

The Politics of a Child Study Team

Advocating for Immigrant Families

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Purpose

Educational research undertaken for the public good incites educators who work in under-served communities not only to highlight the educational policies and practices that lead to the further marginalization of these communities, but also to imagine ways in which such hegemony can be countered (see Hostetler, 2005; Kincheloe & McLaren, 2005). This article focuses on an emerging challenge found within immigrant communities as families try to navigate the policies and standard operating practices of educational institutions in the context of special education referrals. That challenge is the accurate classification of students of language minority backgrounds for appropriate instructional support and educational programming, particularly when evaluating for a learning disability.

As required by law, this decision-making process is undertaken by a Child Study Team (CST) comprised of divergent constituencies that include the child's family and educators whose responsibility it is to ensure that a decision is made in the child's best interest. However, as Klingner and Harry (2006) note, many CSTs are dominated by the perspectives of psychologists and educators with limited cultural and linguistic sensitivity and limited knowledge who are confident that they know best in making decisions for "other people's children" (Delpit, 1995; 1988) yet end up marginalizing the perspectives of parents and the classroom teachers.

This case study examines the decision making of a CST convened to address

the placement of a third grade student of Guatemalan Maya descent in a school that serves a community that is predominantly of low economic status (90% qualify for free/reduced lunch) and of color (only 6% classified as White).

Foregrounded in this study is the role that the child's parent plays in the decision-making of the CST. This role is examined through the perspective of the educators and tutors at a community-based Family Literacy Program (FLP) in which the child's mother and her children are enrolled as participants. While this study highlights the marginalization of the parent in the decision-making process, it also draws attention to how collaborations among university professors, community educators, and school personnel might be forged to counter such exclusion, and to re-envision possibilities for equity in education in non-dominant communities.

This study is guided by the following questions:

- ◆ To what extent do the standard decision-making processes of the CST facilitate collaborative decision-making about a child's educational programming?
- ◆ What are the decision-making practices that either facilitate or hinder the equal participation of a linguistically under-represented parent in the decision-making on a CST?
- ◆ How do the power dynamics among the members of a child study team impact a decision about what is "in the child's best interest"?

Theoretical Framework

The decision to refer a child to a special education program is inherently an individualized decision. This is evident in the legal requirement that dictates that such a decision must be made by a CST comprised of a variety of members whose

role it is to consider the uniqueness of the case presented to them in order to make an informed decision in the child's best interest. The recommended presence of parents, teachers, psychologists, bilingual assessors, and social workers signifies a commitment to the consideration of divergent perspectives and equal participation of all "team" members as they move towards consensus on the best decision for the child.

State law requires that the child's parents must participate "as equal members" of this team (Florida Department of Education, 2004, sec. 13). The due process accorded by the federal Individuals with Disabilities Education Act (IDEA) gives parents the right to "give or withhold permission to have their child tested for eligibility for special education services, re-evaluated, or placed in a different classroom or program" (Heward & Cavanaugh, 2001, p. 311.)

The Parent Participation Notification form used for these meetings states, "You have the right to bring to the meeting individuals who have knowledge or special expertise regarding your child." As Heward and Cavanaugh (2001) point out, these rights emerge as an effort to equalize the "balance of power" between professionals, who have traditionally wielded power, and families, who have felt they could not affect their children's education" (p. 311).

Despite this policy, the continued over-diagnosis and misdiagnosis of children of under-represented communities, including English Language Learners (ELLs), in special education is well documented (Artiles, Rueda, Salazar, & Higuera, 2005; Artiles, Trent & Palmer, 2004; Garcia & Ortiz, 2004; Harry & Klingner, 2005; Kauffman, Hallahan, & Ford, 1998; Myer, Bevan-Brown, Harry, & Shapon-Shevin, 2001). This trend can be attributed to the lack of reliable and valid assessments (Macswan & Rolstad, 2006), educators' biases towards particular under-represented groups (Heward & Cavanaugh, 2001; Patton, 1998), the lack of awareness about second language acquisi-

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tion (Ortiz, 2002; Collier & Thomas, 2009), or confusion about overlapping indicators of language difference and some learning disabilities (Salend & Salinas, 2003). However, Klingner and Harry (2006) highlighted the role of the CST in perpetuating, rather than mitigating, this trend.

According to Klingner and Harry (2006), "In principle, the CST process is intended to provide a network of support for children and prevent inappropriate referrals" (p. 2274). Yet, as Lee-Tarver (2006) observes, "these teams provide less support for students at risk and serve more as a conduit for special education placement" (p. 525). Klingner and Harry (2006) in their study of CSTs for 19 ELLs across nine schools, noted that only "cursory attention was given to pre-referral strategies and that most students were pushed toward testing" (p. 2274) based on culture-deficit perspectives among school personnel who could barely conceal their contempt for parents who were marginalized and undervalued.

