

Revising Larry P. and African American Student Language Assessments: Clarifications and Updates

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Disclosure Statement

Relevant financial relationships and relevant non-financial relationships

I have the following relevant relationships in the products or services described, reviewed, evaluated or compared in this presentation

Financial

- I am receiving financial compensation from CSHA as an invited speaker for this presentation.
- I have previously served as a paid research and/or test bias consultant for the DELV-NR and some of the other tests that may be discussed as part of this presentation.
- I have previously received honorariums as the author for some of the publications mentioned in this presentation (Wyatt, 2012; Wyatt, 2015)

Non-financial

- I have served on two of the CSHA Larry P. task force committees (1992, 2001) discussed in this presentation. I served as the chair of the 2001 task force.
- I am an author/co-author for other publications not already mentioned for which there was no compensation (Wyatt, 1993; Wyatt, 1995; Wyatt, 1997; Wyatt, 2002; Wyatt & Seymour, 1990; Wyatt & Dabney, 1992; Langdon & Wyatt, submitted)

PART 1

LARRY P. VS. RILES COURT CASE: IMPLICATIONS FOR ASSESSING AFRICAN AMERICAN STUDENTS IN CALIFORNIA PUBLIC SCHOOLS

Historical Overview

1. In 1979, a group of African American parents in San Francisco filed a class action lawsuit against the state of California charging that the administration of culturally biased standardized IQ tests had resulted in the following: a) a disproportionate number of African American children being labeled as having intellectual disabilities and b) disproportionately higher rates of African American children being placed in classes for children with intellectual disabilities.
2. Based on evidence presented, the court ruled against the use of standardized IQ tests with African American children for determining eligibility for placement in classes for children with intellectual deficits or their substantial equivalent

California Department of Education (CDE) Task Force Guidelines

1. In 1989, the California Department of Education (CDE) formed a special task force to review the Larry P. court ruling and its implications for the special education testing of African American students in California public schools.
2. The task force recommended that the following three questions be asked to determine whether or not a standardized test is appropriate to use for testing an African American student:
 - a. *Is the test standardized and does it purport to measure intelligence (cognition, mental ability or aptitude)?*
 - b. *Are the test results reported in the form of IQ or mental age (MA)?*
 - c. *Does evidence of the (construct) validity of the test rely on correlations with IQ tests?*
3. The CDE legal advisory team also:
 - a. Advised against the use of standardized IQ tests for African American students for all possible special education placement decisions.
 - b. Stated that:
 - i. Parents could not request a waiver to have standardized tests waived and
 - ii. School districts could not give tests and later have the results disregarded if they happen to fall within the range of intellectual disability that would make them eligible for placement in classes for children with this classification.

CSHA (1992, 2001) Larry P. Task Forces

1. Using the same guidelines as those established by the 1989 CDE task force, these two task forces determined standardized speech and language tests that do either of the following to be out of compliance with Larry P:
 - a. Directly or indirectly purport to measure IQ
 - b. Generate IQ or mental age scores
 - c. Rely on correlations with IQ tests to establish validity
2. The second task force also made the following suggestions when attempting to select the most appropriate standardized tests for use with African American children:
 - a. Do not use tests that are in obvious violation of Larry P. and CDE guidelines
 - b. Avoid using tests that fall in a “grey area” (e.g., tests that are validated with other language tests validated with IQ tests)
 - c. Include the use of a caution statement when using a test that falls in the grey area
 - d. Consider using the following whenever test bias influences were possible even when a test is in compliance with Larry P.:
 - i. Administration and scoring modifications when using tests that contain possible test bias
 - ii. Alternative assessment procedures in place of or as a supplement to standardized tests

PART 2

RELATED ISSUES AND CONSIDERATIONS

TEST BIAS

Test Bias and the Speech-Language Testing of African American Students

Historically, the standardized speech and language assessments used with African American as well as other students have been either exclusively or primarily standardized on children from White, middle-class backgrounds who are MAE speakers with African American students typically making up only 15% of the standardization sample (Wyatt, 2015). In addition, even when African American students are included, it is unclear how many of those students are AAE speakers. Information on the dialect backgrounds of standardization sample participants in the past has rarely been reported. In those cases where the information is included, the numbers of non-mainstream/AAE dialect speakers is typically small.

In addition, as detailed in Stockman (2010, p. 29), African American children have historically scored below normative sample averages on norm-referenced standardized assessments used to identify children with language problems, due in part to the fact that

they have not often been included as part of the test's normative sample. Even when they have been included, there are a number of research studies within the field which have revealed below-average scores by these students on some speech and language tests when compared to peers from other cultural and/or dialect backgrounds.

The failure to include sufficient numbers of children from African American and/or AAE dialect backgrounds often results in a number of different test bias influences (Wyatt, 2015) including but not limited to:

- 1) ***Linguistic bias*** which can occur when assessing speech sounds that are produced differently in AAE when compared to MAE norms and/or assessing speech sounds that can be variably deleted in some word positions according to the rules of AAE
- 2) ***Situational bias*** which can occur whenever there is a mismatch between the language socialization experiences and communication expectations of the cultural community in which a child is raised and those of the SLP (e.g., minimally responding to adult queries and/or being succinct in verbal responses providing only the information being requested without elaborating in accordance with the norms of traditional African American community adult expectations)
- 3) ***Format bias*** resulting from the use of testing formats or procedures that are less frequently used in children's home community experiences such as known information questions.
- 4) ***Value bias*** which can occur whenever there are potential differences in how a child might respond to a question (e.g., "What should you do if...?" Or "What should you do when...?") based on their home, community and life experiences which differ from the experiences of the majority of children involved in a test's standardization process.

