

# Critical Questions Regarding the Special Education Process for Culturally and/or Linguistically Diverse Learners

When learners who are Culturally and/or Linguistically Diverse (CLD) are referred for special education it is necessary to use caution so as not to discriminate because of language or cultural differences. The following questions provide a framework for considering the relationship of culture and language to a possible disability as the child moves through the Special Education process.

## Before a formal referral is made to Special Education

*Ask: Is this an appropriate referral? Have we answered the following questions satisfactorily?*

- Has the student had appropriate support, structure, instruction for sufficient time, with enough intensity, to acquire necessary language, academic, and behavioral skills?
- Have we used appropriate accommodations in the classroom?
- Have we considered the child's academic history and personal experiences?

## Before beginning the assessment process

*Ask: Have we considered the important factors to design the assessment?*

- What do we already know? What do we want to learn?
- What are the English language skills of this student? How do we know?
- Which informal tools will be useful? Who will use them?
- Are there appropriate tests in this child's native language? Are the norms appropriate? Does the child require the tests in his/her first language?
- If we will use an interpreter, who will he/she be? Does he/she have the appropriate level of technical language to be able to correctly interpret the assessment? Has he/she been trained in the special education assessment process and interpreting procedures?
- Have parents received notification of rights and procedural safeguards in a language they understand?

## Before determining eligibility for special education

*Ask: Do we have sufficient, unbiased information to make a decision?*

- Can cultural or linguistic factors be ruled out as a primary cause of the student's difficulties?
- Can we document that there is a disability (most likely without the use of standardized test scores)?
- Does the student need special education services to benefit from the general education curriculum?
- Will parents need an interpreter for the staffing?



## Before designing services

*Ask: How will we coordinate to meet the complex needs of this child?*

- What are the language needs of this child?
- Who will be involved in meeting the linguistic and the special education needs of this child?
- How will these folks collaborate?
- Where will services be delivered?
- Who will monitor progress for which areas?
- Have we ensured that parents were knowledgeable partners in decision making and planning?

*This CDE guidance document is meant for clarification, is not legally binding, and is not to be confused with legal advice. This guidance reflects CDE's recommendations, but Administrative Units (AUs) may have developed their own policies or procedures that differ from those described herein. Be sure to refer to your local AU's policies and procedures through the Director of Special Education. If you are seeking legal advice, please contact your legal counsel.*

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