Their study revealed that CSTs were not democratically organized for equal input from all members, with psychologists tending to dominate the decision-making while teachers and parents were marginalized. An outcome of their study was their concern about "the pervasive negative attitude toward parents and the lack of effort to discover and build on family strengths" (p. 2277). They recommended additional professional development for everyone involved in the referral and decision-making process. This study emerges within the context of efforts to reclaim the legitimacy of the role of the parent in the decision-making of the CST.

Empowering parents towards greater participation in decision-making about their children's education became a central goal of the FLP in which the parent featured in this case study was enrolled. The program is grounded in a Freirean (see Freire & Macedo, 1987) approach to literacy education where participants are encouraged to read the word (i.e., obtain functional literacy skills) through reading the world (i.e., understanding and successfully navigating and/or challenging policies and practices that marginalize their families).

Here, the transformative potential of literacy emerged through its contextualization and placement "in the service of broader struggles" (Auerbach, 2005, p. 363). This study highlighted the manner in which this critical literacy—the ways in which conceptions of reading and writing the world and word enabled human subjects to understand and engage the

politics of daily life in ways that enhance the quest for democratic emancipation for the marginalized Other (Lankshear & McLaren, 1993)—was exemplified.

Critical literacy for the participants in the FLP began with the recognition that institutional practice—whether in education, health services, or social agencies—was not politically neutral and entailed empowering and/or oppressive potentialities (Freire, 2007). Delpit's (1988) discussion of the culture of power and educators' obligations to teach those who are marginalized the cultural capital needed to succeed was an important facet of the empowerment goals of the FLP.

Drawing on the notion of literacy as practice (i.e., *doing* literacy in the form of asking questions, eliciting responses, initiating parent-teacher conferences) regardless of their achievements in terms of functional literacy, the FLP worked towards supporting and valuing participants' critical understanding of institutional practices and their interrogation of them. As Auerbach (2005) recommended, this moved towards a form of literacy "from below" as a counter-hegemonic praxis. This also made it possible for participants to demonstrate high levels of critical literacy, as evident in this case, even though they may score low on standardized tests designed to measure their reading and writing.

A critical perspective was utilized in studying the decision making of the CST central to this case. Critical scholars consistently note the propensity for standard operating procedures within an institution to unwittingly perpetuate societal hierarchies and inequities (see Kincheloe & McLaren, 2005). They call on researchers to "critique rules, norms, standards and assumptions that appear 'neutral' but which systematically disadvantage or subordinate racial minorities" (Vargas, 2003, p. 1) by examining school practices "from below," to allow for marginalized voices to be represented in the process to move all organizational members toward more reflexivity in their practices (Oleson, 2005).

When examining the decision making process from below, we asked the following questions:

- ◆ Who makes the decision?
- ◆ On what data is the decision based?
- ◆ Whose voices are heard in the decision making process and in what manner?
- ◆ How is partnership in decision making forged?

In asking these questions, we are cognizant of Delpit's (1995; 1988) assertion that too often mainstream educators assume that they know best when making decisions about "other people's children." Typically, these students and their families are perceived as "outsiders" and are marginalized on the basis of race, ethnicity, gender, class, or language background.

In contrast, advocating for immigrant students Suarez-Orosco and Suarez-Orosco (2001) call for schools to be "fields of opportunity" where "the expectation that all children, including immigrant children and other children of color can learn and excel" and where the high value placed on students' cultures and languages are hallmarks of their effectiveness, as opposed to schools being "fields of endangerment" (pp. 132 & 133.)

Methodology

This study concerns the decision making process of a CST considering the placement of a student (Miguel, a pseudonym) of Maya descent. The data are derived from four meetings of the CST that comprised the entire decision making process. (A fifth meeting with the teachers held outside the purview of the CST is presented for context and contrast, where appropriate.)

Drawing on Yin's (2009) typology of rationales for single case study designs, this could be viewed as a representative case, in that it was the typical decision making process that was engaged in by a CST and, according to extant literature, typified the experiences of families of ELLs. Nevertheless, given how the case unfolded, it was also a unique case, in that most CSTs and underrepresented families do not experience such a protracted process of decision-making. Neither is it typical for language minority families to prevail in a CST decision.

The data is linked to specific contributions of diverse decision makers who, for the purposes of anonymity, are grouped according to the stakeholder group they represented in the CST.

Child Study Team

Representing the school and, specifically the Exceptional Student Education (ESE) department, were the school psychologist, the ESE contact persons for the school and the area (i.e., a subsection of a school district), and the ESE teacher at the school. These were individuals who were present at all meetings and will be referred to in this analysis as "school personnel" in order to ensure anonymity. The ESOL

coordinator, or a designee, was also present at the CST meetings; however their input was minimal. Miguel's homeroom teacher (a reading teacher who did not have the state-required ESOL endorsement) was present at all meetings, as were the parent (Mariana, a pseudonym) and a representative from the FLP. Miguel's mathematics and writing teachers were present at three of four CST meetings. The school's Maya language translator was present at all but the first meeting.