FEDERAL AND STATE REGULATIONS

Federal Regulations

The Individuals with Disabilities Education Act (IDEA), P.L. 101-476 originally passed in 1990 and re-authorized in 2004 (with additional finalized regulations added in 2006) resulting in the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) has a number of provisions relevant to the special education assessment and eligibility determination for African American as well as all students. *See Appendix B.*

California State Educational Code Regulations

Following the re-authorization of IDEA, many state educational code regulations were updated to bring them into better alignment with federal mandates. The following are examples from California's current educational code regulations:

1. To be eligible for speech and language services and qualify for those services as a child with a language disorder, the student:
 - a. Must demonstrate “difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance” (*Sec. 56333-56338, § 1*)
 - b. Display a “language performance level that is significantly below the language performance level of one’s peers” (*Sec. 56333-56338, § 5*)
 - c. According to California’s Code of Regulations (CCR) Title 5, Section 3030 (Eligibility criteria), in order for students to meet the criteria for language disorders, they must meet either of the following:
 - i. Students must meet *either* of the following:
 1. “Score at least 1.5 standard deviations below the mean, or below the 7th percentiles, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development” morphology, syntax, semantics, or pragmatics.
 2. “Score at least 1.5 standard deviations below the mean or score below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests” in the above mentioned areas of language development *and* “...display inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances.”
 - ii. “*When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan.*”
2. See *Appendix B* for additional regulations with respect to the determination of students for special education eligibility and placement.

PROFESSIONAL BEST PRACTICE GUIDELINES

Bilingual Child/English Language Learners

There are a number of assessment frameworks and models that have been proposed for assessing the speech and language skills of children from CLD backgrounds. Examples developed primarily for the assessment of children from bilingual language backgrounds include those proposed by Cheng (2002), Roseberry-McKibbin (2014), Lewis, Castilleja, Moore, & Rodriguez (2010).

African American English Child Speakers

Recommendations and guidelines similar to those for bilingual child/English Language Learners have been proposed for assessing the speech and language skills of African American English child speakers. As one example, Wyatt (2015) recommends that clinicians:

- Minimize test bias by using tests that:
 - Are primarily standardized on AAE speakers
 - Accommodate possible dialect differences
 - Are developed with input from test bias review panels
 - Focus on language universals and non-dialect specific language abilities
- Use modified scoring based on AAE vs. Mainstream American English (MAE) standards
- Use dynamic assessment and process-dependent measures
- Supplement formal testing with language sampling analyzed based on norms appropriate for AAE speakers and curriculum based/portfolio assessments
- Use parent interviews as a key source of assessment data
- Incorporate relevant medical and/or health history information
- Analyze focusing on dialect neutral/universal aspects of language performance and/or dialect-specific criteria based on child AAE developmental language research study outcomes, results and findings

Summary of Recommended Best Practices for CLD Clients

Collectively, the following represent a summary of best practices based on the above listed models/frameworks, existing federal regulations, and state (educational code) regulations as well as professional association guidelines (e.g., ASHA):

1. Obtaining assessment data/information from multiple sources including information from parents, other family members and teachers
2. Using informal (e.g., speech-language sampling) as well as formal assessments that accommodate and/or adjust for possible other dialect/language influences
3. Using alternative assessments that minimize the effects of language and cultural differences including but not limited to: non-word repetition tasks, dynamic or incidental language learning tasks that are more process vs. knowledge dependent and curriculum-based/portfolio assessment measures
4. Using test administration and scoring modifications keeping in mind that test scores should not be reported unless the modifications used are considered to be acceptable according to the test manual
5. Using descriptive, criterion-referenced summaries of test performance in those cases where test scores cannot be used
6. Supplementing formal and informal assessments with information from:
 - a. A thorough case history interview that focuses on language abilities in all languages spoken and understood by clients who speak and/or are exposed to more than one language
 - b. Medical and health history documentation/reports with special attention to information about a client's birth history or medical conditions such as

- hearing impairment, neurological conditions (e.g., previous stroke) that may put them at risk for normal speech and language development
- c. Previous diagnostic testing and/or therapy reports
 - d. Relevant academic/educational records that provide information about the impact of the client's communication difficulties on their current level of communication functioning/existing academic standards including information from RTI-based progress monitoring of a child's response to previous interventions (e.g., Tier 1 and Tier 2 interventions such as classroom modifications, small group interventions)
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SPECIAL EDUCATION DISPROPORTIONALITIES AND DISPARITIES

A key focus of the original Larry P. v. Riles court case was to address the disproportionate placement of African American students in classes for children with intellectual disabilities compared to students from other ethnic-racial backgrounds. When IDEA was re-authorized, a number of new regulations were added to minimize disproportionality in the number of children from differing ethnic/racial backgrounds referred for special education services and/or inappropriately placed in certain special education settings.

The basis for these provisions came from a number of research studies conducted by the U.S. Office of Civil Rights involving a representative sampling of school districts that examined the racial-ethnic and gender demographics of children labeled and placed in special education settings from the late 1990s through 2000.

The following are just some examples of findings from these studies that revealed disproportionate placements and special education labeling.

