The Larry P. Edition

Dear Readers:

This edition of CASP Today offers the reader a review of CASP’s Spring Conference 2013 proceedings as they related to multi-cultural issues, African American student over-representation in special education, challenges to and directives regarding the Larry P. court case, as well as efforts to provide guidance on how to assess African American and other minority students. Themed Equity, Wellness, and Excellence at School, the conference was held April 17 & 18, 2013, in Sacramento.

We offered a conference strand that focused on the access to high quality psychological services and achievement of African American students where we tried to reach out beyond CASP to the community with our town hall and the CDE with our luncheon speaker. We also reviewed our historical efforts to address the Larry P court case. We discussed current challenges to the Larry P court case and subsequent directives from the CA Department of Education regarding the court case as well as the Diagnostic Center’s of Northern California’s efforts to provided guidance with assessment for all children. We also heard about a district’s successful efforts to address over-representation in special education of minority students. Finally, a review of the CDE directives and guidelines on which court cases to use within the context of our latest conference.

In this edition you will find an update on legislation and legal issues still involving the Larry P. case, reflections on the Spring Conference debate over Larry P. from presenters Dr. James Hiramoto and Dr. Betty Henry, a report on the Multi-Cultural Forum held just prior to the conference, an update and review of Larry P. from the CASP Cultural and Linguistic Diversity Committee, and a report on various Larry P. task forces established by the state Department of Education.

CASP will continue to reach out to parents, schools and legislators to address over-representation of minority students in special education, and will keep you informed of those efforts.

Brandon Gamble
CASP President
2012-2013
CASP Town Hall 2013 Recommendations

Compiled by Brandon Gamble, Ed.D., CASP President 2012-2013

Thanks to:
- Dr. LeOndra Clark, a senate staffer for State Senator Curren Price, for the senator’s proclamation of support
- Dr. William J. Ellerbee, Jr., Deputy Superintendent of the Student Support & Special Services, state Department of Education
- Dr. Fred Balcom, Director Special Education Division, state Department of Education
- Dr. Adeeba Deterville, Bay Area Association of Black Psychologists
- CASP Board Members who facilitated the discussion
- Participants who developed the recommendations
- Cultural Linguistic Diversity Committee who helped conceptualize the event
- CASP staff

My hope is that across the state affiliates can host similar meetings where parents, clinical psychologists, social workers, members of ethnic specific organizations, and school administrators can convene to discuss solutions to the problems of disproportionality. If only school psychologists have the discussion we tend to come back to assessment. However, disproportional placement is not only a special education of school psychologists’ problem to solve and we need to include everyone. I endeavored to put the themes discussed in categories that made sense but welcome ongoing feedback.

Pre-Referral Suggestions
- Pre-referral process: Admin, SP Ed, Gen Ed, parents
- Rti Process
- Multi-Disciplinary team (i.e. school counselor, school psychologist, speech/language, special education teacher, other specialists)
- Multiple sources of information, especially parents
- Under assessment (i.e. keeping track of who receives assessment and services)
- Lack of SST follow; proactive vs. reactive model
- Checking the fidelity of intervention
- Tier 1 Interventions: effective classroom management
- PBIS, “top down and bottom up approach”
- School-home collaboration
- High quality instruction is key Assessment
- Review district, SELPA, or State policy on African American students
- Standardized and reliable assessments
- Observations
- Young and older school psychologists talk to hone skills and learn from experience
- LAUSD Alternative assessment
- Multi-cultural awareness and Cultural assessment
- How to find an unbiased test?
- Policy for responding consistently to outside assessments: regional center, child welfare, hospitals, parents etc.

Examples of MH Programs to Address Achievement Gap and Overrepresentation
- Community organizations support mentoring students
- In-house or school based mental health services
- Victory Center – child abuse program support
- Gang prevention via probation
- Substance abuse support

Schools Addressing Challenge of Overrepresentation
- Early intervention and Pre K programs
- Strong academic intervention
- Intervention a part of core curriculum
- Lack of understanding of what special education does by district and community with pressure from outside advocates or agencies
- Create/fund systems for preventative and crisis services in general education
- Inconsistent practices/criteria between districts (e.g. districts should update their policies on N. California Diagnostic Center, CASP, or NASP recommendations).

Not Listed but Discussed
- Collaboration and ongoing evaluation regarding the validity of school psychology services from ethnic specific parent groups
- Collaboration and ongoing evaluation with ethnic-specific psychological organizations
- Suggestions for how to best reach parents whose children are being considered for placement or who are placed in special education
- Black parents impressions regarding the IQ test ban or their comments or ideas on the ways school psychologists can ameliorate the challenge of overrepresentation.

In conclusion, CASP has a great deal of work to do in reaching out to parents beyond the concept of testing or assessment to how we can help schools, teachers, and communities address the challenges posed by the achievement gap, school to prison pipeline. In addition, CASP must work to improve indicators of public health, such as a reduction in the amount of students identified as emotionally disturbed, and set as a goal an increase in the number of students enrolled in Advanced Placement courses.
Why Making a Sandwich Can be Hard.

1. Take bread out
2. Place bread on counter
3. Open fridge
4. Look for cheese
5. Can’t find cheese
6. Look for cheese
7. Can’t find cold cuts
8. Find cold cuts
9. Close fridge
10. Forget cheese
11. Place toppings on counter
12. Open fridge again
13. Grab mayo
14. Forget to close fridge
15. Place mayo on counter
16. Forget cheese
17. Look in fridge again
18. Find cheese
19. Place cheese on bread
20. Place cold cuts on bread
21. Add mayo
22. Close sandwich
23. Eat sandwich

Executive Function Can be Complicated, Assessing it Doesn’t Have to be.

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Thanks
By Brandon Gamble, CASP President

Thank you for the opportunity serve as president of this great organization! It has been a challenging, intense and rewarding year but I hope CASP has grown in that time. I know I have. I also want to thank our office staff has had to take on the responsibility of both of a convention and conference within the same year. They have worked part time yet have managed to put together events a very high quality. Our long time Executive Director Suzanne Fisher has resigned and we wish her the best in her new endeavors. CASP is truly a better organization thanks to her leaders over the years.

Thank you to each of our board members for their tireless efforts to make CASP a robust organization.

Members, thank you all for your comments and support. There is one school psychologist from Santa Rita Unified School District, who has given me articles and shared ideas. We have yet to meet in person but Jorge Quiñónez has provided me with a great deal of wisdom.

I also want to thank all the student volunteers and professionals who gave of their time to make our conventions and conferences as success.

There are many more people who I wish to thank and will in another format, especially the board members, but I had to start off my letter with thanks as I am a Christian, I would be remiss if I did not thank God for good times and bad, in which I grew. Whatever I got right is God, and the rest is MY mess.

High Hopes

I had high hopes when I decided to run for the presidency and have had the chance to see many of them turned into reality at our recent Spring Conference.

We had a chance to move our dialogue forward around issues in assessment at our Fall Convention, which featured The Meeting of the Minds. At our Spring Conference we addressed issues of disproportionality in placements of culturally linguistically diverse students and we have updated our understanding what we can do to address these challenges. I intend for the relationships we have developed with ethnic specific organizations, such as the Association of Black Psychologists, Latino Psychological Association, Black Social Workers, and parent groups, to develop into more direct policy and action. We have just begun to start a new chapter in the CASP book of history. I hope that CASP will continue the Town Hall format as we reach out to other groups to help us solve challenges that concern California’s students.

What’s Next

There are still many more things to do and I look to support Christine Toleson and Barbara D’Incau as they lead our organization into the future. There are 5 key areas that in my role as Past-President I will take on.

1. Get back our Continuing Education Units as a requirement to maintain our credential particularly so we can update our training in behavioral assessment, executive functioning, neuro-psychology, and cultural diversity.

2. Facilitate meetings with parents of African American children across the state so we have a better understanding of how we can serve them.

3. Publish a position statement on ethnic disproportionality which takes into account the draft that the National Association of School Psychologists has developed as well as the Association of Black Psychologists’ position paper on special education.

4. Publish with the Association of Black Psychologists a set of research-based recommendations that have been developed with African American or Black youth.

5. Whatever Christine and Barbara need me to maintain the standards of excellence we have grown accustomed to at CASP.

Ahh, now back to some semblance of life before CASP took over.

New CASP Officers Elected

Barbara D’Incau, who is currently serving as the Region VIII Representative, was elected the 2013-2014 CASP President-Elect during CASP’s online election. Dr. D’Incau will serve as president-elect next year; president in 2014-2015 and past president in 2015-2016.

Ryan Pepin was elected Region I Representative and will represent the North Coastal region; David M. Weber was elected to the Region III seat, representing the Central Valley region; Jackie Allen was elected to Region V, the Los Angeles County (excluding the Los Angeles Unified School District) area; Kristin Makena was re-elected as the Region VII Representative, which covers San Diego and Imperial counties; and Libby Barnish will take the reins as the Region IX Representative which is the Orange County region.