Central to this case is Mariana, a Guatemalan Maya immigrant who spoke a Maya language (the specific language is being withheld to preserve confidentiality). Mariana had joined the FLP having had no formal education in Guatemala, and was classified as "preliterate" because her native language had no written script (Burt, Peyton, & Schaetzel, 2008). She learned to speak Spanish as a second language in the U.S. At the time of this decision, Mariana had learned to write her name and fill out forms central to her daily routines in English. She had opted for literacy education over employment because of her belief that her education would be more beneficial to her four children.

Although her "progress" in the written and spoken dimensions of classes had been slower than that of her peers, Mariana stood out as exemplary in her grasp of critical literacy: the understanding of the power dynamics of the print-based literacy community in which she lived and how she needed to navigate this political context. Supporting Mariana in the decision-making surrounding her son's special education placement was a goal of the literacy program and provided a context for curriculum development and instruction for her and her peers.

Role of the Researchers

Schoorman and Zainuddin are university professors in multicultural education and TESOL/bilingual education, respectively. Both had been volunteers at the FLP for five years prior to the occurrence of the case, providing professional development to the FLP staff and tutoring students after school at the FLP. Both had tutored Miguel. Both are Asian immigrants (from different nations), and both are parents of children in the same public school system as Miguel. Sena is a Dominican Sister of Native American heritage and is the founding director of the FLP. She had lived in Guatemala for five years, serving as a literacy educator for two of those years, prior to the founding of the FLP.

The curriculum of the FLP caters to

the Maya, whose linguistic needs were not represented in any adult education programs of the county. In order to enhance greater home-school-community partnership, the authors took turns to accompany the parents of the students they tutored to Parent Teacher conferences. The parents were required, as a facet of their family literacy program curriculum, to take the lead in these conferences; however, the professors/tutors participated in the discussion only when invited by the parents or when they (professors/tutors) perceived that their participation would be in the best interest of the child and his/her family. One of the professors, in her capacity as a tutor, along with the program director, was present at each of the meetings that comprise this case.

Data Sources

Data pertinent to the decision-making process that spanned five meetings with school personnel, from November to April, in a single academic year, were examined. While the primary data for the study consisted of school-based documents central to the placement of Miguel, additional data included observation notes, minutes of the meetings, field notes surrounding the deliberations among the authors and Mariana, as well as classroom notes pertaining to discussions that occurred in the context of literacy education.

Drawing on the work of Klingner and Harry (2006), data were initially analyzed to ascertain appropriateness of decision-making with regard to the CST's pre-referral strategies, assessment instruments and procedures, understanding of second language acquisition and recommendations for instructional support. Thereafter, the analysis focused on identifying the ways in which the role of the parent was supported or marginalized in the decision-making process.

The emergent themes of this second phase of analysis are foregrounded in this study. The results are presented from the perspective of the FLP's commitment to support the role of immigrant parents in decision-making about their children's education. They are presented with a view towards highlighting ways in which CSTs can better fulfill the promise of "team" decision making on behalf of immigrant children.

Results

The first part of the results provides an overview of the five meetings central to this study. These perspectives emerge

from the standpoint of Mariana, the FLP, and the authors. The focus here is on the need to capture the decision making from "below"—privileging the perspective of those typically outside of the culture of power in school-based decision making. The second part of the results highlights the themes that emerged in the analysis of Mariana's struggle to advocate for her son in this decision making process.

Overview of the Meetings

In the case description that follows, references to the CST members present at the meetings include the school psychologist, the exceptional students education contacts, the exceptional student education teacher at the school, the class teacher, the ESOL coordinator (or designee), the parent, and the FLP director. For the purposes of this study, the term "ESOL" (concerning efforts to teach students who are "English Speakers of Other Languages") will be used to refer to the program that caters to ELLs in the school. The term "ESE" (derived from "Exceptional Student Education") is used to refer to the program that caters to the needs of students with disabilities. This is commensurate with the usage of the terms by school personnel.

Meeting #1: Child Study Team
Date: November 7, 2008

Purpose: Discuss recommendation of Miguel for ESE placement.

Present: CST; Author #2; Absent: Writing and Math teachers; Maya language translator

Comments: Mariana requests report from teachers on Miguel's performance in class. Mariana and author #3 write letter of complaint to principal regarding lack of translator and the apparent attempt to rush the parent into a decision.