- 1) Research by Parrish (2002) found that the likelihood ratio for African American students (compared to their White counterparts being identified as having certain special education labels) was considerably higher for some categories such as the category of "mental retardation" (intellectual disability) where African American students were **2.88** times more likely to be labeled as such compared to their counterparts. They were also **1.92** times more likely to be labeled as having emotional disturbance.
- 2) Research by Oswald, Coutinho, & Best (2002) revealed that American Indian males were **1.66** times more likely to be placed in special education compared to White females. American Indian females were **1.21** times more likely to be placed.
- 3) Research by Fierros & Conroy (2002) revealed ethnic-racial disparities in special education classroom placements for "substantially separate" (out of the regular classroom 60% of the time) vs. "inclusive" settings (out of the regular classroom less than 21% of the time):

- a. Substantially separate: Whites (16%), Hispanic (28%), African- American (33%)
- b. Inclusive: Whites (55%), Hispanic (43%), African-American (37%)

Examples of newly added regulations that attempt to address these issues:

- 1) States have “policies and procedures to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment...”[34 CFR 300.173].
- 2) States receiving federal funding under this act have some type of mechanism for monitoring special education placements for evidence of disproportionality. Examples of data collected by the California Department of Education (CDE) to track and monitor compliance at the state, county, district and SELPA levels can be found by going to the following website and clicking on the “Dataquest” link.”

<http://www.cde.ca.gov/ds/>

Recent research continues to reveal evidence of disproportionalities in the identification of children with special education needs including speech and language services. As one example, a study by Morgan et. al. (2016) that involved the analysis of a nationally representative data set from an early childhood longitudinal study maintained by the U. S. Department of Education revealed that Black children were less likely to receive speech/language services compared to White children at 24, 48, and 60 months. Children from low socioeconomic backgrounds were also less likely to receive services.

THE RELATIONSHIP BETWEEN COGNITION AND LANGUAGE TESTING

In the past, communication services have sometimes been inappropriately denied on the basis that an individual’s communication abilities were not commensurate with their level of cognitive functioning. This practice, referred to as cognitive referencing and the use of language/cognitive discrepancies began to be called into question during the 1990s. The use of cognitive referencing for making eligibility decisions was questioned on the basis of factors such as measurement concerns (e.g., measurement error, test reliability, cultural and linguistic bias) as well as theoretical concerns about the relationship between cognition and language such as the fact that language can exceed cognitive level and the fact that it is possible for individuals with cognitive challenges to still make progress in communication intervention. (American Speech-Language-Hearing Association, 2004).

According to the National Joint Committee for the Communication Needs of Persons with Severe Disabilities (2002), “eligibility determinations based on a priori criteria violate recommended practice principles by precluding consideration of individual needs.

These a priori criteria include, but are not limited to: (a) discrepancies between cognitive and communication functioning...” (p. 61).

The use of discrepancy formulas was also addressed with the re-authorization of IDEA. Under new IDEA regulations, agencies are no longer required to use discrepancies between IQ and MA as criteria for determining certain special education categories such as learning disability. Specifically, new regulations state that the determination of whether or not a child has a specific learning disability must not require the use of a “...discrepancy between intellectual ability and achievement...” [Sec. 300.309]. Educational agencies must instead permit the use of a process based on the child’s response to a scientific, research-based intervention.

Collectively, the types of changes further support the de-emphasized use of cognitive assessments for determining language disorder and therapy needs of all children, including children from African American backgrounds. While this has advantages for minimizing inappropriate labeling of intellectual disability, there is also the double-edged challenge of accurately identifying African American children as eligible for enrollment in programs for gifted and talented students.

According to Mills (2015), African American children have been historically under-represented in gifted programs within the U.S. According to 2004, 2005, 2006 and 2011 data from the National Center for Educational Statistics (as cited in Mills, 2015), African American children comprise 22% of children classified as having a disability compared to 8% of the general public school population. However they only represent 3.6% of children being educated in gifted education classrooms. Teacher referrals according to Mills, serve as a key mechanism for educational referrals however, research by Ford (as cited in Mills, 2015) reveals that teachers consisted under-refer African American students for gifted education screenings. The focus of Mills’ research study was to investigate the potential value of least biased standardized speech-language assessments and informal assessments (narrative analyses) to address this issue. This research underscores the need for identifying culture fair assessments that can accomplish goals such as this as well.

PART 3

SELECTING TESTS TO COMPLY WITH LARRY P.

When reviewing tests for compliance with Larry P., it is recommended that clinicians working with African American students in California public schools use the three test review criteria and questions developed by the CDE and recommended by the CSHA (1994, 2003) Larry P. task force position papers.

Criteria #1: Does the test purport to directly or indirectly measure IQ?

Review procedure: Read through the first few pages of the examiner's manual for a description of the test's stated purpose. Use tests that are described as measures of speech and language and do not purport to measure IQ. Avoid the use of tests that suggest a close relationship between scores on the test and cognitive ability.

Criteria #2: Does the test generate IQ or mental age scores?

Review procedure: Look at the scoring protocol and scoring procedures section of the examiner's manual for a summary of the types of scores that are generated. Do not use any tests that generate mental IQ or mental age-equivalent scores.

Criteria #3: Does the test rely on correlations with IQ tests to establish validity?

Review procedure: Review the section of the examiners manual that addresses test validity. Look for the list or names of tests that were used to establish validity.

- 1) Avoid tests that attempt to establish any form of validity, particularly construct validity, using any version of a standardized intelligence tests such as the Weschler Intelligence Scale for Children-III, Stanford-Binet Intelligence Scale and Kaufman Adolescent and Adult Intelligence Test.
- 2) Look for tests that attempt to establish validity using other methods such as:
 - a. Correlations between subtest and composite scores
 - b. Factor analyses that determine how well testing outcomes from standardization sample data corresponds to a proposed theoretical model of performance (goodness of fit)
 - c. Measures of internal consistency such as the relationship between individual test items and performance on the entire test
 - d. Concurrent validity through correlations with other language tests
 - e. Clinical validity studies comparing the test performance of children from different clinical populations (e.g., children with normal language vs. children with language disorders, developmental delay, autism, specific language impairment, reading disability) to determine the predictive power, sensitivity, and specificity of a test

Remaining Questions include whether or not a test violates Larry P if:

- 1) It is validated against another test that was validated with a standardized IQ test.
- 2) It is described as a measure of cognitive processing abilities or any aspect of cognitive processing such as language memory, working memory, or executive function.