All newly elected representatives take office on July 1, 2013. Elections for the even-numbered regions, president-elect and secretary-treasurer will be held next year. Christine Toleson, current president-elect, will take the president’s chair, while President Brandon Gamble moves to the Past-President post.

In related news, Barbara Lewis Mill was elected to a second of two terms as the Affiliate Representative by representatives of the CASP affiliates.

Congratulations to the newly elected CASP Board members.
Collaborating for Safe Students and Healthy Schools is the theme of the 2013 CASP Convention, to be held November 7 & 8 at the Hyatt Regency, Newport Beach.

This convention features keynote speaker Dr. Scott Poland, nationally known expert on suicide and violence prevention. A host of school crisis-related workshops, papers, posters and other events are planned, as well as NASP’s two-day PREPaRE workshop.

Networking opportunities will also be available at the many social events, including the Cultural and Linguistic Diversity Breakfast, the Student/Practitioner Pizza Party, the Awards Luncheon and the “For the Children” Political Action Committee fund-raising reception.

The annual convention will again be followed by LEP Day, during which those LEPs newly licensed by the BBS can start training on the three mandated workshops they must complete during the first two-year licensing cycle.

Registration for both LEP Day and for the PREPaRE workshop will open early, with registration for the annual convention expected to be open by the end of July. Attendees can secure hotel sleeping rooms now by visiting https://resweb.passkey.com/go/CPSY. This site is reserved for CASP Convention 2013 attendees! CASP was able to secure a $149 (plus fees and taxes) room rate for singles and doubles for this resort hotel. But there are a limited number of rooms at this price, so get your reservations in now.

Watch the CASP website and your email for online registration information. And save the date.

Hyatt Regency, Newport Beach Nov. 7 & 8, 2013

New Deadlines for CASP Awards and Scholarships

With the move from a spring to a fall convention, so move the deadlines for CASP’s annual awards and scholarships. The new deadline is September 1 of each year.

For nomination forms for awards, please go to the CASP website at http://www.casponline.org and click on Events. Then click on Convention 2013. There are four applications for awards and scholarships awarded at the annual convention: Cultural and Linguistic Diversity Scholarship, the Paul Henkin convention scholarships, the Nadine Lambert Outstanding School Psychologists Award and the Sandra Goff Award.

Know of a colleague who is the “go to” school psych, works well with parents, students, teachers and administrators and always seems to be ahead of the curve? Nominate that person for the Nadine Lambert Outstanding School Psychologist Award. One person from each of CASP’s 10 regions receives this award for going above and beyond as a school psychologist.

If you know of someone who has made a mark statewide in the practice of school psychology, nominate him or her for the Sandra Goff Memorial Award. Named for CASP’s first executive director, this “school psychologist of the year” award recognizes outstanding achievement in California in the profession.

The Cultural and Linguistic Diversity Scholarship was established to assist in meeting the need for increasing the number of culturally and linguistically diverse school psychologists. It is the intent of the California School Psychology Foundation, which funds the scholarship to promote opportunities for the recruitment of school psychologists responsive to the ethnic, cultural and linguistic backgrounds of the individual children who are part of the increasingly diverse population of California. This $1,000 scholarship is renewable for up to three years.

Paul Henkin was a Los Angeles Unified School District school psychologist who knew the power of continuing education. Mr. Henkin left a legacy to the California School Psychology Foundation – a scholarship fund to be used to send association members to the annual CASP convention. One graduate student and one newly credentialed school psychologist receive this prestigious scholarship, awarded annually. Awards are paid from the interest earned on the principal Mr. Henkin left to the CSP Foundation.

CASP has one other scholarly award, the Michael Goodman Memorial Research Award. This award recognizes the best research paper or poster presented at the annual CASP Convention. Applications for that award were due with the presentation proposals.
From the Task Force to Today: CASP Efforts to Address Achievement and Wellness of African American Youth

By Brandon Gamble, Ed.D., NCSP, CASP President 2012-2013

Introduction

The term “Larry P.” symbolizes many different things to school psychologists within in California, along a continuum of ideas, emotions, and political actions. It also has meaning to psychological professionals outside of California. I have made an effort to curtail my use of the three syllables of the term, yet life has a way of bringing us to moments where we confront our emotions and our past. Hopefully, when we are confronted with those moments we can work to also move forward with a brighter future.

Our most recent conference offered and emotional high that led to the question, “so what do we do now?” Not having an immediate answer to the question brought me to an emotional low which required me to anchor myself in the prior efforts of CASP and others through the years. One anchor I had was the Larry P Task Force (LPTF) and its report, which was submitted to the state in 1989. This was the most comprehensive review at that time and until our conference. Upon review of the report I was able to gain a more targeted perspective on the events that occurred at our recent conference. For a brief review and update on the specific test ban and considerations from 1989, 1997, 2006, and 2012 specifically regarding the assessment of African American Children please see page 7.

For the first half of this article, will offer a review of the challenges, issues, and a critique of the LPTF recommendations. The second half of the article will focus on our recent conference, as well as recommendations for going forward.

Task Force 1989

Twenty four years ago a “task force” was convened, according to the document, “to assist in carrying out alternative assessment and making policy decisions”... regarding African American students (Larry P Task Force, 1989). At the beginning of that document, Dr. Cordell Briggs, a university professor writing in his capacity as a parent, wrote about his participation with the task force:

“What is clear is that a disproportionate number of Black pupils have been assigned to special education programs because of their performance or lack of comparable performance with white middle class pupils on IQ tests. In effect the tool (IQ tests) in the hands of skilled professionals has not always been successful in transforming the average into the exquisite (Acknowledgements Section)”.

This task force sought to address four clear challenges expressed or implied in the court case decision, which impacted the testing of African American students for special education placements in California (Forward Section).

1. The amelioration of overrepresentation of Black pupils (and of pupils inappropriately placed in special education classes);
2. The need for non-discriminatory alternative assessment processes (i.e. both psychometric and non-psychometric procedures) for children for whom IQ testing is prohibited or inappropriate.
3. The need for equity and access by all pupils to quality instruction and a relevant core curriculum; and
4. The need for continual cultural awareness and sensitivity within the entire educational community without which there can be not true educational equity.

Upon reading these challenges it is clear to me that they remain challenges for us today. Of the four challenges listed above only No. 2 has received, and continues to receive, considerable attention from CASP. At least monthly we have received queries seeking guidance regarding testing. CASP has done its best to offer guidance regarding issues with assessment over the last 60 years and school psychologists are eager to receive our trainings as evidence by the turn out of Fall 2012 convention, which centered on assessment. However, rarely, if ever, have we received queries from individual school psychologists or districts asking for guidance to ameliorate over-representation and address equitable access to high quality instruction. We have yet to provide the amount of guidance in equal measure to that we have provided about assessment. Regarding the fourth issue above, at present there are no requirements for school psychologists to refine or enhance their “cultural awareness and sensitivity.” This is because for just shy a decade school psychologists have not been required to submit continuing education units when we renew our credentials.

What this LPTF offered in 1989 was a framework to explore the following issues (Forward):

• A conceptual framework for a nondiscriminatory assessment process that begins in general education and may extend into special education
• An acknowledgement of the nature of a culturally relevant core curriculum and culturally sensitive instructional practices as they relate to equity and access to excellence in the general education program;
• A description of the alternative assessment strategies that may be used in general education and special education; and
• The meaning of cultural sensitivity and awareness in relation to education.

What is evident from that 24-year-old document is that two of the four issues have to do with assessment. The other two have to do with instruction and the meaning of cultural sensitivity and awareness. However, not one has to do with ameliorating overrepresentation and disproportionality. There could be some rationale for stating that the suggestions for general educators’ role in the “School Team Consultation Process” (p. 18) was developed to address these issues but by and large 50 out of the 93 pages are devoted to assessment.

Twenty four years ago, there was optimism just two decades out of the civil rights movement but after 40 years and much energy devoted to addressing this issue, three of the four challenges remain and most salient of the four is over-representation. As the task force conceptualized the challenges with over-representation in 1989, they stated, “Many of the remedies agreed to in the consent decrees have become the policies by which we operate” (p. 2). The challenge of over-representation was still placed firmly within the area of assessment and test bias and issues with mental health or outreach to parents were not given nearly as much attention. There was one statement, though, which said, “Over-representation as the major—implied or explicitly stated—thread that wove the different litigations into a common fabric to signal and generate efforts for nondiscriminatory and alternative assessment processes” (p. 3).

Only two of the 15 recommendations provided by the task force were given with the rationale to address over-representation. The quote above was from recommendation No. 4.
This information is regarding the Larry P Task Force (LPTF) Report (1989) and Memorandum from Leo Sandoval (1997), which took direction from the LPTF. There has been little update since that time. However, at a 2006 CASP convention, there was an updated discussion, which is included. Also, the Diagnostic Center of Northern California (DCN) has shown some promising guidance this past year from the State and salient features of their efforts have been included as well, with a link to the DCN and more targeted information.