Meeting #2: Child Study Team
Date: December 4, 2008

Purpose: From Mariana's perspective: to hear from teachers. From school's perspective: to discuss rationale for recommendation of Miguel's ESE placement.

Present: CST; Author #1; Per Mariana's request: 3 teachers; Maya language translator; ESOL representative from school district

Comments: Presentation was jargon-ridden; teachers not given opportunity to speak. Inadequate time for discussion. Mariana requests special meeting with teachers.

Meeting #3: Meeting with teachers
Date: December 19, 2008

Purpose: To discuss child's work, current levels of strengths, weaknesses and skills to be developed over the break.

Present: Reading, writing and mathematics teachers; Author #1. School principal. Maya language translator.

Comments: Plans for communication between teachers and parent using FLP as mediator. Teachers agree to send additional practice materials for Miguel to work on during the break.

Meeting #4: Child Study Team

Date: January 5 2009

Purpose: Reviewing the distinctions between ESE and ESOL placement.

Present: CST; Author #2; Maya language translator; Language arts and math teachers.

Comments: Most of the time was spent on translating CST's proposed ESE services. Very little time left for the parent and authors to ask question. A follow up meeting was scheduled to go over the final portion of the services. The parent asked for CST to state her son's disability and was told that Miguel "cannot read well" and "has a short attention span."

Meeting #5: Child Study Team

Date: January 26, 2009

Purpose: Discussing the remaining proposed ESE services and deciding placement. Parent requests placement in sheltered ESOL classroom.

Present: CST; Author #2; Maya language translator; Language arts and math teachers.

Comments: Author asks for specific school performance data as evidence and without them the referral is unjustified. Mariana stresses that she worries that her son's performance will deteriorate and wants her son to be given ESOL support. The wishes of the parent are honored as Miguel is not placed in a ESE class but one with ESOL support.

Emergent Themes in Mariana's Struggle

The first three themes presented here will highlight the manner in which the role of the parent appeared to be marginalized. The latter three themes will highlight efforts to empower the parent in her participation in the decision-making.

Using literacy and language to marginalize. The most recurrent example of using literacy and language to marginalize was a reliance on and overuse of jargon, especially by school personnel in the CST meetings, despite the knowledge that the parent did not understand English. The oral presentation reflected the jargon of the written reports on the rationale for the recommendation that Miguel be placed in a special education class, which was based on a series of scores from a battery of tests (BVAT subtest, the Universal Test of Non-

verbal Intelligence, Woodcock Johnson III Tests of Achievement).

The presentation was dominated by a focus on tests, scores, unfamiliar terminology and statements such as, "On the UNIT, Miguel scored a Full Scale IQ score of 95, his performance fell within the average range of 90-100 and at the 37th percentile when compared to other children his age." Terms such as "Memory quotient" and "Reasoning quotient" that represent the jargon of special education were used frequently.

The question "How is Mariana supposed to understand this jargon when we don't?" written in our observation notes spurred our subsequent efforts to demystify the reports both for ourselves and for Mariana. This required consultation with special education professors at the university, who not only explained the reports but also noted that there was insufficient evidence to place Miguel in a special education classroom. It is important to note that the professors involved in this decision making, themselves, did not have the expertise to deduce this.

Even though it is likely that this jargon emerges from legal requirements of what should be conveyed, it is also clear that this presentation of information precluded the parent's understanding of the rationale for the recommendation being made. Although it was evident to the school personnel that Mariana would have difficulty understanding, no accommodations were made to present the information in a manner that would support her understanding.

Additional linguistic bias and insensitivity was evident by the fact that they did not have a home language translator present at the first CST meeting. This was a further indication that supporting the parent's understanding seemed a lower priority. That they did not structure meetings to accommodate for time taken for translation also indicated that there was either no expectation that detailed translation would occur, or that they had not conducted meetings where translators were required. This inadequate preparation and time management meant that the parent had to keep coming back for additional meetings, something typically not feasible for low-income parents.

Silencing. Emerging from the previous theme of the use of language to marginalize is its corollary: the silencing of alternate perspectives and voices. Consistent with prior studies, the CST revealed clear patterns of who was expected to speak and who was to remain silent. The expectation that school personnel would do the most talking

was evident in how the agenda of the meeting was set up. It appeared that the parent and the representatives of the FLP were there to listen, with little control over how the meeting would unfold. Miguel's teachers were not present at Meeting #1 and, though present on the request of Mariana at Meeting #2, they were not allowed an opportunity to speak. When Mariana insisted on a meeting with the teachers before the semester ended, the teachers were clear in their request that they could not discuss the decision being deliberated by the CST.