Closing Remarks

- 1) It is up to individual clinicians to decide for themselves using their own professional judgment and a review of recommended CDE Larry P. criteria whether the tests they plan to use are in compliance and/or out of compliance with Larry P.
- 2) Even when tests appear to be in compliance with Larry P., it may still be culturally and/or linguistically inappropriate given a student's cultural background/experience and dialect exposure if it differs from that of a test's standardization sample. After reviewing tests for compliance with Larry P., be sure to review as well for possible cultural and linguistic test bias influences.

PART 4

A CASE STUDY REVIEW

The following is an example of how Larry P. court ruling and subsequent CDE/CSHA recommendations might be taken into account when assessing the language skills of an AAE child speaker with possible communication disorder. This case study is taken from a manuscript that has been submitted for publication co-authored by Dr. Henriette Langdon. It is in part based on a real life child client previously assessed by Dr. Langdon. I wish to extend my gratitude to Dr. Langdon and to Publishers for providing the permission for this case study to be used as part of this CSHA presentation.

Child Case Study Profile

CD is a 7 year- old African-American girl attending first grade. Her teacher reported that she is well mannered, gets along well with other children, but has difficulty attending, following directions and understanding lessons. She raises her hand, but her responses are often incorrect. Her academic progress lags compared to that of other children.

CD's developmental history is unknown. She was recently adopted by birth parents that are not African American. Prior to coming to live with this family, she had been placed in two different foster homes and has moved schools twice since attending Kindergarten. Her adoptive mother states that CD seems to try but she also notices that she is behind academically. CD has only been with her new family for 6 months and according to her adoptive mother speaks very little at home although she tries to be communicative. The school has offered some interventions during three months and her adoptive mother has tried to work with her at home, but progress has been slow. Her mother also reports that she has tried to work on her child's English communication skills so that her daughter speaks "correctly" using "proper English." The community that CD now lives in with her adoptive parents is a predominantly middle-class, mainstream American English speaking White community. CD's parent has requested an assessment because she feels CD needs more specialized and intensive intervention.

Assessments

CD was assessed using the following two formal tests: *Diagnostic Evaluation of Language Variation, Norm-Referenced* (DELV-NR, 2005) and *The Oral Language Scales Test – II (OWLS-II)* "Listening Comprehension and Oral Expression Scales." a language sample was obtained during conversation and narrative retell using a wordless book, *One Frog Too Many* (Mayer & Mayer, 2003). CD was also observed in the classroom for 30 minutes during math instruction. The results of the tasks administered appear in the following table.

Table: Tasks Administered and Results

TASK	Description
<p>Observation Classroom</p> <p>Observation during the assessment</p> <p>Conversation and Narrative</p>	<p>CD was one of 20 children in her class seated at four different tables. Mrs. G. asked the students to solve some addition and subtraction written problems. Students volunteered to give their answers and were asked about the different strategies they used to obtain those answers. CD followed the flow of the class, but she often turned to her neighbor and copied her answers. She raised her hand one time to give an answer but could not tell how she solved the problems. Mrs. G had to provide her with prompt to explain her thoughts. CD seemed to have a puzzled look on her face.</p> <p>CD was very compliant and followed directions willingly. She appeared to do her best. However, she needed extra time to answer questions, and occasionally it was not certain that she had understood what was asked of her.</p> <p>CD conversed easily and appeared to understand the comments and questions made by the examiner when she was talking about her family, her favorite past times, and her cat. However, her answers were short and she did not elaborate much on what she said. The same comments had been shared by her adoptive parent.</p>
<p>Language Sampling Transcription</p>	<p>(<i>Talking about her cat</i>). She is play with¹ me then I play catch with her. She likes to play her cat toys, like the jungle gym. She likes with socks. They rip.</p> <p>(<i>About her baby brother</i>). I got a baby brother. He does smile. My aunt feeds him, he likes baby food. My cat lick² my baby.</p> <p>(<i>What she likes to play with</i>). I likes³ with toy Barbie dolls. Like to play baby alive dolls, I got that for Christmas.</p> <p>Excerpts from the wordless book" He is smiling because he see² a present. And he's opened and there was something inside it.</p> <p>It was a little frog and the frog was mad because there was a little frog, that's why. The frog had fun with the little frog. Then the frog bit³ the frog and the boy got mad from⁴ the big frog. Then the turtle was taking the frog home because the big frog was still mad at the little frog. Then the boy was waiting around and the dog was walking around."</p> <p>CD could render a general idea of the story, which was a conflict between two frogs because a little frog joined a family of pets. She did record a dialogue between the characters, their feelings and reactions to one another. Her narration included some repetitions and some unnecessary details, but this aspect did not interfere with the flow of the story.</p>