LPTF 1989 AND SANDOVAL MEMO 1997

Prohibited Tests for Black Assessments for Special Education

The basic list of intelligence tests from Larry P v. Riles (1979):

- Arthur Point Scale
- Cattell Infant Intelligence Scale
- Columbia Mental Maturity Scale
- Draw-a-Person
- Gessell Developmental Schedule
- Goodenough-Harris Drawing Test
- Leiter International Performance Scale
- Merrill-Palmer Pre-School Performance Test
- Peabody Picture Vocabulary Test
- Raven Progressive Matrices
- Slosson Intelligence Test
- Stanford-Binet
- Van Alstyne Picture Vocabulary
- WISC, WISC-R, WAIS, WPPSI

This list was entered as evidence in the Larry P case from an APA listing and from CAC Title 5 Regulations in effect at the time.

The 1986 following settlement from the Larry P case prohibited the use of IQ tests for Black pupils for special education purposes. IQ tests are construed to mean any test which purport to measure intelligence (cognition, mental ability, or aptitude)?

Additional Tests Which Might Be Regarded as IQ Tests

School assessment personnel are cautioned regarding the use of other tests which may be controversial in the multidisciplinary assessment of Black pupils. Such tests include but are not limited to the following:

- Detroit Tests of Learning Aptitude
- Detroit Tests of Learning Aptitude – 2, and Primary
- Peabody Picture Vocabulary Test – Revised
- Test de Vocabulario en Imagines Peabody
- Criteria identical to those also cited by CASP were used to determine the appropriateness of these tests...

Considerations in Test Selection and Interpretation

In making a determination of whether a test falls under the IQ test for Black pupils one should consider:

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 of mental age?

c. Does evidence of the construct validity of the rest rely on correlations with IQ tests?

An affirmative answer to any of the above indicates that use of the test may fall within the ban.

REVISITING LARRY P. V. RILES – A CASP CONVENTION REPORT 2006

Holly Evans-Pongratz and Bernardy Yalkin of the California Department of Education, and Kit Galvin a school psychologist in the Evergreen Elementary School District, reviewed the aforementioned.

Evans Pongratz and Yalkin (2006) also reminded participants of the LPTF suggested conceptual strategies:

- Developmental assessment
- Dynamic assessment
- Ecological assessment
- Information processing
- Neuropsychological assessment
- Psychological processing
- Skills within subjects

Also, considerable time was given to the concept of Executive Functioning, Attention, and Memory as foundations for learning.

In a discussion with school psychologists who attended the CASP 2006 convention questions around these list of tests and the presenters reminded participants to remember these questions as they review tests for the list similar to the LPTF.

- Is the measure a standardize IQ test (does it measure mental ability, aptitude, or global ability)?
- Are results reported in the form of IQ or mental age?
- Is the test correlated with an IQ test (construct validity)?

If so, then those test should be considered prohibited:

- BADS – Behavioral Assessment of Dysexecutive Syndrome
- BTA – Brief Test of Attention (Ages 17-82)
- CAS – Cognitive Assessment System
- CFT – Rey-Osterrieth Complex Figure Test
- CMS – Children’s Memory Scales
- CPT – Continuous Performance Test
- CVLT – CA Verbal Learning Test (Included in D-Kefs)
- D-Kefs – Delis-Kaplan Executive Function System (Ages 8-89)
- NEPSY – A developmental Neuropsychological Assessment
- RAHLT – Ray Auditory Verbal Learning Test
- TPT – Tactile Performance Test
- TVPS – Test of Visual Perception Skills
- WCST – Wisconsin Card Sort Test
- WMS – Weschler Memory Scales
- WRAML2 – Wide Range Assessment of Memory and Learning (Sentence Repetition) Stroop Test

THE DIAGNOSTIC CENTER OF NORTHERN CALIFORNIA (DCN) 2012-2013

Dr. Rene Dawson and Dr. James Hiramoto provided the information complied here. For the full presentation see http://www.dcn-cde.ca.gov/Reports/CASP2012.pdf

As recently as 2012 and during our 2013 conference, they have reminded us to look at the norm sampling data frequently used tests by school psychologists (e.g. WISC, KABC, CAS, WAS, WJ-C).

They have noted, in response to the question, “Isn’t there a difference between measures of general ability, tests of intelligence and IQ”? That the answer is, “NO they are synonymous. In the literature the terms are used interchangeably.” In other words “general ability, intelligence, and IQ” are the same in the eyes of the law. The DAS and CAS both use g-factors and should be prohibited based on their own test manuals and construct validity developed on IQ or intelligence tests.

Even though as Dr. Hiramoto has pointed out, “As most recently as Dec. 13, 2011 a school...”
Task Force to Today

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Conference Proceedings 2013
Our recent conference offered the following speakers regarding the assessment of African American students:

- California’s Director of Special Education Dr. Fred Balcom, who discussed the Larry P. v. Riles (1979) court case at our luncheon.
- The immediate past Director of Psychological Services at Los Angeles Unified School District Dr. Alnita Retting Dunn, a long time CASP Board member, and who graciously took time from her retirement to share a presentation entitled, Efforts in the Los Angeles Unified School District to Reduce Over-representation of Cultural and Linguistically Diverse (CLD) Students in Special Education.
- Recent doctoral graduate, Dr. Francis Dizon, shared current court cases and a recent study on school psychologists’ perceptions of practice related to the Larry P. v. Riles (1979) decision. I also had a chance to present with the two aforementioned presenters regarding the current status of over-representation of CLD students across California.
- Barbara Thomas (CASP Professional Standards Specialist and past president), Dr. Betty Henry (CASP President 1992-1993), and Dr. William Thomas, who was a school psychologists in San Francisco at the time of the original Larry P v. Riles (1979) Case in San Francisco (Association of Black Psychologist’s Elder).
- Dr. James Hiramoto from the Northern California Diagnostic Center (DCN) shared the Best Practice Guidelines for the Assessment of African American students.

For handouts or notes from the aforementioned presentations or the original taskforce document, please email me at casp20122013@gmail.com

Before, during and after our conference, concerned people have wondered, “are you going to suggest we develop a task force as was done in 1989”? My answer today is, we need to finish what was suggested in 1989! We need to actually reduce over-representation and continue to enhance cultural awareness and sensitivity. At our conference we attempted to continue that work as well as connect them to challenges African American students and families experience today.

The following activities were undertaken to move us forward as an organization in our efforts to address the needs African American students specifically due to over-representation and generally due to equity for all students. Here is the list of our activities we engaged in at the conference:

- On Wednesday night right after our board meeting, we held a town hall to discuss achievement and wellness of African American students, which was attended by members of the Association of Black Psychologists, endorsed by state Sen. Curren D. Price, and held discussion groups, which yielded specific recommendations.
- During the conference we witnessed a historical review by those who lived through the original court cases which led to the test ban from members of CASP and the Association of Black Psychologists.
- At our luncheon, Dr. Fred Balcom, Director of the CA Office Special Education spoke and he suggested that we better utilize our social and political networks to work with African American parents in California who ultimately have more sway with legislators in the state if we want to change the test ban.
- We offered a workshop on the latest in research and litigation regarding assessment of African American students.
- We heard from a large district about their challenges and celebrations as the worked to reduce the overrepresentation of African American students in special education.
- Finally, we were trained in the Northern California Diagnostic Center’s best practices of assessment for all students.

In comparing the LPTF to prior readings I have undertaken from my graduate school days (Cook-Morales, Brown-Cheatem, & Robinson-Zañartu, 1992) till more recently (Skiba, 2005), I learned or was reminded of some new things. During the 1980s and 1990s CASP’s members were worried about retaining their unique identity within the realm of psychometrics and determining eligibility, therefore they fought very hard to ensure that school psychology remained a profession and that they could deliver the best services possible. There was a great difference of opinion about how that would go but out of that came a range of alternatives to IQ testing (Henry, 2013). The Association of Black Psychologists has had ongoing conversations and they were concerned that IQ tests were being used to influence policy with devastating consequences (Thomas, 1998) such as dead-end classes (Hiramoto, 2013). However, less than 5 years before the original Larry P. v. Riles (1979) court case, issues with sterilization of “mentally retarded” were of concern to those monitoring the issues of race and reproductive control in California (Hiramoto, 2013; Stern, 2005). Dr. Balcom shared with us that the IQ test ban on Black or African American students is not likely to change because of CASP but because parents are involved and in turn spur their political representatives at the state in to action. Some people were disappointed by this comment but I took it to mean we have a lobbyist, we know parents, and we have a clear field in which to work. Dr. Alnita Dunn’s presentation on how LAUSD responded to a modified consent decree was helpful because it is an example of what districts can do to dramatically stem the tide of over-representation when they intentionally monitor data, ensure assessment process are delivered consistently, and keep the public informed of their progress (2013).

