

Educable Mentally Retarded, English-Language Learner, or Ignored?

Clementina: *"I don't want to do no work!"*

The kindergarten teacher referred her! . . . Clementina was referred a long time ago! But the staffing just took place today!? (From Clementina's staffing, May, 4th grade)

When we first met her, Clementina was a demure third grader at an inner-city, predominantly Black school with a growing Hispanic population. She was born in the southeastern United States to Puerto Rican parents and spoke Spanish at home. Although it was not clear what her ESOL level was considered to be, she was in her school's third-grade class for English-language learners, with a Spanish-speaking teacher of Cuban heritage. By the time of her placement conference in the fourth grade, she had been exited from ESOL.

Clementina's school, Beecher Stowe Elementary, was located in a neighborhood considered by many to be "unsafe," with many rundown apartment buildings and industrial warehouses. The grounds were bare, not planted with shrubs and flowers like those of many other schools. Virtually the entire student body received free lunches. School personnel reported that many students came from single-parent homes or lived with someone other than a parent (such as a grandparent), had lost a parent to violence (for example, a shooting), had a close relative who was currently or had recently been incarcerated, had relatives who used street drugs, or had a combination of these factors. School personnel believed they had seen changes in the student body over the years; students had become "angrier" and discipline had become increasingly difficult. Many of the staff members had attended Stowe themselves.

Clementina lived with her mother, named Rosa, and with seven siblings and a nephew (her older sister's infant son). Her father was reportedly in Puerto Rico. We were told that an older brother and an older sister had been in jail for drug dealing. Her aunt lived close by and attended meetings at the

school with Rosa and helped the family in many ways. Rosa herself had never attended school and was illiterate. She did not work, but lived on governmental assistance and stayed home to care for her children. Clementina's teacher told us, "The mother is retarded, and can't even sign her name, and she has eight kids. Clementina's older sister is 14, and now having a baby."

Clementina was absent for weeks at a time because of head lice. Her third-grade teacher told us, "Clementina was out all last week with head lice, and came back today, and was sent home again because she still has them." On another occasion she was not there because she had ringworm and was absent for several days. When asked at her staffing why Clementina was absent from school so often, Clementina's mother, Rosa, replied, "I don't know, she doesn't want to wake up and does not pay attention to me." When it was suggested that perhaps Clementina was sick, Rosa answered, "No, she does not complain of anything."

CLASSROOM OBSERVATIONS AND CONVERSATIONS WITH TEACHERS

Our observations of Clementina in her general education classes suggested that she only occasionally participated in class activities. We noted that the classroom instruction was adequate, though not particularly inspiring. Our overall impression of Clementina was of general disengagement. Each of the following examples is from a different observation during her third-grade year:

- Clementina was sitting at her desk with a passive, blank look on her face while classmates around her wrote in their journals. Her desk was empty. Ms. Gutierrez, her teacher, asked, "What are you writing about?" Clementina responded, "I don't have no journal." The teacher responded, "This is not an art class. You'd better write."
- We went over and checked Clementina's work. She smiled mischievously and confided, "I'm not doing my work." When asked, "Why not?" she answered, "I don't feel like it." She continued to just sit, looking at another student. A few minutes later, she was still sitting at her seat, doing nothing. The teacher ignored her.
- Another student, Floyd, shouted across the room, "Clementina, you got one?" (referring to a times table sheet students were supposed to be using to find the answers to basic multiplication problems). Clementina responded, "I don't want to do no work." Floyd laughed. The teacher scolded, "Floyd, don't laugh. She can do it the same way you are doing it."

- I went over and checked Clementina's paper and saw that she had written the first sentence. I told her, "Good." She pointed to what she had copied from the book and smiled up at me.

Ms. Gutierrez was concerned that Clementina was becoming increasingly restless and even aggressive as the year progressed. She told us that "she has really changed, become very aggressive, and is not the sweet little girl she used to be." By the end of the year she had moved Clementina's desk so that she was sitting apart from her classmates.

We continued observing Clementina the following year, in her fourth-grade general education class. She again was in a class with a bilingual Hispanic teacher, Ms. Carrillo. As in the previous year, the instruction seemed adequate, but not exceptional. We observed much the same pattern of minimal engagement:

- As the teacher pointed to each part of the diagram, the students spoke in unison. Clementina spoke as well, and appeared to be parroting what the others around her were saying.
- As Ms. Carrillo continued to go over the various points of finding the main idea and supporting details/ideas of a paragraph, Clementina looked at her workbook and then placed her head on her workbook. The teacher directed students to read the following story in the book silently. Approximately 3 minutes passed and Clementina still had her head down. "All right, what is the main idea?" the teacher asked. Several students raised their hands. Clementina did not. She lifted her head and began digging around in her book bag and fidgeting at her desk.