	<p>In addition, CD produced a number of grammatical differences that could potentially be associated with normal AAE or other non-mainstream American English influences such as absence of the 3rd person singular “s” marker in the phrases “he see¹.” and “he lick¹...”). She also displayed overgeneralized use of this inflectional marker in the first person context as in “I likes ³ with toy Barbie dolls.” According to previous research by Myhill and Harris (1986), young AAE speakers in Philadelphia frequently used this marker (which they refer to as the verbal “-s” marker within narrative past contexts.</p> <p>It is equally important to note that there were some grammatical differences that where forms were either omitted or used incorrectly that cannot be as easily attributed to normal AAE suggesting possible underlying disorder-based differences. Examples include incorrect use of the preposition “from” vs. “at” (...got mad from⁴). Errors involving prepositions frequently distinguished the language productions of AAE child subjects with language disorders from those without in a research study by Seymour, Bland-Stewart, and Green (1998).</p> <p>Differences were also noted in the phrase “is play with¹” It is not clear whether CD is substituting “is play with” for “plays” or omitting the present progressive “-ing” marker. If the latter is the case, it is important to note that omission of this marker is not a normal form of AAE although the present progressive “-ing” marker is sometimes produced as “-in.” Stockman (1996) noted the frequent absence of this marker as one of the distinguishing features produced by an African American subject in her study with a language disorder. Stockman used these findings to propose present progressive “-ing” as a common minimal core feature of English dialects.</p> <p>CD also omits the entire verbal phrase “to play” or incorrectly adds the preposition “with” in the sentence “I likes ³ with toy Barbie dolls,” neither of which are considered to be normal AAE according to research by Seymour et. al. (1998), Stockman (1996) and others.</p>
<p>The <u>Oral Language Scales Test – II (OWLS-II)</u> “Listening Comprehension and Oral Expression Scales”</p>	<p>The <u>OWLS-II</u> Listening Comprehension (LC) scale measures oral language reception, which is the understanding of spoken language. The examiner orally presents increasingly difficult words, phrases, and sentences to the student who then responds by pointing to or stating which of four pictures is correct.; The Oral Expression (OE) scale measures oral language expression, which is the use of spoken language. The examiner presents a verbal prompt along with a picture and the student must respond orally to the prompt with</p>

	<p>increasing difficult language. The following scores were obtained: Listening Comprehension:</p> <table><tr><td>Raw Score: 41</td><td>Standard Score: 64</td><td>Percentile: 1</td></tr></table> <p>Oral Expression:</p> <table><tr><td>Raw Score: 42</td><td>Standard Score: 78</td><td>Percentile: 7</td></tr></table> <p>Oral Composite:</p> <table><tr><td>Standard Score: 69</td><td>Percentile: 2</td></tr></table> <p>Results of the OWLS-II show that CD appears to have significant difficulty in understanding various sentence and grammatical forms as well as concepts. Difficulty in processing what was said is one of the essential difficulties noted. Repeating the information and stating it slower was not a helpful strategy in improving CD’s performance. She had difficulty detecting the difference between singular and plurals, was unsure about verb tense when irregular verbs words were used, was unsure of concepts like <i>right</i> and <i>left</i>, <i>before</i>, <i>middle</i> and <i>without</i>. CD had difficulties formulating questions, using pronouns (differentiating <i>herself</i> and <i>himself</i>); using comparatives and superlatives even when modeled and using passives.</p>	Raw Score: 41	Standard Score: 64	Percentile: 1	Raw Score: 42	Standard Score: 78	Percentile: 7	Standard Score: 69	Percentile: 2										
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Standard Score: 69	Percentile: 2																		
<u>Diagnostic Evaluation of Language Variation Norm-Referenced (DELV-NR)</u>	<p>The DELV enables the examiner to differentiate between language delay and disorder in children who speak a variety of American English dialects regardless of dialect background. varietal English dialects. It is appropriate for children aged 4 years, 0 months through 9 years, 11 months. The four parameters of language assessed include syntax, pragmatics, semantics, and phonology. Following are the results of each subtest: 1) The Syntax subtest included the three subdomains: <i>WH-Questions</i>, <i>Passive Items</i>, and <i>Article Items</i>; 2) The Semantics subtest comprises four subdomains: <i>Verb Contrast</i>, <i>Preposition Contrast</i>, <i>Quantifiers</i>, and <i>Fast Mapping</i>; 3) The Pragmatics subtest comprised three subdomains: <i>Communicative Role-Taking</i>, <i>Short Narrative</i>, and <i>Question Asking</i>. The Phonology domain measures CD’s production of phonemes in the context of repeating sentences read by the examiner. Results:</p> <table><tr><th>Domain</th><th>Scaled Score</th><th>Percentile</th></tr><tr><td>Syntax</td><td>6</td><td>9</td></tr><tr><td>Semantics</td><td>5</td><td>5</td></tr><tr><td>Pragmatics</td><td>5</td><td>5</td></tr><tr><td>Phonology</td><td>24</td><td>Band 27-100</td></tr><tr><td>Composite Standard</td><td>75</td><td>4</td></tr></table>	Domain	Scaled Score	Percentile	Syntax	6	9	Semantics	5	5	Pragmatics	5	5	Phonology	24	Band 27-100	Composite Standard	75	4
Domain	Scaled Score	Percentile																	
Syntax	6	9																	
Semantics	5	5																	
Pragmatics	5	5																	
Phonology	24	Band 27-100																	
Composite Standard	75	4																	
Informal assessment	<p>CD could say the alphabet in order only if she sang the song. She could read some simple sentences but was unsure about the difference between sounds and letters. An informal dynamic assessment task that consisted of teaching her CVC words with a given vowel was helpful in helping her decode others that had the same configuration- for example, “the cat sat on the mat”.</p>																		

PART 5

CULTURAL-LINGUISTIC DIVERSITY WITHIN THE AAE SPEECH COMMUNITY

Similar to research involving adults, research involving AAE child speakers has found considerable differences between AAE speakers in the extent to they use the dialect (e.g., dialect density) based on factors such as gender, socio-economic status/class, age, cultural identity, language identity, and geographical region of residence. Similar to adult speakers, children will also vary their use of dialect (e.g., code-switch or style-shift) dependent on the dynamics of the speaking situation. All of these factors play an important role in the extent to which dialect plays in the speech-language testing performance of children who are racially classified as being African American. These factors need to be carefully taken into account when making decisions about the selection of tests, analysis of test findings and differential diagnosis of normal dialect difference vs. disorder. The following is a list of authors and titles of published research and/or texts focusing on the variation of dialect by individual speakers and within the AAE speech community. The complete citation for each can be found in the references list.