As president of CASP and as a fellow school psychologist, I left this conference very humbled by all the work our organization has done to address this challenge and excited about what we can do tomorrow to have a great impact on the lives of students. Despite the best efforts of many educators, researchers, community members, and families, issues of disproportionality still remain for African American students in special education (Harry & Klingner, 2006) and school discipline (Noguera, 2003; Skiba, 2005). Early in this school year, a reporter from the Sacramento Bee wrote about the state of California sending a letter to 49 districts in July of 2012 which stated their special education classes were “significantly disproportionate” along racial lines over the last four years” (Lambert, 2012). According to this the reporter officials at four local districts near Sacramento defended their systems for identifying students as emotional disturbed (ED) despite African American students being over-represented. The reporter noted that there has been a decrease in the identification of African Americans students as ED but there is still significant disproportionality. Issues cited were trauma and the lack of preparation of educators to adequately deal with students with significant behavior problems.

Dr. Ramanathan, whose research has been presented at CASP conferences, also talked with the reporter and suggested that the special education label ED was being misapplied to students who may present challenges for teachers and by labeling a student ED is an “easy way to exit a troublesome child out of school… (or) into a special day classroom.” The reporter also found educators who suggested that the issues are beyond special education by citing African American students’ low academic scores on statewide testing. What I also keep...
Task Force to Today

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in mind when looking that these trends are that African Americans students are too often placed in special education and rarely in Gifted or Advanced placement courses (Bernal, 2002). As a professional educator who has devoted my career to ameliorating these issues and as a father of African American children, these statistics are painful reminders. Yet despite that pain, I remain optimistic that CASP with the help of our colleagues and parents across the state put the next set of recommendations into action.

Recommendations

The efforts at our conference only began to scratch the surface but my hope is that people can begin to substantively look for change in the issue of disproportionality. That change can come in the following ways.

• School psychology programs and newer school psychologists should learn the history of court cases that have impacted the practice of school psychology in the state (Dizon, 2013). Very direct policy decisions such as sterilization and funding based on the IQ of a student were at stake just prior to the time of the Larry P. v. Riles (1979) court case (Hiramoto, 2013). Also, as we have seen more recently, school psychologists were worried about keeping their jobs if IQ testing was not going to be used (Henry, 2013). People should know how these powerful forces impacted the daily practice of school psychologists as we develop individualized and broader psychological programming for children.

• Make sure that everyone is aware of their district’s and SELPA’s policy on assessing African American students. If your district of SELPA does not have one, review the County of Riverside’s SELPA policy simply titled, Assessing African-Americans for Special Education (2012).

• Review assessment practices for Emotional Disturbance for bias, even on standardized measures. Patz (2011) recently cited a study in which 38 school psychologists assessed students they thought were non-Latino (i.e. White or African American) and found them to be ED. The school psychologists then assessed the students again but thought they were Latino, and found them not to be ED statistically significant rates. Patz’s findings account for the current trends we see in ED placements in the state, at least from the perspective of school psychologists. LAUSD’s protocol for three-person panel and a checklist for each case would be advisable for districts where over-representation is indicated for African American and/or White students (Dunn, 2013).

• If school psychologists want to change the California policy we need to better utilize our social and political networks to work with African American parents in California who ultimately have more sway with legislators in the state if we want to change the test ban. Visit school boards, parent groups, and ethnic specific organizations (Gamble, 2013; Stevenson, 2003).

• We need to get our Continuing Education Units back as a requirement to maintain our credentialing and add a required training to address disproportionality, behavioral and emotional. Although we can provide all the great research studies on Best Practices, which NASP has done (Thomas & Grimes, 2008) there will continue to be no consistency or compliance without required CEUs and adherence to professional standards. We will only have pockets of success if we keep looking for a fix that we have been looking for in the past 40 years. Let us expand our reach. Through your affiliates, talk with your parents and local legislators about reinstating the requirement for CEUs.

• There are recent course cases that from Manteca v. Parent as well as other rulings in Rancho Cucamonga and Lancaster, which show that the test ban is becoming irrelevant in the eyes of courts (Siembieda, 2013). Take heart to know that the confusion and consternation around the test ban may bring change to this issue. Whatever we decide to do, let us remain focused on ameliorating the challenge of over-representation as we advocate for the best in assessment for all students.

• Read the Journal of Black Psychology for the latest research on issues which affect African American students

Conclusion

In conclusion, I am proud to be a member of the California Association of School Psychologists. The fight to provide the best in assessment, placements, and services for African American students has defined our organization as political power for both good and bad ways. At our recent conference, I got to see the good. It has been over 20 years since a member of the Association of Black Psychologists (AB Psi) shared the stage with CASP members to talk about the assessment of African American children. Dr. William Thomas, my mentor and Elder in the AB Psi, said this conference and reception was “warm.” There was healing that our Cultural Linguistic Diversity Specialist Troy Elder in the AB Psi, said this conference and reception was “warm.” There was healing that

References


Larry P: Reflections on the Past, Hopes for the Future

By Betty Henry, PhD, Former CASP President (1992-93)

In my new role as CASP relic, I was honored to be invited by CASP President Dr. Brandon Gamble to participate in the recent conference workshop, “Differing Perspectives on the History of Larry P.” At that workshop, Barbara Thomas, CASP Professional Standards board specialist, provided a timeline history of Larry P. and Dr. William Thomas presented issues from his book, Larry P Revisited: IQ Testing of African Americans (1998). What follows is a candid but condensed version of my reflections on Larry P, both as it was experienced during the last quarter of the 20th century and as I look to the future. Please Note: Opinions expressed herein are mine and do not reflect the official policy or position of CASP or any state agency.

Overview

The Larry P. court decision has had profound implications for the practice of school psychology in California. Airing from cringe-worthy assessment and placement practices, it is an issue that draws intense emotion from both the victims and bystanders of test misuse. It is also a proxy for some uncomfortable education truths, such as inequity in education, poor school outcomes, school-to-prison pipeline, segregation of students by race or disability, and so much more.

Prior to Larry P., a disproportionate number of African American students were assigned to “dead-end” special education programs because of their performance on IQ tests. Following Larry P., a disproportionate number of African American students have continued to receive an education that is both separate and unequal. As school psychologists, we could take a position of “Tell me what tests I can or cannot use” and then I will work to be the best psychologist I can be”; an alternative would be to argue that test selection is an inherent aspect of our professional role and decisions should be based on professional standards, best practices, and the characteristics and needs of individual children. Our professional identity and the welfare of children are at stake.

As I look back over my years of intense involvement in Larry P. issues, it is my strong wish to find some way to respect real cultural concerns and, at the same time, let psychologists function according to best practice to serve the needs of children. The best hopes of those who initiated the case were to contribute to a future in which quality and equality would be available for all children in California schools. The history and suggestions presented in this article reflect a belief that the lessons of Larry P. can help us as school psychologists to look at what this means in the 21st century.

Where was CASP in 1992-1993?

Doomsday predictions seem to be a staple of political and educational discourse in any timeframe; the ‘90s were no exception. School psychologists were still reeling from the cuts imposed by 1978’s Proposition 13, which dramatically decreased property tax revenue in California. A $2 billion-plus further cut in educational financing was anticipated for the 1993-94 school year alone. There was a real concern that school psychology could be eliminated, just as school counselors, school social workers, and school nurses (none of whom had protection in the Ed Code) had been decimated already. Largely because of the efforts of our CASP legislative advocate, Pat Hewitt, cognitive assessment was required for certain eligibility decisions in the Ed Code; only school psychologists could provide this assessment. Ironically, the Ed Code protected a very narrow role for school psychology, which, in turn, may have fostered a perception that IQ tests have only a very narrow purpose.

The California Department of Education (CDE) had announced its intention in 1991 to ban the use of intelligence tests throughout the state. Superintendent of Public Instruction Bill Honig, expressed his doubts about the value of the tests, citing cost (“$1200 to $1400” per administration), use (“primary use...is to obtain an IQ score to make eligibility decisions for special education”), bias, the availability of “equally valid” alternatives, and a nationwide movement away from their use. CASP emphatically refuted each of these arguments. One CASP response was to create a document, Sometimes You Need a Hammer, which provided brief anecdotes of situations in which an IQ test had proven helpful for a student.

Individuals familiar with the history of education in California know the excellent past reputation for California schools and the decline that accompanied financial cuts. The implementation of PL 94-142 (the precursor of No Child Left Behind) may have exacerbated this, as special education rights and needs expanded. Within this framework, Larry P. established IQ tests could not be used to place African-American students into classes determined to be the “substantial equivalent” of former EMR (educable mentally retarded) classes. School psychologists were placed into the untenable position of being asked to determine unbiased, responsible procedures for placing students into what the CDE referred to as “dead-end” classes that segregated students (often by race), with no core curriculum, and with little likelihood of return to general education. It would be impossible for any ethical school psychologist to accept this responsibility.