The lack of time allotted for translation and the failure to solicit input from the parent also revealed that there was little expectation that the parent would speak. Also telling was the opposition of the moderator to the presence of Zainuddin, who queried many of the mis-steps taken in the decision making about Miguel. Although present by the invitation of Mariana, to help her with the decision, members of the CST alleged that Zainuddin was not allowing the parent to make a decision about her child, when it appeared that Mariana would not go along with the decision that the school would have liked her to make. The lack of time for discussion of diverse view points and the apparent attempt to keep all members of the CST silent revealed a desire of a "team" decision in name only, but not in practice.

Another manifestation of silencing was evident in statements that provided an alternative perspective on the trajectory of the decision-making, but were ignored, despite being included in Miguel's Psycho-Educational Evaluation. Presented below are statements from the evaluation report and CST meetings that revealed four emergent themes: that results should be interpreted with caution, that Miguel was responsive to interventions, the assertion that this was not a language problem, and that Miguel daydreamed when given non-challenging tasks:

"Results should be interpreted with caution in light of Miguel's language and cultural development" [p. 2]. The fact that test scores should be "reviewed with caution" was mentioned three times in this report.

"At the end of the intervention period, it was reported that Miguel successfully met the set goal of 90-100% on weekly spelling tests." [pp. 1-2] The fact that he "responded favorably to interventions" was mentioned twice in the report.

"His test scores indicate that this cannot be considered a 'language' problem" [Statement by member of CST at meet-

ing #2.] Yet the report notes: His reading comprehension skills also fell within the Low Average range. ... On the Reading Comprehension subtest, his performance began to deteriorate by increasing passage length, level of vocabulary, and complexity, of syntactic and semantic cues....

With regard to writing, Miguel performed within the Low Average range. ... This subtest measured his ability to produce written sentences that were evaluated with respect to the quality of expression. His sentences were short and offered little elaboration. He had difficulty with spelling some words that would be expected for his grade. Miguel also appeared to struggle in formulating and writing simple sentences within a time limit given a stimulus picture and a set of three words. For this subtest it was observed that Miguel wrote his sentences slowly and often sat and stared at the paper while thinking about what to write. He performed within the Low range for this area. [p. 5]

“At times, particularly when a task was simple or repetitive Miguel had a tendency to daydream.” [p. 2] “It is possible that Miguel, at times, becomes distracted (particularly for tasks that he does not find challenging).” [p. 6] These ideas were repeated four times in the report.

Thus alternate explanations of the results, though evident especially to Zainuddin and reported in the school’s documentation, were disregarded. The reliance on test scores, rather than alternate assessments also revealed an assumption/ bias that tests were a valid indicator/ determinant of this student’s abilities, despite the evidence that suggested otherwise.

Sloppy work. The failure to do due diligence, evident in the alarmingly careless work conducted by the school personnel on the CST, was consistent with the finds of previous studies. The CST had violated state policy by failing to inform Miguel’s parents about pre-referral interventions as well as the actual evaluation for special education. They had conducted the evaluation for special education despite the fact that pre-referral interventions had worked and despite statements about Miguel’s language background in their report. They used inappropriate and inadequate assessments and interpreted these test results with no consideration of the impact of language on these outcomes.

Furthermore, none of 16 the accommodations recommended following Miguel’s proposed special education placement required any specialized training either in ESOL or in special education. We also learned that Miguel’s reading teacher did not have ESOL

endorsement as required by the state. He had not received ESOL support for the past year (during which period the evaluation for special education had occurred) and the educator supposed to represent the interests of ELLs contended that Miguel should not be considered an ELL because, by self-report, English was his dominant language.

Although one might assume that the legal and policy implications of IDEA would call for more meticulous data gathering and decision-making, and advocacy for students—especially those who are from populations that are under-served—it appeared that school personnel acted in a contrary manner. Although it is unclear if the carelessness in approach was linked to an assumption about the critical capacities of the parents, an indication of the CST decision making process and culture within the school, or an isolated aberration in standard operating procedures, each of these possibilities must be seriously considered.

Decision makers’ lack of awareness about language acquisition, also emerges as a possible explanation as we noted in a field report following meeting #4:

... district personnel were cordial but uninformed and oblivious to many factors that might contribute to Miguel’s learning problems such as his limited knowledge of English, the skills of the teachers, and the instruction and programs he received.

What must be acknowledged is that school personnel’s carelessness in decision-making or the apparent “blind spots” in their knowledge central to decisions surrounding the under-represented is more costly than when working with more privileged families.

The right to understand. These efforts to marginalize were effectively countered by the commitment of Mariana, the translator on the CST, and the staff of the FLP, which included ourselves. Our first concern was Mariana’s right to understand the information central to the decision making process. An early lesson in Mariana’s literacy education was learning how to write her name so that she could sign documents that came home from her children’s school. Central to this was the understanding of the power of that signature, and the fact that she (and her peers at the FLP) should always understand what they were signing and that they should not place their signature on documents they could not read. Mariana exercised this right when, at the very first meeting convened by the CST explicitly “to get her signature,” she declined until she was able to understand the implications of the deci-

sion. All meetings that followed were held as a result of this decision.