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PART 6

DISCUSSION AND DIALOGUE:

California Association of School Psychologists (CASP) Recent Position Papers on Larry P. and the Assessment of African American Students

As part of this discussion, we will be reviewing the following documents posted to the California Association of School Psychologists website as they pertain to Larry P., the assessment and the academic achievement of African American students. The links to these documents are provided below so that workshop participants can download and review these documents in advance of this presentation.

Document #1

Letter dated 12-13-17 to State Superintendent of Public Instruction

Re: Ban on administering intelligence tests to African American Students

Written by CASP 2017-2018 President (Pedro Olvera)

<https://casponline.org/pdfs/publications/larryp/casp%20letter%20to%20cde.pdf>

Document #2

“California Association of School Psychologists Position Regarding African American Student Achievement and Success”

Approved by CASP Board of Directors, December 11, 2017

<https://casponline.org/pdfs/publications/larryp/1.%20Regarding%20African%20American%20Student%20Achievement%20and%20Success.pdf>

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APPENDIX A

AFRICAN AMERICAN ENGLISH: AN OVERVIEW

What is African American English?

- African American English (AAE) is an American English dialect that differs to some extent with respect to grammar phonology, and prosodic stress/intonation patterns from Mainstream American English (MAE) as well as other regional and social dialects within their U.S. Although there are patterns of difference, the vast majority of grammar and phonological features are shared with other American English dialects.
- Other terms that have been used to refer to this dialect include: “African American Vernacular English,” “African American Language,” “Ebonics,” “Black English,” “Black English Vernacular,” “Africanized English.”

Who Speaks It?

- Typically spoken by African Americans who have grown up in homes and communities where the dialect is spoken on a widespread basis in communities that have had less exposure to MAE. It can also be spoken by:
 - *Middle and upper-class African Americans that are predominant MAE speakers*
but who have had regular exposure to the dialect on an ongoing basis throughout their personal, social and/or professional lives and who feel comfortable code-switching into the dialect on occasion depending on who they are speaking to, the topic and/or the speaking situation
 - *Non-African Americans* who reside in communities where the dialect is widely spoken, who operate on a frequent basis within social networks and contexts where the dialect is used on a regular basis
- The extent to which the dialect is used by individual speakers will vary dependent on a number of factors such as degree of dialect exposure, attitudes toward dialect use, ethnic/cultural identification, degree of assimilation/acculturation, social networks, occupation/career aspirations

AAE Grammar

1. AAE, similar to other American English dialects is both similar and different to other mainstream and/or non-mainstream varieties of English. For example, similar to MAE and other American English dialects, articles are required in AAE and adjectives precede the nouns that they modify.
2. There are also some aspects of AAE that are not typically found in other English dialects such as *preterite* “*had*.”
3. The following are additional examples of grammatical forms, structures and rules that are similar to MAE but differ in frequency of use. These forms can be

variably absent (zero marked) or present (overtly marked) in AAE in contrast to MAE where they are obligated to occur 100% of the time in adult speech:

- Auxiliary “do” (“How [do] you do this?”; “Where [does] this go?”)
 - Auxiliary “have” (“I [have] been there before”)
 - Past tense “-ed” (“He kiss[ed] her yesterday”)
 - Plural “-s” (“...five cent[s]”)
 - Possessive “-s” (“Then the baby jumped on the mamma[‘s] bed”)
 - Third person singular “-s” (“My mom make[s] them for me)
 - Copula/auxiliary “be” (“He [is] a cry baby;” “She sittin’ over there”)
4. The variable frequency in the absence/presence of these forms has been found to be related to systematic rule-governed linguistic influences such as grammatical and phonological context. For example, Labov (1969) and Wolfram (1969) studied the effects of linguistic context on the variable features such as the copula in adult and older child AAE. These researchers were able to identify a number of linguistic factors that determine whether or not absence or presence is likely to occur. Some of their findings are as follows:
- a. The copula is more likely to be absent:
 - 1) *Following pronoun vs. noun subjects* (“He a boy” vs. “John is a boy”)
 - 2) *Preceding locative and adjective vs. noun predicates* (“She at home” and “She little” vs. “She is a student”)
 - 3) *Following voiced vs. voiceless consonants* (“Her bag over there” vs. “Her books over there”)
 - 4) *Preceding consonant vs. vowel sounds* (“Where the snake at? vs. “There’s a snake over there”)
 - 5) *In second person singular and plural (“are”) vs. third person (“is”)* singular contexts (“They [are] sick” vs. “He/she is sick”)
 - b. Similar to S/MAE, the copula is obligated in the following contexts:
 - 1) *In first person singular “-am” contexts* (“I am five”)
 - 2) *Following “it/that/what” subjects* (“That’s a dog”)
 - 3) *In clause final position* (“I know what that is”)
 - 4) *In emphatic utterances* (“Yes it IS a pencil”)
 - 5) *In past tense “was/were” contexts* (“It was a good party last night”)
5. The following are examples of grammar differences that can be evident in the spoken and written language of AAE child speakers
- Differing productions of irregular past tense verbs:
 - “Then he tell him bye” (non-inflected irregular past)
 - “I had went there before” (preterite had)
 - “I seen that before” (past participle for simple past)
 - Regularization/over-generalization of:
 - Irregular past (“I drinked it up”)
 - Irregular plurals (“The mens are standing up”)