School psychologists within our state were highly conscious that IQ tests had been used inappropriately with racial, language, and cultural minorities. The tests may have been the direct cause for misplacement into special education for the individual known as Larry P., but it was not clear whether eliminating them would reflect increased sensitivity or if it would lead to better practice. Both of these goals are of great importance, but neither of them may have been achieved. CASP board members, guided by considerable input from and discussion with members throughout the state, worked diligently to define practices that respected the spirit of the Larry P. case and our own ethics and professional standards. We developed guidelines for alternative assessment (despite the absence of validity criteria for most of them); we participated on the CDE Larry P. Task Force, which created policy and alternative assessment guideline recommendations; we identified challenges and we proposed specific guidelines to address these challenges. We asked prominent test publishers to provide better standardization and validity data. Many of us pored over specific test bias research, differentiating between the appearance of bias and the evidence for bias. We created a Legal Defense Fund to address issues left unresolved with the sudden death of Judge Peckham in February 1993. We strove simultaneously to preserve the highest standards of assessment and the highest standards of cultural sensitivity.

Where are we now?

The issues of Larry P. continue unresolved. New tests are available and many old tests have been retired to the test graveyard, but we still operate with a ban from decades ago. Special education has changed; “multicultural” is the new normal throughout much of the state. Ironicsaly, I recently received a flyer for “The Boldly Reimagined WPPSI-IV” with a picture of an adorable child of somewhat indeterminate race, but with a clear Afro. A test that cannot be used by school psychologists with children of African-American heritage in California is being promoted for that specific use.

California has convened two Larry P. workgroups to address the ongoing concerns. There has been a recommendation to reinstitute the use of IQ tests for African American children; as before, there is no consensus. I believe the ban should be lifted for the following reasons:

1. Too broad. It is the responsibility of the psychologist and the primary role of training to ensure that tests are selected and interpreted according to their relevance for the individual, including the impact of cultural influences. Whenever race is considered as a global and “one size fits all variable, we all lose.

2. Sidestepped central concerns. The original Larry P ruling addressed a “dead end” placement resulting from a single test score. Psychologists should not place a child in a poor quality “dead end” class or use one score for any placement. Professional ethics require that psychologists use assessment to facilitate the welfare of the client.

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In Memorium: CASP Remembers Former President Diane Hijos diBari

An advocate of students, Diane Hijos diBari passed away on May 7, 2013 at home surrounded by loved ones. She graduated from Occidental College with a Bachelor of Arts degree in Psychology and from California State University, Fresno with a Master’s in School Psychology. Later, she obtained a PsyD in Neuropsychology in 2010.

Dr. diBari was a life-long member of the California Association of School Psychologists (CASP) and the local CASP affiliate Santa Clara Association of School Psychologists (SCCASP). She served as president of CASP from 1999 to 2000. She was also very active in SCCASP and served as its president. She received numerous awards for her outstanding and exemplary service as a school psychologist including the SCCASP Mike Goodman Lifetime Achievement Award.

After a long distinguished career, only recently in 2012, Dr. diBari retired from her school psychology position at the Santa Clara Unified School District and from her faculty positions at Santa Clara University and Alliant International University. She was married to Michael Christopherson, who also recently retired as a school psychologist but continues to be active in SCCASP, serving as Awards Chair. Dr. diBari was accompanied by Mike to the June 2011 SCCASP Awards and Retirement luncheon. She also served as a presenter at CASP’s Fall 2012 Convention in Costa Mesa.

Dr. diBari was CASP president when the Board of Directors hired Executive Director Suzanne Fisher, who recently retired. Dr. diBari was also instrumental in the establishment of the Certified Advanced Training Program, as well as the California School Psychology Foundation. She was also a Region II winner of the CASP Outstanding School Psychologist Award.

SCCASP will be making a donation to the Diane diBari Memorial Scholarship Fund that benefits special needs students at the Wilcox High School. Dr. diBari’s family asks that in lieu of flowers, check donations be made to the Memorial Scholarship which can be sent to c/o Wilcox High School, 3250 Monroe St., Santa Clara CA 95051, or to the American Cancer Society, or to other charities.

SCCASP will greatly miss Diane’s strong and steady leadership in the school psychology profession and she leaves behind many admirers and friends. A celebration of Diane’s life is planned sometime in June.
On June 14 and 15, the Legislature adopted the 2013-14 budget package. AB 110 (Budget Bill), AB 97 (LCFF), AB 86 (omnibus trailer) and SB 73 (Prop. 39 implementation) contain the final compromises and actions adopted by the Budget Conference committee related to the 2013-14 education budget. Governor Jerry Brown has until June 30 to sign the budget into law. The final Budget deal was a big victory for the Governor. He got most everything he set out to achieve in education including the basic architecture of the LCFF, a funding level for 2013-14 that he feels is reasonable. He also limited to scope of the LCFF accountability requirements in a way that provides significant local autonomy for governing boards. The legislative leaders were able to add a new element into the LCFF formula to help those districts that would likely never meet their 2007-08 funding levels. This new formula component is the Economic Recovery Target. Additionally, the two leaders were able to ensure that regional occupation programs would be funded for an additional two years and were able to get $250 million devoted to career technical education grants. Additionally, there was one major policy change that reduced the supplemental grant from 35% of the base to 20% of an increased LCFF base. But on the whole, this budget agreement is almost completely the one set out and championed by the Governor.

Local Control Funding Formula Details

- Contains revenue estimates from the May Revision ($97.2 billion / 3.2 billion below the Legislative Analyst).
- Retains the basic LCFF target grant elements:
  - Base grants: Increases target per-pupil Base Grant by $537 per ADA above May Revision levels. The portion of the overall formula that is devoted to Base Grants is now 84% (May Revision was 80%). County Offices will see no change from May Revision. The specific adjusted grade span base grants for the newly revised formula are as follows:
    - K-3 increases $503 from $6,342 to $6,845
    - 4-6 increases $510 from $6,437 to $6,947
    - 7-8 increases $526 from $6,628 to $7,154
    - 9-12 increases $600 from $7,680 to $8,289
  - Supplemental Grants: school districts will receive 20% of the Base Grant for low income and English Learner students. While the Supplemental Grant rate is reduced from the May Revision level (35%), it is calculated on the higher Base Grant. County offices will see no change from May Revision.
  - Concentration Grants: school districts now will qualify for additional concentration funding if 55% of their students are low income and English learners. (May Revision threshold was 50%) In addition, the Concentration Grant rate is now 50% of the Base Grant for each low income and English learner student above the 55% threshold. (May Revision was 35% for each disadvantaged student above 50% threshold). County offices will see no change from May Revision.

Economic Recovery Targets (ERT): This late addition to the formula will calculate an ERT which will be a per-pupil rate consisting of: a) the district’s revenue limit in 2007-08 regardless of the mix of state aid and local property taxes that funded the revenue limit; b) revenue limit cost-of-living adjustments for 2008-09 through 2020-21; c) the district’s categorical funding in 2007-08 (before the Basic Aid “fair share” reductions were implemented.

- Maintains Proposition 98 spending, essentially, at the May Revision proposed levels:
  - $56.5 billion in 12-13 ($14.7 million less for K-12 than May Revision)
  - $55.3 billion in 2013-14 ($22.1 million more for K-12 than May Revision)

Significant K-12 Budget Issues in Conference

Following are short summaries of the major K-12 budget items resolved by the Budget Conference Committee and included in the final budget package:

- **LCFF Implementation:** Provides $2.1 billion for LCFF implementation in 2013-14, $214 million above the level proposed in the May Revision. Due to the increased GF cost associated with raising school district base target grants by $537 per ADA, full implementation will occur now over 8 years of implementation (2021-22). It is now estimated that $65.1 billion will be spent to implement the formula.

- **LCFF Accountability** – Significant changes/compromises to the Governor’s May Revision proposals included:
  - Requiring the State Board of Education (SBE), on or before October 1, 2015, to adopt evaluation rubrics for county offices and the SPI to use in identifying school districts and charter schools in need of technical assistance and intervention.
  - Establishing the California Collaborative for Educational Excellence (CCEE) to advise and assist school districts, county offices, and charter schools in achieving goals established in their Local Control Accountability Plan (LCAP) or charter petition and require the SPI to contract with individuals, local education agencies (LEAs), or organizations with expertise, experience, and a record of success to carry out the CCEE’s mission...“.
  - Establishing a process for county offices to review and submit recommendations to the district and adopt the LCAP to ensure the LCAP adheres to the SBE template and includes “expenditures sufficient to implement the specific actions and strategies included in the LCAP.”
  - Requiring county offices or SPI, if a school district or county office’s LCAP is not approved or if the district/county office requests technical assistance, to provide assistance as follows:
    1) Assist in identifying strengths and weaknesses with regard to the state priorities.
    2) Assignment of an academic expert or team of academic experts to assist in identifying and implementing effective programs that are designed to improve outcomes for pupil subgroups.
    3) Assignment of the CCEE to provide guidance and technical assistance.
  - Authorizing the SPI to identify school districts and COEs in need of intervention and require the SPI to only intervene in districts and COEs that meet both of the following criteria:
    1) The school district or COE did not improve outcomes for three or more pupil subgroups in regard to more than one state or local priority in three out of four consecutive school years.
    2) The CCEE has provided advice and assistance to the district or COE and submits findings to the SPI.
  - Authorizing the SPI, for districts and COEs in need of intervention, and with SBE approval, to do one or more of the following:
    1) Make changes to the district or COE’s LCAP.
    2) Develop and impose a budget revision the SPI determines would allow the district or COE to improve the outcomes for all pupil subgroups in regard to state and local priorities.
    3) Stay or rescind an action, if that action is not required by a local collective bargaining agreement that would prevent the district or COE from improving outcomes for all pupil subgroups in regard to state and local priorities.