Ms. Carrillo was quite frustrated that Clementina had not been retained. In exasperation, she told us:

Last year Clementina got all F's in reading but then she received a C [on her report card]. A D is passing. So she got promoted. I don't know how, for Clementina reads on a first-grade reading level. She is low. . . . The whole process I find very frustrating.

When we asked in December if Clementina would be promoted to the fifth grade, she responded:

I can't say. Let's leave it at that. There is a lot of documentation that is required before a child can be retained. You ask me, she should be retained. She is very low. And when she takes the [state tests] she is

going to be low. There's the issue of accountability and I have a lot of low kids. But when the scores come out, it will be considered my fault that they are so low. Everything is my fault.

FIRST CHILD STUDY TEAM MEETING

Ms. Carrillo's frustration was not surprising when we consider the slowness of the referral process in Clementina's case. Her first CST was held in April of the third grade, yet a year later there had been no progress on her referral.

Clementina's first CST meeting lasted only about 5 minutes. We entered the room at the time the meeting was to start, with the classroom teacher, and noted that someone was interviewing Clementina's mother, in Spanish. The questions all seemed related to language use, and whether Clementina and her sister used Spanish with the mother, friends, and one another. The mother, Rosa, was saying that Clementina and her sister spoke Spanish with her, but English with one another and their friends. They both started learning English when they were 5 and started school. Rosa was not aware that the girls were getting some instruction in Spanish (answering no to this question when in fact the girls did attend pull-out Spanish classes for Spanish speakers).

While this interview was taking place, the assistant principal asked the classroom teacher to sit close to her, and she went over the referral form with her, showing her where she should have written dates and put more information on the form. And then Rosa got up and left, and that was it. There was no group dialogue. No one explained the referral form to Rosa or told her what her rights as a parent were. No one asked her how Clementina was doing at home; no one explained to her how Clementina was doing in school. There was no discussion of prereferral intervention strategies. We asked the classroom teacher afterward if she thought maybe we had missed part of the meeting. She replied that she did not think so; she thought that they rushed through the meeting because they figured the parent would not understand anyway.

PLACEMENT CONFERENCE*

Clementina was evaluated more than a year after her third-grade teacher had referred her. Her staffing took place in May and was attended by a staffing specialist from the district office; the psychologist; the school counselor; the

*The school district used the term *staffing* for the special education placement conference. Other possible names for this meeting include *multidisciplinary team meeting* and *IEP meeting*.

assistant principal; Clementina's fourth-grade teacher; the special education teacher (for the school's self-contained EMH class); Clementina's mother, Rosa; her aunt, Maria; and two researchers.

While we waited in the office for the meeting to start, the assistant principal greeted us and said, "Let's see if she's going to show up today." Rosa and Maria arrived right on time at 9 A.M. "You're here," remarked the assistant principal, adding, "We are not ready to start. The psychologist isn't here." The meeting began at about 9:20, when the psychologist arrived.

As everyone was settling into their chairs around a small table, the staffing specialist asked, "Does Mom need a translator?" The classroom teacher responded, "Yes, I'll do it." While thumbing through Clementina's paperwork, the staffing specialist asked, "Has he always been in this school?" Rosa answered, "Yes, Clementina has been at this school since kindergarten." The staffing specialist continued, "How did he do in kindergarten? What were his grades?" The classroom teacher asked to see Clementina's records. As she looked through the papers, she exclaimed with surprise, "The kindergarten teacher referred her! Clementina was referred at kindergarten!" The staffing specialist responded, "Oh, I'm sorry. I said *he* instead of *she*. She's not a boy. Is this the first time she's been staffed?" She then looked at the assistant principal. The teacher responded, "Yes." The staffing specialist said, incredulously, "Clementina was referred a long time ago! But the staffing just took place today!?" Once again she looked to the assistant principal for a response. The assistant principal replied, "It's because of the bilingual assessment. You know how long those can take. We were waiting for that to be done." The staffing specialist responded, "So the bilingual assessment is what held up the process."

The psychologist shared results from the WISC-Revised:

Nothing remarkable, no mental delays, she smiles when you look at her but she does not speak. She forgets things very easily. The average IQ is between 90 and 109. Clementina's full-scale IQ score is 51. She is in the mentally deficient range. Clementina has limited formal educational skills. She has some letter-word identification—she recognized letters but not words. She is at the kindergarten level.

The classroom teacher confirmed that Clementina was very low. She was able to write her first and last name, but sometimes inverted letters, such as the last letter of her surname. She knew the numbers from 1 to 20 and recognized colors. The staffing specialist asked, "Are there any words that she recognizes in class?" The classroom teacher responded, "I'm sure she recognizes the words *math* and *add*." The psychologist said:

She did 1-digit addition but no subtraction in the math computation segment. She scored 48, kindergarten level. . . . On applied problems,

she was unable to tell time by the hour or count money. She could write letters but not words. On the Bender Visual Motor, her fine-motor-skills score was 52. She may have fine-motor problems. Her vision was tested. It was 20/30 in both eyes. So both her eyes appear to be OK, but not perfect. . . . She has an immature personality.