- Addition of “-es” plural marker to words ending in “-sk,/-st/sp” Possessive “-s” (“It’s mines”)
- Non-inflected irregular third person singular (“Yes it do go like that”)
- Nonstandard subject-verb agreement (“They was over there”)
- Nonstandard relative pronouns (“That’s the one what I was tellin’ you about”)
- Non-inversion of auxiliary verb in direct “wh” questions (“So what you would say?”)
- Auxiliary verb inversion in embedded questions with omission of “if” or “whether” (“He asked his teacher could he go home?”)
- Go copula (“Here go a cat right over here”)
- “I’m a” for future “going to/gonna” (“I’m put this one here”)
- Double modals (“I might could do that tomorrow”)
- Quasi modals such as “liketa” and “sposeta” (“I liketa died,” “You sposeta do it like this”)
- Double-marking of the past tense/past participle suffix for a small subset of words (“light-skinned,” “lookted”)
- Indefinite “a” vs. “an” (“That’s a apple”)
- Pronominal apposition (“Then the girl, she took it to school”)
- Different reflexive pronouns (“The dad did it all by hisself”)
- Use of subject pronoun “they” for possessive “their” (“That’s they books”)
- Pronoun extension (“My brother and him like to fish”)
- Object pronouns as personal datives (“I’m get me one too”)
- Existential “it” (“It’s a fly in there,” “It was a lot of stuff happenin”)
- Negatives:
 - “He don’t know nobody”
 - “Can’t nobody beat him”
 - “She ain’t tell her”
 - “This ain’t no Mickey Mouse”
 - “He ain’t seen her in awhile”
- Tense-aspectual markers/forms
- Aspectual/habitual “be” (“She be sick like that all the time”)
- Remote past “been” (“I been had this dress”)
- Remote past perfect “been” (“They had been ate for awhile now”)
- Remote past resultant state (“They been done gone since last week”)

AAE Phonology/Prosody

1. There are also some speech pronunciation differences, when compared to MAE, that can be produced by child as well as adult AAE speakers. Similar to grammar, some of these pronunciation patterns are similar within other non-mainstream American English dialects. Examples include:
 - a. Substitution of sounds such as d/ð in initial word position or sometimes v/ð in medial position
 - b. Pronunciation of present progressive “-ing” as “-in”
 - c. Pronunciation of “str-” cluster as /skr/ in words like “street”

- d. Absence of sounds in certain word positions such as
 - Final postvocalic /r/ (“doo[r]”)
 - Postvocalic /l/ (“he[l]p,” “ba[l]”)
 - Final /n/ with nasalization of preceding vowel (“mã[n]”)
 - The final consonant in final consonant clusters
 - e. Devoicing of final voiced sounds such as the final /d/ sound in “bed” or “g” sound in “frog”
 - f. Dropping of initial unstressed syllables (“cuz” for “because,” “fraïd” for “afraid”)
 - g. Differing pronunciation of certain words (e.g., “conversate,” for “talk/have a conversation” “pronunciate,” for “pronounce,” “aks” for “ask”)
2. Previous research has revealed that some of the above listed speech sound omissions, similar that what is observed in AAE grammar, can be variably absent in AAE in certain phonetic contexts:

- a. Final consonants can be absent in final consonant clusters (“tes” for “test”)

Wolfram & Schilling-Estes (2006) note that similar to other American English dialects, the final consonant of final clusters in AAE are more likely to be reduced: a) when followed by consonants vs. vowels (“mist that appeared” vs. “mist on the water”) and b) in mono-morphemic vs. bi-morphemic contexts (“mist” vs. “missed”).

- b. Final /n/ with nasalization of preceding vowel (“mã[n]”)
Stockman, Vaughn-Cooke and Wolfram (1982) note that in adult AAE, final /n/ is more likely to be absent than /m/, /n/ is more likely to be absent than /ŋ/ and all nasals are more likely to be absent before consonants vs. vowels.

- c. Final alveolar stops /p, t, k/
Stockman (2006) investigated patterns of final stop consonants in the speech samples of young African American children between the ages of 32 to 36 months who resided in homes where AAE was spoken and in communities where they were likely to be exposed to AAE in the surrounding community where African Americans made of 70% of the city’s population. Children’s production of final voiceless /p, t, k/ was analyzed in words that ended in: a) single final consonants (e.g., “cup,” “cat,” “cook,”), b) Monomorphemic clusters (eg., “jump,” “want,” “sink”), and c) bimorphemic clusters (eg., “cups,” “cats,” “cooks”). Results revealed that final /t/ was present less often than final /p, k/. Results also revealed that all three stops were deleted more often when they preceded consonants than vowels at word boundaries.