The Mayan language translator on the CST also played a central role in Mariana’s right to understand. She sometimes interrupted the moderator to ensure that thorough translation was performed, and asked for simplified explanations of the jargon noting “We don’t have a direct translation for that. Do you mean—or—?” or “I am here to make sure the mother understands. You must give me adequate opportunity and time to do my job.” When the information presented was unclear, we would ask for clarification noting, “I need to understand this, because if Mariana asks me a question tomorrow, I need to be able to answer it accurately.”

In contrast to the process followed by the CST, Mariana’s questions were central to the support she received within the FLP. At the FLP we worked with Mariana to ascertain all her questions and concerns. We read state policy, read relevant literature, and consulted with special education professors and district administrators to provide accurate information to Mariana and to develop curriculum for the FLP surrounding this decision and her questions. In focusing on Mariana’s understanding of the decision making process, there was an attempt to restore to the parent the legitimate power she had as a decision maker in her child’s education as a member of the CST.

Furthermore, by focusing on her need to understand, the FLP challenged the standard operating procedures of CSTs that precluded such a goal. The role of the FLP, in particular, highlights the need for CSTs to re-conceptualize their role and practices in implementing the policies of IDEA. This includes the need to consider multiple perspectives, to view the parent as an equal in the decision making process, and to make it their responsibility to ensure that complex jargon and policy was presented to Mariana in a manner that made sense to her and enhanced her ability to make an informed decision.

The obligation to inform. Despite the obligation to inform the parents of their rights in the decision-making, which includes assurance that they understand the decision to be made, it was evident that school personnel viewed this as a formality rather than as an obligation. On the other hand, it became imperative to the FLP to make sure that Mariana (and her peers) understood the implications of the decision-making. Both Mariana’s questions and the researchers’ observations and concerns

about the CST decision making process led to several outcomes. These included the development of a literacy curriculum that addressed the meanings of “ESE” and “ESOL,” a critical look at the policies and procedures involved in identifying a student for special education as required by state law, directly addressing educators’ misunderstandings about who qualifies for ESOL support, and finally, a look at what constitutes appropriate ESOL and ESE accommodations.

These instructional efforts also exemplified the manner in which the complex jargon and policies could be simplified and presented in terms that parents understood. Although puzzling at first, they soon understood the differences between ESOL and ESE (we used those terms as useful ‘short hand’ for understanding the different placements). By numbering the stages of the referral process required for ESE classification, they were then able to recognize how processes might have been violated if they had not been informed of pre-referral evaluations and interventions.

Central to this discussion was the parents’ understanding of their rights. These rights state that no decision can be made without a parent’s agreement and signature; that the parents have a right to be informed of all evaluations for special education that were conducted with their child; and that the teachers of their children are required to have ESOL certification. Finally, it was also important for them to understand that the recommendations of educators are not always in the best interest of their children. This information, together with the assurance that their questions as parents were legitimate, that these questions needed to be asked and deserved answers, placed Mariana and her peers in a much stronger position. Those of us who accompanied Mariana to the meetings had her questions written down, and we listened for and clarified the answers for her. This also added strength to her position.

Critical literacy at work. The goal of the FLP was to support the families in advocating for themselves. The fact that Mariana, a supposedly “illiterate” immigrant mother who did not speak English, was able to challenge and overcome efforts to inappropriately label her son, must give educators working with similarly under-served populations hope. In addition to her non-compliance with a decision made without her consent, through the withholding of her signature, Mariana also insisted on the input of the teachers who had been marginalized, resulting in further ESOL accommodations for Miguel rather than

his receiving a placement in ESE. Mariana also asked many questions of the CST and the FLP, including,

- ◆ What is the difference between ESE and ESOL?
- ◆ What is the name of the disability that my child has?
- ◆ What are the future prospects of my child if he is placed in ESE?
- ◆ Are these the only accommodations he will receive in ESE?
- ◆ Why has he not received ESOL accommodations?
- ◆ Do all his teachers have ESOL endorsement as is required?

It was this awareness of her own potential power, and her willingness to exercise her rights as a parent, despite her trepidation at her limited reading and writing skills, that allowed Mariana to reverse what initially appeared to be inevitable.

What this underscores is the fact that it is possible for someone who does not have functional literacy skills to nevertheless engage in critical literacy. It also further solidifies Freire’s position that one needs to read the world before reading the word. In this case, the ‘reading of the world’— i.e., the politics of decision making on the CST team and the attempted marginalization of the parent in this process—became more central to advocating for Miguel. This served as a catalyst for “reading the word,” for understanding ESOL versus ESE and what accommodations were appropriate in each context, and that teachers needed to be ESOL certified.

