

In Search of the Law

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In my search to find “support” for ESL teachers who are advocating for the inclusion of their ELLs within school programs that have historically based participation or eligibility of students upon the criteria of a required test (score), this brief section from the APA’s Ethics Code may offer valid support or evidence to point assessment team members in the appropriate direction. Where ELLs or CLD students are concerned, assessments or tests do not automatically offer valid and reliable results; careful consideration of tests/assessments is necessary. Assessment and intervention team members must remember their crucial role in providing access and equity for all children in regards to school programs (including special and gifted education); they must ensure that children within the ELL/CLD population are not unfairly denied access to programs, or ensure that children are not unfairly labeled and placed in services/programs that do not meet their educational needs.

The American Psychological Association Ethics Code Task Force Highlighted Changes to the 2002 Ethics Code

Assessment standards

Standard 9

There are also new subsections in the assessment section, including:

- 9.02, which emphasizes that psychologists should only use assessment instruments that are valid and reliable for the population being tested. If validity or reliability haven't been established, they should describe the strengths and limitations of their results and interpretation. It also directs psychologists to use assessment methods appropriate for an individual's language preference and competence, unless the use of another language is relevant to the assessment.
- 9.03, which stipulates that informed consent in assessments includes the nature and purpose of the assessment, fees, involvement of third parties, confidentiality limits and a chance for clients to have their questions answered. Moreover, in instances when informed consent may be waived--when testing is mandated by law or government regulation, when informed consent is implied or when evaluating decisional capacity--psychologists should still provide information about the assessment in understandable language

<http://www.apa.org/ethics/code2002.pdf> (section 9.06 interpreting assessment results) provides essential information that assessment/intervention teams should take into consideration.

Ethical Considerations

It is important to consider what is ethical in the assessment of English Language Learners at a time when there are not enough trained personnel, and current policies deny students their right to access a free and appropriate education in the least restrictive environment. A code of ethics for teaching and assessing ELLs with and without special needs should be developed (American Psychological Association, 2003).

For more information, go to: <http://www.apa.org/ethics/code2002.html#standards>

Other pertinent information can be obtained at : <http://www.ldldproject.net/legal.html>