3. Other word pronunciation differences (e.g., “aks,” “pronunciate,” “conversate”)
4. Use of differing prosodic patterns in words and sentences such as:
 - a. Primary stressing of initial syllable of words (forestressing) that are typically unstressed in MAE such as “D  cember,” “s  rdines,” “police” (Thomas, 2015)
 - b. Perceptual differences of more varied intonation with higher and more extended pitch range as well the use of a more rising and level vs. falling contour toward the ends of sentences

Vocabulary/Slang

1. Generally speaking, the vocabulary of AAE is the same as English. However, there are cultural differences in the meanings conveyed in mainstream English. Similar to all dialects, differing word use is most evident among younger teenage and young adult speakers who use culturally based slang terms sometimes as either a conscious or unconscious language identity marker.
2. Even though the word “slang” is sometimes used synonymously to reference the vocabulary used by non-mainstream dialect speakers (even among members of the AAE speech community), it is important to remember that every speech community has slang vocabulary including MAE. It is also important to remember that the slang that is used within a given speech community is often age-graded or generational. As a result, some of the slang vocabulary that younger speakers used will differ from that used by older adult speakers of the same dialect. Slang terms change and evolve over time.
3. Examples of slang vocabulary that has traditionally been associated with the dialect include:
 - a. Words such as: “*schooled*” [Smitherman, 1994]; “*ashy*,” “*kitchen*,” “*kinky*,” “*nappy*,” “*saditty/sadiddy*” [Major, Smitherman, as cited in Green, 2002]
 - b. Phrases such as: “*call herself/hisself/theyselves*” as in “Them boys call theyselves playing basketball [Green, 2002]; “*call somebody outa they name*,” “*kick to the curb*” “*peace out*” “*scared of you*” [Smitherman, 1994]; Phrases to reference ways of talking such as “*signifyin’*,” “*playin’ the dozens*,” “*reading*,” “*instigating*” [Smitherman, 1994; Morgan, 1998]
 - c. Verbal/verbal markers referencing an action state such as “*steady*” used to reference an action or process carried out in an intense, consistent and continuous manner (Green, 2002) as in “Ricky Bell be steady steppin...” [Rickford as cited in Green, 2002) and “Her mouth is steady running” [Baugh, as cited in Green, 2002).

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APPENDIX B

FEDERAL REGULATIONS, STATE REGULATIONS and PROFESSIONAL BEST PRACTICE ASSESSMENT GUIDELINES

Federal Regulations (IDEA, IDEIA)

The Individuals with Disabilities Education Act (IDEA), P.L. 101-476 originally passed in 1990 and re-authorized in 2004 (with additional finalized regulations added in 2006) resulting in the Individuals with Disabilities Education Improvement Act of 2004 (P.L. 108-446) has a number of provisions relevant not only to the special education assessment and eligibility determination for CLD students but all students. The following are just some examples:

1. Local educational agencies must not use any single measure or assessment as the sole criterion for determining whether the child has a disability (§300.304 (b) (2))
2. Assessors must use a variety of different tools and strategies to gather relevant functional and developmental information about a child, including information provided by the parent, teacher, and information obtained from classroom-based assessments and observations [*Sec. 300.532(b), 300.533 (a)(1) (i, ii, iii); 300.535(a)(1)*]
3. Professionals must “draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior” [*Sec. 300.306 (c) (1) (i)*]
4. Tests and other evaluation materials used to assess any child must:
 - a. be selected and administered so as not to be discriminatory on a racial or cultural basis
 - b. be conducted in the child’s native language
 - c. measure the extent to which a child demonstrates a true disability vs. their level of language proficiency [*Sec. 300.532(a) (1) (i), 300. 532(a) (1) (ii), and 300.532(a) (2)*]
5. Assessments should be done “...in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally” [*Sec. 300.304 c(ii)*]

California state educational code regulations

1. Following the re-authorization of IDEA, many state educational code regulations were updated to bring them into better alignment with federal mandates. The following are examples from California’s current educational code regulations:
 - a. To be eligible for speech and language services and qualify for those services as a child with a language disorder, the student
 - 1) Must demonstrate “difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance” (*Sec. 56333-56338, § 1*)

- 2) Display a “language performance level that is significantly below the language performance level of one’s peers” (*Sec. 56333-56338, § 5*)
- 3) According to California’s Code of Regulations (CCR) Title 5, Section 3030 (Eligibility criteria), in order for students to meet the criteria for language disorders, they must meet either of the following:
 - a) Students must meet *either* of the following:
 - i. “Score at least 1.5 standard deviations below the mean, or below the 7th percentiles, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development” morphology, syntax, semantics, or pragmatics.
 - ii. “Score at least 1.5 standard deviations below the mean or score below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests” in the above mentioned areas of language development *and* “...display inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances.”
 - b) “*When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan.*”
- b. Similar to federal regulations:
 - 1) A student shall not be determined to be an individual with exceptional needs if the determinant factor is lack of appropriate instruction in reading, lack of appropriate instruction in mathematics, limited English proficiency and if the student does not meet the eligibility criteria under Section 300.8(a) of Title 34 of the Code of Federal Regulations. (*Sec. 56329, § 2*)
 - 2) When assessing for special education eligibility and placement:
 - a) Tests are to be “selected and administered so as not to be racially, culturally, or sexually discriminatory” and “provided in the pupil’s native language...unless it is not feasible to do so” (*Sec. 56320, § (a)*)
 - b) Tests must be provided and administered in the form most likely to yield accurate information (*Sec. 56320, § (a) (1)*)
 - c) No single score or product of scores shall be used as the sole criterion for determining whether the student is an individual with exceptional needs or for determining an appropriate education program for the student (*Sec. 56320, § (e)*)

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APPENDIX C

SAMPLE LARRY P. REPORT WRITING EXAMPLES

Sample 1: Scores from these tests are not reported due to existing California Department of Education (CDE) restrictions against the use of standardized IQ tests with African-American children in California public schools for special education placement decisions. These guidelines apply to tests that either purport to directly or indirectly assess intelligence and/or that attempt to establish construct/criterion validity through correlations with other standardized IQ tests.

Sample 2: Scores from this test are not being reported due to existing California Department of Education (CDE) restrictions that prohibit the use of standardized tests that purport to either directly or indirectly measure any aspect of intelligence, cognition or mental ability with African American children in California public schools for special education placement decisions....