4) Appoint an academic trustee to exercise the powers and authority specified.

- **Special Education**
  - Sequestration – The final action does not include the $60.7 million funding to fully backfill special education sequestration cut proposed by the Governor.
  - Special Education Equalization – The conference committee provided $30 million to begin special education equalization. Also, the conference committee enrolled the $91 million RS/PS funding into the SB 602 formula.
  - Regional special education services and Programs (RS/PS) – The conference committee enrolled the $91 million RS/PS funding into the SB 602 formula.

- **K-12 Mandate Block Grant** – The conference committee increased the K-12 mandate Block Grant for high schools by $50 million for the
Hopes for the Future

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3. Let psychologists take blame for education failures. Rather than joining other stakeholders in a legitimate fight to base our practice upon what we know about learning, behavior, development, and individual differences, we allowed others to place a good deal of the responsibility for unequal education in our society upon the backs of school psychologists.

4. Backward, not forward. Our primary mission as psychologists is to help all children become competent and independent. Rather than assume that special education is bad, we need to look forward and promote actions and programs that contribute to a positive future for all individuals and groups.

5. Hasn’t worked. Disproportionate representation in special education reflects a racist history and a horrible outcome; the focus on the IQ test-disproportionate representation correlation has not made a difference.

6. Takes longer, with no better validity. The approaches that have substituted for IQ tests have not been shown to be more valid for providing information about individual differences and student learning styles.

7. Wrong focus. Practices that promote and support analytic thinking have more explanatory power in IQ test studies than race, class, income, neighborhood, and education. Racial differences in IQ test results disappear when certain behavior variables are controlled. A focus on what families and schools “do” rather than what they “are” would be better.

8. Too simple. “Tests are bad; ban the tests” was never going to be an adequate response to the challenges of “race science” that stigmatized and harmed African Americans. The potential benefits of IQ tests for students with TBI, language disorder, learning style differences were ignored.

9. Reduces options for decision-making. The ideal vision of special education is to provide additional support and services that are selected according to the individual needs of a student who has a documented learning need. The ban reduces information that could contribute to this.

10. Only here. Although large in its impact on California school psychologists, the ban is not (and has not been) applied to private practitioners, county services, clinics, and psychologists in other states.

Where do we go from here?

Assessment, including the use of tests of intelligence, is an important component of our practice, as long as it is done responsibly and with the goal of supporting the individual needs and potential of our clients.

Here are some suggestions for what California school psychologists could do:

• Press to resolve the open issues of Larry P. As Fred Balcom, State Director of Special Education noted, this will require that we “reach consensus ...speak with a unified voice...and commit to the journey.” If we can agree to accept the professionalism of school psychologists to determine whether and when IQ tests could be an appropriate tool within an assessment, we can then move forward for either a legislative or regulatory resolution.

• Help psychologists define their role as promoting competence and independence; work to ensure that all psychologists have the training and support they need to do this.

• Choose assessment instruments according to the needs of the referral questions and with careful consideration of the individual characteristics of the student, which will include, but not be limited to race.

• Provide high quality training in issues of test selection, validity, administration, and interpretation. Having a particular population included in a norming group does not ensure that the test will be valid for a particular individual. If a student’s “group” is not included, the test may still provide important information, but there is a responsibility for the psychologist to consider carefully the implications for that student of not being included in the norms.

• Address the role of analytic and critical thinking skills vs. memorization and rote learning skills in assessment, education, curriculum, and parenting practices. Consider these factors when assessing students who are experiencing school and learning challenges to determine what has been emphasized, what is present (or absent), and whether a shift in focus is appropriate or necessary for success. Always incorporate the following in assessment: problem solving, reasoning, and concept mastery.

• Pay attention to non-cognitive factors, as well. These include optimism, motivation, cooperation, executive functions, empathy, and responsibility.

• Connect actively with groups that reflect those who have been victims of harmful and discriminatory practices; work to ensure that our common commitment, to make education responsive to all, is carried out to the best extent possible.

• Pay close attention to test interpretation, both what we write and how others may view it, to ensure that the dignity and potential of the individual is maintained. No one should ever be determined to be “less than” others. Assessment should identify a path towards a more effective future.

• Focus more on what people “do” than what they “are.” One can change; the other will not.

Some final thoughts

The Larry P. case and arose from a history of racism, poor decisions, inadequate funding for education, and sometimes misguided attempts to correct a wrong. In the ‘80s and ‘90s, CASP worked valiantly to be sensitive, to be part of the solution, and to maintain our professional existence in a time of reduced funding for education.

School psychology continues to exist in California: unfortunately, inequity in educational outcomes continues to exist, as well. The Larry P. case was an indictment against the history and practices of testing during the 20th century. The “solutions” imposed during the last quarter of that century did not accomplish their goals and do not create more thoughtful, scientific, professional, comprehensive, or fair practice for school psychologists. As we proceed in the 21st century, we need to put our focus on the need to better serve our students. This will not be achieved through a specific test ban.

Larry P. is a California story, but with history and relevance that goes far beyond California borders. A more comprehensive article reflecting national implications is being prepared for a national outlet.

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For the full version of my notes, Barbara Thomas’ notes, or a handout from Dr. Thomas please contact us at casp20122013@gmail.com

Affiliate Updates

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Member Retirees: Gay Brown, Deborah Cross, Nora Harper, Margie Keyser, Jan Murdock, Janet Robertson, Colleen Selfridge.

Congratulations.

Riverside Association of School Psychologists

RASP had a successful year of membership and participation in workshops by local school psychologists. We wish to thank Antoinette Vallejos for being the RASP 2012-2013 President! In addition, RASP would like to welcome Ali Duerks, from the San Jacinto USD, as RASP President for the 2013-2014 school year.

Santa Clara County Association of School Psychologists

The 2013 SCCASP Award and Retiree luncheon was held on May 31, 2013 at the California Cafe in Los Gatos. Recipients of the 2013 SCCASP Meritorious Service Awards were: Janine Bauman, School Psychologist from Franklin McKinley School District, Stephanie Haluck, School Psychologist from Campbell Union High School District, Elaine Omanoff, School Psychologist from Union School District, and Dr. Karen Scharrf, School Psychologist from Evergreen Elementary District.

The affiliate’s President’s gravel passed from Stephanie Haluck to Jeannette Medina of the Campbell Union High School District.
Dr. James Hiramoto’s Thoughts on the Over-Representation of African American Students in Special Education

By James Hiramoto, PhD

Dr. James Hiramoto was one of the presenters at Spring Conference 2013 who spoke on ways to ease, if not end, over-representation of African American students in special education programs. What follows are his thoughts on the issue and his reaction to the topics raised at the Spring Conference.

At this year’s CASP Spring conference in Sacramento, President Brandon Gamble marshaled individuals who were there in San Francisco Unified School District during the time of the events that led up to Larry P., past CASP leadership who have had to struggle with the changes made by court decisions and CDE legal advisories, and current CDE leadership with State Director of Special Education Dr. Fred Balcom.

There are far too many things to cover in order to be comprehensive in just one article. However the following statements rang loudly and consistently throughout the conference:

- The over-representation of African American students in special education is not just a special education issue
- We (CASP) need to come to some agreement as a professional organization and reconcile Larry P., as over representation still exists in California and nationwide
- If CASP is unable to come to an agreement, policy decision will be dictated to us by those who know far less

The over-representation of African American students in special education is not just a special education issue...

Wednesday evening’s 1st multicultural round-table prior to the conference had a lengthy discussion on this topic. Teams were formed where ideas for the cause of this dilemma were explored, and concluded with them being shared with the group as a whole. Some of the highlights were:

- There is a real and true achievement gap, but not due to ethnicity.
- “Treating unequals equally is not justice.”
- “High Stakes Testing” has placed the burden on special education to remediate
- Cultural insensitivity, especially to African Americans

There is a real and true achievement gap, but not due to ethnicity.