Implications

The purpose of highlighting the politics of the CST’s decision making was twofold:

1. To focus on the role of the CST “from below” as perceived by marginalized members of the decision making “team,” and
2. To focus on the manner in which a parent could be supported in an effort to counter her marginalization.

As noted previously, this positioning privileges the perspective of the FLP. Nevertheless, central to this discussion are two hypothetical questions that aim to reflect critically on the results presented:

- ◆ Would the process and results of this decision making be different had the parent been one of the authors instead of Mariana?
- ◆ Would the process and outcome of this

decision-making have been different had the authors not been present at the CST meetings with Mariana?

As we consider the responses to these questions, we also ask:

- ◆ What if all children in under-served communities had a professor to advocate for them?
- ◆ What if all parents were treated with equal respect regardless of their language, ethnic, or socio economic background?
- ◆ What would be the implications of the responses no matter what they were?

Multiple Perspectives of a CST

The results demonstrate multiple conceptualizations of the CST which, viewed from Mariana’s or the FLP’s perspective, were negative. On the one hand, given all of the forms that were filled out with each visit and a painstaking focus on the Psycho-Educational Evaluation in each meeting, it appeared that the CST was serious about ensuring compliance with the law. However, they also clearly violated the law both in letter and spirit by failing to inform Mariana of the pre-referral evaluations, not considering her input (or those of the FLP personnel) as relevant, failing to consider alternative perspectives as central to good decision making, and by violating the concept of “team” decision making.

The observation from other studies that the CST tended to push the decision making towards a foregone conclusion seemed to be verified here. Although one might argue that it is unclear if the final decision was in the best interest of Miguel, the lack of clarity on whether his academic difficulties were due to language or a disability did not allow for a decision to be made in the child’s best interest. Under the circumstances, the CST appeared to be advocating a position that placed Miguel in a more restrictive environment, rather than the position advocated by the FLP and Mariana, which called for more support and less restrictiveness.

Also emerging from these results was a perspective of the CST as culturally inept. The fact that there was inadequate time allocated for the translator revealed that either the CST had never had to work with a parent from a non-English speaking background before or that they did not expect that the parent would want to understand all of the details presented in the meeting. The hostility towards the FLP representatives, who served as “note takers” for Mariana to ensure that she received as much of the information presented, also revealed

an assumed cultural hierarchy among the members of the CST, where the parent was viewed from a cultural-deficit perspective.

The rather blatant disregard for whether or not the parent understood, and the more obvious insistence on moving toward the desired “end result” of the process—having the parent’s signature—further underscored the attitude that this process was less about working with the parent to make the best decision for their child and more about imposing expertise where few others were granted any. The obvious lack of knowledge among school personnel about language acquisition, critical for distinguishing learning disability from linguistic difference, placed Miguel at further risk because of incomplete and inappropriate data being used.

What if Miguel really had a disability? Perhaps this is where the most negative perspective of the CST emerges. Rather than being an advocate for the child, which would include examining all options for explaining his academic achievement, they appeared to have rushed to judgment and stipulated an educational plan that contained 16 accommodations which required very limited professional expertise. Furthermore, in being resistant to a scholar in ESOL, it was evident that this decision was less about Miguel and more about power management on the CST.

Clearly, one of the implications that derive from these results is that CSTs should re-conceptualize their purpose and their practices, especially when working in populations that are culturally diverse and under-served. This re-conceptualization must include a clear position of advocacy for the best outcome for the child, which presumes no a priori “expertise” on what this might mean. It should also entail an active and inclusive definition of what is meant by the term “team” in its title and work towards facilitating collaborative decision-making by soliciting parents’ questions and concerns as central to the agenda of CST meetings.

It should further give voice to diverse stakeholders in the decision, rather than being a mechanism for silencing perspectives. It should also re-commit to active engagement with the scholarship in the field so that psychologists are more aware of the cultural limitations of certain tests, and that ESOL coordinators are up to date on the research on language acquisition and what it means to be a child who is so classified. Ultimately, the CST must be able to earn the trust of parents and teachers alike if they are to have decision-making power which exerts long-term consequences on the lives of children.

Advocacy for the Under-Served

It is not possible to reproduce Mariana’s success among similarly under-served immigrant groups without the cadre of advocates who supported her at the CST meetings and within the FLP. The advocacy of the FLP on behalf of the underserved underscores the need for educators at multiple levels and contexts to re-conceptualize their role vis-à-vis the under-served. Thus one of the implications that emerges from these results centers around ensuring the participation of parents as “equal members” of the educational “team” in the decision-making surrounding their children and the role of educators in achieving this.