The staffing specialist concluded, with emphasis, "She is EMR." Although the district's guidelines stipulated that an evaluation for possible placement in an EMR program should include an adaptive-behavior scale, this had not been done. Thus, the multidisciplinary team did not have a complete picture of Clementina's functioning outside school and applied the label of EMR on the basis of test scores and school performance alone. Also, that Clementina was frequently absent and missed weeks of school at a time was not discussed as a possible reason for her being so low. Nor was it discussed that Clementina spoke Spanish as her first language and continued to speak Spanish at home with her mother. Although the assistant principal said that the reason it had taken so long to evaluate her was that the school had been waiting for the bilingual assessment, in fact the results of this assessment were not mentioned at the meeting. We could not find a bilingual assessor's report in her file. Clementina was evaluated in English only, despite the district's policy that students who have recently exited from ESOL should be evaluated bilingually.

The staffing specialist went on to say that Clementina needed to be in a smaller class and would be placed in the school's self-contained EMR class. Rosa was not asked for her opinion about this; rather, it appeared that the decision had been made ahead of time and the purpose of the meeting was to convey information and obtain her written permission for special education placement rather than involve her in the decision-making process. The staffing specialist added that Clementina would receive special door-to-door bus transportation. Rosa and Maria were pleased with this benefit.

While the psychologist was reading Clementina's test results, the special education teacher had been writing the goals and objectives for the IEP. When she finished, she made copies of the IEP and psychological report for Rosa. She asked, "Can they get this in Spanish?" The staffing specialist replied, "No. Our school system has some 80 different languages. We can't possibly provide translation for everyone." The meeting concluded.

FAMILY VIEWS OF THE PLACEMENT CONFERENCE

Although Clementina's mother and aunt did not understand everything that had transpired at Clementina's placement conference, they agreed with the

multidisciplinary team's diagnosis. When we asked Rosa if she understood the term the staffing specialist had used during the staffing to describe Clementina, EMR, she said that she did not. Once it was explained that this meant that Clementina had mental limitations, but that she still could learn at school, the mother responded, "Yes, that is true." Her aunt added:

Yes, she has those problems. . . . She has trouble in learning and also with her memory. . . . She runs a lot, without any reason, laughing and talking nonsense all the time. I was recommending that she [Rosa] should take the girl to see a doctor. I have one grandson who was declared disabled and is under special care. The school evaluated him, the same as Clementina has been, and told me what to do. Right now he is attending special classes. . . . The fact is that kids with this kind of mental trouble need to be under special care. She [Rosa] has to make an appointment with the doctor to take Clementina to the pediatrician so he can refer her to some of these places that give this kind of support. That is where I am taking my grandson, and there you learn how to take care of them. If the school gives you a paper so you can take them to the doctor, then you can get this kind of help.

SPECIAL EDUCATION PLACEMENT

Clementina seemed more comfortable and confident in her new self-contained EMR class than she had been in her general education classrooms. Her attendance improved. Her special education teacher believed that she had been appropriately placed, although she was functioning at a higher level than indicated by her test scores. She shared:

Clementina is one of the smartest in her group. . . . Clementina is a good fit. She will catch up. She's in the fourth grade and for her to be just placed in a program is very sad. She has lost a lot of time. But she doesn't have [bad] behavior. She should catch up by her sixth-grade year. . . . She's not as low as they said. However, she is in math. She reads a lot more words, not just *dog*. She's like at a pre-primer level. In fact, she's in my middle group and she's the smartest one in that group. I tried putting her in the high group, but it was too hard for her.

Her mother was also pleased, noting that she was doing better than previously and liked her new class. She noted, "She gets up earlier and faster. You can tell that she wants to go to school."

Questions

1. Clementina's teachers and family did not disagree with the decision of the multidisciplinary team that Clementina was EMR. So perhaps we should conclude, "All's well that ends well." Discuss whether we have an accurate picture of Clementina's potential and of her strengths and learning needs.
2. How was Clementina affected by not being placed in special education until the end of fourth grade although she was originally referred in kindergarten?
3. Review your local school district's publication describing parents' procedural safeguards. From what you have read, what procedural safeguards were violated in Clementina's case? How might this have affected the outcome?
4. Review the definition for MR. Assessments should include an adaptive-behavior scale, which was omitted in this evaluation. Why do you think this is a requirement for this classification? What potentially valuable information was omitted that would have painted a more complete picture of Clementina's overall functioning, at home as well as at school?
5. Pretend that you are a parent advocate who was contacted to represent Clementina's family at her CST meeting and placement conference. What issues of concern would you raise? Don't forget to address issues related to her family's native language.