There is a real and true achievement gap, but not due to ethnicity. It has to do with poverty and access. Sean Reardon’s, 2011 book chapter titled, “The Widening Academic Achievement Gap Between the Rich and the Poor: New Evidence and Possible Explanations,” presents data demonstrating that household income is the driving force for the achievement gap. The gap caused by household income has grown 30-40% in the last 12 years and is two times the gap that can be accounted for between ethnic groups. When one compares the academic performance of the top and bottom 10% of household incomes for various ethnic groups (white, African American, and Hispanic), the size of the achievement gap is the same regardless of ethnicity. Incredibly, this is true even though the difference between ethnic groups’ household incomes vary greatly. Reality Check: median salary is much higher for whites, 70% higher than African Americans and 45% higher for Hispanics. Whites are far more represented in the upper end of the income scale nearly two times that of African Americans and Hispanics groups combined.

“Treating unequals equally is not justice.”

Gov. Jerry Brown paraphrasing Aristotle during his January budget proposal this year said, “Treating unequals equally is not justice.” One table echoed this and brought up pay disparity from neighboring public school districts that are in the order of 50-100% higher. Higher paying districts also have parent benefactors that donate time and resources to schools while districts with fewer resources have families struggling to make ends meet. There was frank discussion about the difficulty of maintaining high quality staff at underserved, poorer paying districts. It was also acknowledged that high quality staff that stay often pay a very high price in morale and burnout, as they are constantly asked to do far more for far less.

“High Stakes Testing” has placed the burden on special education to remediate

The pay disparity led to discussion of how difficult it is to keep quality teachers in poorer districts as well as the pressures all teachers are under. High stakes testing has put student performance measures squarely on the backs of teachers. Teachers in turn place the poor performance of students on special education to remediate. If teachers were struggling before with underperforming students due to lack of training, the next year will only compound the problem. The budget crisis has pulled more and more resources from schools for professional development. In just one year, teachers will need to address and prepare students for the California Measurement of Academic Performance and Progress for the 21st Century (CALMAPP21 to replace STAR testing), Common Core State Standards, and Multi-Tier Systems of Support (MTSS). I am certain special education will end up taking a lion’s share of any shortfalls in student performance unless school psychologists become vocal as part of the solution.

Cultural insensitivity, especially to African Americans

Being unprepared or ill-equipped by no means excuses cultural insensitivity. How else can one explain the outrageously disproportionate suspensions, expulsions and over identification of Emotional Disturbance for African American students? It has gotten so bad that the state legislature stepped in with AB 1729, AB 1909, AB 2537, AB 2616 and SB 1088. The need for this legislation highlights education’s inconsistency. While we may preach differentiated instruction and making accommodation for each student, we are disciplining everyone the same. Looking at the data, and how skewed it is, it’s hard to see how even that argument could account for the disproportionate representation. Most likely cultural insensitivity is just a polite way of identifying an ugly truth we’d like to ignore.

We (CASP) need to come to some agreement as a professional organization, and reconcile Larry P., as over representation exists in California and nationwide...

During the two day conference, may details were shared:

- The history of what actually happened to create the Larry P dilemma
- A reliance on test scores verses professional judgment
- There is no perfect test
- Disproportionality in special education is a general education issue

The history of what actually happened to create the Larry P dilemma

Facts were shared during this conference about how Larry P. came about. There was no sinister plot by San Francisco Unified to put more and more African Americans in EMR classes. Much of the blame can be placed on staff (who were not school or clinical psychologists) that was given a one day course on how administer the Stanford Binet and conducting assessments that consisted of just this instrument. Once the test was completed a different staff member scored the protocol. Once scored it would be given to the school principal would make the call to the parent about the results. It is safe to conclude that professional judgment did not exist at any level of this process. The implications of this practice is seen in special education law today, where, “no one test” shall determine eligibility. However,

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Hiramoto’s Thoughts

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instead of bolstering the need to exercise more professional judgment, the fear of lawsuits and intimidating statements from attorneys, has caused even more reliance on standardized instruments to back up our findings. The result, many of us have become “tool-dependent” to make decisions.

A reliance on test scores verses professional judgment

Former CASP President, and current Legislative Committee Chair Doug Siembieda and I had a fun with an impromptu role play where we alternately portrayed an attorney and school psychology on the witness stand.

James: Did you administer the WISC-IV according to standard procedures?
Doug: Of course.
James: Did you read each item carefully as written?
Doug: Yes
James: You made sure that any variation in the students response was checked to make sure you were to query or not?
Doug: Certainly
James: Then Mr. Siembieda, please give me the percentage of behaviors you potentially missed because your head was in the administration manual during your assessment of my client?
Difficulty answering this question, or not having a good reply cripples credibility and puts reasonable doubt in the mind of a jury or administrative law judge.

Same series of question asked of me.

Doug: Did you administer the WISC-IV according to standard procedures?
James: Of course.
Doug: Did you read each item carefully as written?
James: Yes
Doug: You made sure that any variation in the students response was checked to make sure you were to query or not?
James: Certainy
Doug: Then Mr. Hiramoto, please give me the percentage of behaviors you potentially missed because your head was in the administration manual during your assessment of my client?
James: Probably around 1 to 2%
Doug: That seems very low. How can you be so confident?
James: I might have missed something during the testing session, but that is such a small piece of the assessment. My direct observations of the student in different environments, interviews with parents and other professional who know the student, record review, all paint a cohesive picture of this student, regardless of any possible behavior I might have missed during standardized testing.

As a director a director of student services, Doug also shared a brillant question he uses to interview new school psychologists for his district.

“You have a two hour window to assess a student at your school site for an IEP tomorrow. You have locked your keys in the car with your test kits inside. What do you do?”

When he asked this question I smiled as my thoughts turned to those who were instrumental in my development as a school psychologist. They both had a profound impact on me. Many of you know them or know of them, Mr. Chris Glover and Dr. Diane Hijos diBari, both of whom have served CASP as delegate (Chris) and in Diane’s case CASP president. It had to be during my first year with Santa Clara that Chris and I were going over a case, and reviewing variations in cognitive scores from a previous assessment for one of our Emotionally Disturbed students when he commented, “James, no child’s life has ever been improved because I gave them a WISC.” Knowing the student, the family, their circumstances, and how that meshes with the school environment are of far greater value to our students than just test scores. Also during that first year, Diane and I would often look at assessment results of students and ask me, “Does this look like the student you know?” She showed me ways to look at all of my collected data (informal assessments, not just test scores) and to attend to aberrations, and inconsistencies. She especially cautioned me on relying on surveys and check lists, as they are often short cuts that can lead those who are filling them out to lose objectivity. Parents, teachers, and even other professionals, may believe they are expected to answer questions in a certain way given the nature of the referral question or history/reputation of the student. Although she has recently passed, her words of wisdom are still with me. It was comforting to see others in the room nod their heads to Doug’s question with knowing smiles. However, there was also an uneasy silence for many that was also telling.

There is no perfect test

First, let me dispel any doubt. I have a very, very healthy respect for Cognitive Ability/IQ tests/ measures general ability. I have a working knowledge of their design, which is based on empirical factor analytic research and the robust statistical constructs (latent variables) they represent. I dare say my respect for them surpasses the majority of practicing school psychologists. However, as powerful as they are, they also limit us. It is the same reason we don’t wear binoculars when we drive. They make clear those things that are in the blurry distance by bring them closer and into sharp focus. The tradeoff is that it narrows our field of vision, and blinds us of everything else. How many of us have conducted a cognitive ability battery (and even some processing tests), but found nothing significant, and yet the teacher is telling us the child can’t read? We’ve all been there. It’s not the fault of the tool(s). It’s how they are designed. They are so focused on specific, narrow ability areas they are missing the forest for the trees.

The following statement or something similar can be found in many Psycho Ed reports:

“Primary language, cultural, and ethnic background were considered prior to selection and interpretation of evaluation procedures. The tests used in this assessment have been validated for the purpose for which they have been used and the results are regarded as reliable, valid measures and appropriate for the purposes of determining special education eligibility for all suspected areas.”

This statement can be interpreted that the tests we use are flawless, because we say they are. The professional judgment implied in the first sentence is deemed unnecessary by the second. Again, it shows a reliance on the tool and not the one using it.

Disproportionality in special education is a general education issue

As was said above, we need to support efforts to level the playing field for the disenfranchised. We need to educate our teachers and prepare them so they can differentiate positive behavior supports plans as well as their instruction. We also need to hold ourselves accountable and stay on top of the latest research, and participate in attending continuing education as other professional groups are required to.

If CASP is unable to come to an agreement, policy decision will be dictated to us by those who know far less

• Larry P. was a simplistic solution to a complex problem
• Throwing the baby out with the bathwater
• Lack of access equates to unequal treatment
• If we don’t, others will

Larry P. was a simplistic solution to a complex problem

The tests by themselves, was not the problem. It was having these tests used by people who did not have the professional judgment to understand both the tests and their own limitations. Ironically many of the same reasons for poor performance on these tests can be attributed to the assessor as those who were assessed. The lack of funds to hire qualified personnel led to the practices of poorly trained individuals administering tests. This in turn made these assessors more prone to making generalization of performance, e.g. stereotyping. Likewise, many of those assessed lacked resources, which led to not being as “school ready” as others who were more privileged.