First, university professors have the capacity to make a tremendous contribution as “engaged public intellectuals” (Giroux, 2004) as they highlight injustices and advocate for and with the exploited in a commitment to scholarship grounded in the public good. Through our involvement with the FLP, we have experienced and now advocate a vastly different approach to the conceptualization of professional service as required of university professors. Far from the litany of departmental and college committees that typify service, community engagement in the interest of the under-served supports an investment in the public good, underscoring the commitment to the democracy fundamental to the tradition of public and higher education.

An extension of the advocacy of university professors, particularly teacher educators, entails professional development for pre- and in-service educators that will address both gaps in knowledge as well as attitude that emerged in this study. This includes further education on appropriate assessments of students of diverse language backgrounds and appropriate interpretations of test scores as well as a knowledge base that must extend to the pre-service and in-service education of school psychologists and exceptional student education personnel.

Equating “day dreaming” on unchallenging tasks to evidence of a disability is an alarming simplification of what is clearly a complex educational diagnosis. More research is obviously needed, not merely to identify more accurate and authentic measures for identifying disabilities, but also for teasing out the distinction between problems in language acquisition and a learning disability. This study also underscored the need to support the development of leadership and advocacy skills among teachers who, in this study, appeared to be compliant in their silencing on the CST. General education teachers must find ways

to reclaim their voice in educational decision-making, a path easily forged if they take on the responsibility of informing parents, as the FLP did, to support their decision-making.

Did the intervention of FLP lead to the best outcome for Miguel? Unfortunately, this is yet unclear. The contentious nature of the decision making process precluded collaboration and therefore a critical examination of all perspectives and options for educational programming for Miguel. Ideally, the decision of the CST should be the result of consensus following deliberation of multiple stakeholders committed to the child’s best interest. The intervention of the FLP did not achieve this. The lack of a collaborative stance among the school personnel may well have placed Miguel, Mariana and her other children in permanent—although different—positions of marginalization, ironically because of her refusal to accept her marginal position. Both the FLP and Mariana will have to work extra hard to establish a partnership with the school and the teachers.

However, the FLP’s advocacy ensured that Mariana had a voice in the discussions, a position also supported by the translator. The presence of professors at the CST meetings demanded that school personnel had to present credible evidence and support for their positions, something that should have been standard professional practice regardless of who was present at the meetings. Unfortunately, the lack of credible evidence, and the sheer sloppiness of the entire evaluation process, may well have deprived Miguel of additional services that more competent assessment and interpretation might have yielded. The professors advocated for Miguel as they would have for their own children. What remains unclear is whether the school personnel and teachers’ positions and attitudes would have remained the same had Miguel been a professor’s child.

A central facet of the advocacy for Mariana was the curriculum of the FLP designed to help her and her peers understand the central concepts and issues surrounding the decision with which she was faced. This raises several implications with regard to advocacy for the under-served. Literacy is central to empowerment. In this case, Mariana acquired and demonstrated both critical literacy and functional literacy. It also demonstrated that, although difficult and complex, it was possible to present the central issues of this decision making process in simple and comprehensible terms that Mariana and her peers could grasp and act upon.

Furthermore, by making Mariana’s

questions central to the curriculum as well as ensuring that her questions were addressed in the CST, the FLP created the space for her to have a voice without “speaking for” her. While these observations are significant for community educators who work with under-served populations, it would be instructive to envision how teachers could undertake and or support this education of family and community members. Giroux’s idea of the engaged public intellectual applies in this context as well.

Conclusion

This single case study highlights what many advocates for ELLs have already known: the diagnosis of disabilities among language minority populations is fraught with problems. Compounding the diagnostic difficulty is also the manner in which power is constructed and negotiated in the decision making process in which the CST engages. While studies have revealed the dominance of school psychologists and the cross-cultural insensitivity towards culturally under-served populations, few have demonstrated how these power dynamics might be counter-acted.

This study reveals how community educators, including university professors, can advocate to mitigate against the emergent hegemony of CSTs. In so doing, the case study offers a counterpoint for educators (at multiple levels and contexts) to re-think their professional positions as advocates for the under-represented, whom they are committed by law to serve and respect.

In this case study, Dewey’s (1915) much quoted injunction that “What the wisest and best parent wants for his [sic] child that must the world want for all its children” (p. 3) and the notion that “It takes a village to raise a child” are pushed beyond the mere lip service that they are typically accorded. While educators teach these as slogans, they are often hard-pressed to live up to them. Although the pressures of standardization place added burdens on teachers, precluding their ability to provide individualized support of students, the response cannot possibly be to “weed out” students who do not meet the norm into programs where neither they nor their teachers will be held accountable.

Today’s increasingly diverse student population makes it even more difficult for educators to live up to these ideals. Nevertheless, it is the democratic promise of according all students of all backgrounds an equal opportunity to succeed in their

education that makes it even more necessary for educators to strive towards these goals.

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