and the rules that apply for when the school district will pay for the evaluation.
- **Transfer of Rights**
 - When your child turns 18, special education rights transfer to your adult child unless your child has a court-appointed guardian. (*For more information...p.8 bottom-9*)
- **Educational Records**

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- You have the right to review your child's school records without a long delay, before an IEP meeting or a hearing, and within 45 days.
- You may ask for an explanation of anything that you do not understand in your child's records.
- You have the right to ask that your child's records be corrected if you think the record is not correct or violates your child's privacy.
- You have the right to expect that your school district will keep your child's educational records confidential.
- You have the right to consent to release information about your child. Your consent is not needed in some circumstances.
- You have the right to ask the school district to destroy your child's educational information when it is no longer needed.
- You can ask the school district what kinds of records it keeps and where those records are located. Mediation
- Mediation is a free service. The mediator does not work for the school district. You (and the school district) have the right to ask for mediation to resolve a disagreement about your child's special education program. You (and the school district) have the right to refuse mediation. If you and the district agree to mediation, an interpreter will be provided if you need an interpreter to participate in the process. If the mediation results in an agreement, the agreement will be written and signed by the parties and must be followed. Mediation discussions are confidential. (*For more information...p.14-15 middle*)
- Hearing and Complaint Procedures
 - In addition to mediation, you have the right to use the state complaint process or request a due process hearing to resolve disagreements with the school district. These options have different rules and procedures.
 - The Oregon Department of Education (ODE) has model forms to help you file a due process hearing and a State complaint. You are not required to use these model forms. You can use ODE's model forms or another appropriate form or document, so long as it includes the required information for filing a due process hearing request or a state complaint.
 - A complaint must be filed within one year of the date of the problem. A complaint must be completed in 60 days unless more time is needed for a specific reason.
 - A hearing must be filed within two years of the date of the problem. Before you file a complaint or a hearing request, you should talk with your child's teacher, principal or a special education administrator.
 - Except in special circumstances, if you request a hearing, your child "stays put" in the current educational placement until the process is completed unless you and the district agree to a different placement.
 - Hearing and complaint decisions may be appealed but specific timelines apply. If you win the case, the court may decide that the school district must pay your attorney fees, if you have an attorney. There are many more rules about hearings, complaints, attorney fees and timelines.
- School Discipline
 - Your child can be disciplined at school if a nondisabled student would be disciplined for the same behavior. You have the right to specific procedures and protections if the school takes certain disciplinary actions towards your child.

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- Your child cannot be expelled for behavior that is caused by your child’s disability or caused by the child’s IEP not being implemented. This rule also applies to multiple suspensions that are a “pattern”. However, your child may be removed for up to 45 school days for drugs or weapons or for seriously hurting another person.
- If your child is removed from school for more than 10 school days in a school year for breaking school rules, your child must be given educational services.
- If your child is not yet eligible for special education but the school knew that your child had a disability, you may ask for these discipline protections.
- Parentally-Placed Private School Children
 - If the school offered your child a free appropriate public education and you decided to enroll your child in a private school, the public school will not pay for the private school. The school district where the private school is located may provide some services through a private school service plan.
 - If you disagree with the school district’s offer of special education and request a hearing, and the administrative law judge decides that the school district did not make a free appropriate public education available, then the district may have to pay for the private placement if it is an appropriate placement. You must first give notice to the school district before you put your child in a private school.

Interpreted by _____
(Name of Interpreter) (date) (language)