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Hiramoto’s Thoughts
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Throwing the baby out with the bathwater
Cognitive ability assessment tools are the best they have ever been. They are well normed on the general population taking into consideration parent’s level of education and environmental factors such as where they live e.g., urban, rural and suburban. If 100 ten-year-old students were randomly sampled across the US, I am confident that the mean obtained would approximate 100 and the standard deviation about 15. If we repeated it over and over, we would find this consistently to be true, proving its robustness. That’s not the problem. We should only take these results for any population with a grain of salt. The children we assess are not randomly selected. They are a special group, selected because they are failing in school. Not only that, but our assessment tools require them to fail as much as 5 times in a row before we discontinue a subtest, and start them on another, until they fail again and again. The norming population for these tests were not put under this much stress. Are these tests measuring resilience as much as they are ability? These tests tend to look at poverty through environmental factors. But does poverty impact each child, each family the same? What about real threats to resilience, as in violence, or more subtle like stereotype threat? Where is the accounting for individual difference? It all comes down to completing a comprehensive assessment in which tests are only a part of the equation. Our professional judgment has to reconcile: developmental history, cultural background, school achievement, adaptive behavior including but not limited to the ability to engage in social activities and the performance of everyday tasks, with these standardized measures. Sometimes the scores are flat out wrong and we have to have to confidence and say so. Larry P. prevents us from doing this. Instead, many of us use less robust measures e.g., memory subtests, isolated processing tests, and neuropsychological subtests to determine eligibility. Wouldn’t it be better to use the more robust standardized instruments, and exercise our judgment on its accuracy on a case by case basis in reference to all other data?

Lack of access equates to unequal treatment
Dr. Balcom during our lunch with him spoke about his personal position (not CDE’s). It is one many of us share. Larry P. prevents qualified people from using the best instruments at their disposal, exercise their professional judgment on the interpretation of the results as one of a comprehensive assessment, even if an African American student’s parents request it. How is this fair and equal?

If we don’t, others will
Dr. Balcom concluded his talk with us by sharing that CASP, like his own department, has not come to any agreement on how what to do with Larry P., or do away with it together. This is why school psychologists will not be getting any further clarification or directives, even though many are clamoring for it. CDE is just enforcing what has been put in place. Dr. Balcom, is asking us, as the best informed professionals on the subject, to come to some agreement. Otherwise, he said, “Be careful what you wish for”, as others who know far less will dictate to the profession, what will be done.

Where do we go from here?
This great discussion, has ultimately led us to question if we as school psychologists are comfortable with standing behind our professional judgment? Are we comfortable not relying on standardized scores in making our eligibility decisions because the test results are not infallible for all the reasons outlined above (far more than just standard error of measurement)? Are we comfortable gathering this information in non-standardized ways? Could it be that some unforeseen good has come from Larry P.? The restrictions of Larry P. required the development of innovative assessment methods that rely far more on professional judgment. The Diagnostic Center, Northern California, has borrowed from Authentic, Ecological, Dynamic, and Neuropsychological Assessments, all of which utilize informal assessment techniques, but ultimately rest on professional judgment. This process (MATRIX), independently, aligned itself to a Processing Strengths and Weaknesses model, and treats all sources of data with great consideration, making the ROI (Review of Records, Observations, Interviews) the cake, and the T (Testing) the icing, and compliments, an Rt/TMTSS general education program. It is a process that looks at what a student has been able to learn, not just how well they solve novel problems. Something standardized tests do their best to do away with because we don’t want practice effects inflating scores. To that I say, what part of education isn’t a based on practice effects?

The DCN’s MATRIX process works for everyone, not just one group. Without Larry P. in place, it should only make it better. Are we ready to be without Larry P.? I’d like to think we are, but I’m not naive to think there won’t be some need for some training to make sure the unintended sins of the past (relying more heavily on T and not enough on ROI) are not going to be a consequence of its absence. We need to move past this and put our energies towards solutions to closing the achievement gap, like:

• Supporting Gov. Brown’s budget proposal to provide more flexibility to local districts over how tax dollars are to be spent and provide supplemental funding to districts with more lower-income students and English language learners
• Being part of the decision-making process for MTSS so students can benefit from appropriate interventions earlier - Let us be that resource for teachers to be able to differentiate Positive Behavior Support Plans as much as their instruction in meeting the needs of all students
• Advocating for changes in the 25-year-old California Code of Regulations, so they reflect current Federal and State Education Codes and latest research based practices

These are only a few of my favorite ideas I took away from this year’s spring conference. What about you?
Review and Update 2013
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The district argued in front of an administrative law judge that the Naglieri Nonverbal Ability Test (NNAT) is not a test of intelligence and won. Yet, on page 2 of the NNAT Manual (2000): “The NNAT-I is the nonverbal measure of general ability that is predictive of academic success. Like traditional tests of general ability (e.g., Wechsler Intelligence Scales for Children-Third Edition, Wechsler, 1991) the NNAT-I is designed to measure general ability.” Remember the 1997 Memorandum states, “until such time as they (referring to the tests) are validated as unbiased by the State Board of Education and approved by the court.” In other words, the court rulings alone do not mean the test ban is lifted. The state needs to also validate the tests as unbiased before moving forward in that area.

Until that time, DCN’s Matrix of assessment provides another method to determine SLD similar to a pattern of strengths and weakness. The Matrix also compliments Response to Intervention. Again, see the DCN’s website for more. Look under CASP 2012.

Conclusion by the CLD Committee

The CLD committee was formed to address many of the challenges posed to CASP by the Larry P court cases, bilingual court cases, and the lack of diversity within the profession of school psychology in general. When the Larry P court decisions were made in the 1970s and 1980s there was not a CLD committee within CASP. Our hope as a committee is that, with our unique perspective, we ask questions and take action that prior to this time has not been taken and we do so in a way that benefits students first and our profession as well.

In conclusion the CLD committee remains committed to having the conversation about the aforementioned issues but within the context of what school psychologists, colleagues in education, mental health providers, and parents can in collaboration to end disproportionality and overrepresentation. Issues such as trauma, the school-to-prison pipeline, the achievement gap, micro-aggressions, and ethnic discrimination are minimally impacted by which tests we used to assess students. The relationships we build and the direct action we take to improve the lives of all students in an equitable manner are what ultimately matter as we endeavor to promote the mental health and wellness of California’s students.

Legislative Update
continued from page 12

science graduation mandate. The conference committee did not provide the $50 million as proposed in the May Revision for the Behavior Intervention Plan (BIP) mandate. The budget modifies the Behavior Intervention Plan mandate through trailer bill language to reflect federal law.

- Mental Health – The conference committee did not include $15 million to restore the Early Mental Health Initiative grant program that had been eliminated in a 2012-13 Budget veto. Additionally, one of the trailer bills, SB 87, establishes the Investment in Mental Health Wellness Act of 2013 and provides the necessary statutory references to enact the 2013-14 Budget. This bill also establishes performance outcomes for the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program.

Summary

The passage of the LCFF is the major achievement for the Governor in this budget. However, there will likely be very little time for anyone to rest. The data on which the LCFF is based will turn out to be inaccurate or in conflict. This will take time to resolve. By radically changing the entire school finance funding system so quickly, there are going to be somewhere between dozens and hundreds of technical fixes needed. There will also turn out to be numerous unintended consequences to some of these technical changes and political compromises. This shift to more local determination on program spending will require school psychologists to work more closely with their administrators and board members to make a case for the value of your services and the importance of mental health for all students.
**MEMBERSHIP / RENEWAL APPLICATION**

**July 1, 2013 - June 30, 2014**

**PERSONAL INFORMATION**

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**MEMBERSHIP CATEGORIES**

- **Status Change** (Check here if this is a membership category change.)
- **Regular Member** - $142.00. Regular Members are persons who (1) are credentialed school psychologists employed in California, OR (2) are Licensed Educational Psychologists.
- **Retired Member** - $60.00. Retired Members are persons who are retired (age 65+) from active employment in the schools and are not employed in any capacity that would qualify for membership in any other category.
- **Associate Member** - $142.00 (Please Check One)
  - Credentialed school psychologist employed in a state other than CA.
  - Credentialed school Psychologist who is on leave of absence to personal or professional reasons, such as pursuing an advanced degree.
  - A member of an allied profession, interested in the activities of CASP.
- **Student Member** - $50.00. Student Members are persons who are enrolled in a full-time training program leading to their initial credential in school psychology.
- **1st Year School Psychologist** - $50.00. Members in this category are persons who are renewing CASP members that have graduated during the 2011-2012 membership year and working. Please let us know the following:

  | Advisor’s / supervisor’s name: | __________________ |
  | Advisor’s / supervisor’s e-mail: | __________________ |
  | Advisor’s / supervisor’s phone: | __________________ |

**PAYMENT OPTIONS**

- I am interested in donating to the:
  - "CLD" Cultural Linguistic Diversity Scholarship
  - Mini-Grants Program
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Would you like to join the:

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- If Yes, may we use the credit card below?  [ ] Yes  [ ] No

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