Ethics and Students with Disabilities from Migrant Farmworker Families

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Abstract

Students with disabilities from migrant farmworker families face multiple and complex challenges in their pursuit of an appropriate education. An ethical framework based on principles of care and hospitality is presented to help guide educators and policy makers in their decisions regarding these students.

Children with disabilities from migrant farmworker families face immense challenges in their pursuit of an appropriate education. For these children and their families economic survival necessitates continuous movement throughout the country in search of seasonal agricultural work. The overwhelming struggles of everyday life and the often compromised educational development of migrant children create enormous ethical challenges for families, schools and service delivery systems. Frequently called "invisible children," in reference to their transient nature and lack of political influence (National Commission on Migrant Education, 1992), migrant students are extremely vulnerable to moral neglect by school systems already overburdened by the competing interests of their majority constituents.

Historically, students from migrant farmworker families have been cited as among the most disadvantaged of all groups of students in the country (National Commission on Migrant Education, 1992; Salerno, 1991). Frequent school changes, cultural and linguistic isolation, low parental academic attainment, poor health conditions, and extreme poverty have consistently placed migrant students among the group of students in the United States most at risk for educational and occupational failure. For migrant students with disabilities, these challenges increase exponentially compelling educators to explore the moral context in which decisions are made, policies developed, and practices implemented.

As an ever-increasing emphasis on mainstream-driven standards and accountability further constrain educators in their decisions regarding policy and practice, inadvertent, but nonetheless negative, effects on migrant students with disabilities are likely to intensify. In this article we present a brief overview of the educational needs of migrant children with particular emphasis on migrant students with disabilities. We then introduce some of the major ethical viewpoints underlying common practices in schools and in the special education process. We discuss the potential impact of these suppositions on migrant students with disabilities and introduce an alternative ethical framework based on principles of care and hospitality to help guide decision-making and policy development.

Educating Students from Migrant Farmworker Families

Nationally, approximately 767,000 children are served each year in migrant education (USDE, 2006). The Migrant Education Program was originally authorized in 1966 under Title I, Part C of the *Elementary and Secondary Education Act* as part of President Lyndon Johnson's "war on poverty" and most recently received reauthorization through the *No Child Left Behind Act of 2001*. Through the Migrant Education Program, funds are awarded from the federal government to State Education Agencies (SEA) according to a formula grant based on the number of migrant children aged three to twenty-one who attend school in the state. California, Texas and Florida are the states with the highest populations of migrant students in the country.

To qualify for migrant education, students must meet strict federal eligibility criteria including moving from one school district to another within and between states in search of temporary or seasonal work in agriculture or fishing. Because their frequent moves are dictated by the growing seasons, students from migrant families typically arrive at school late in the fall after school has started and often must leave before the school year ends. The opportunity to return to a familiar school or community is contingent on the availability of work in the area.

Besides the social adjustment, the transition to new schools for migrant students is often made more difficult by problems such as unreliable health and academic record transmittal, credit transfer across state boundaries and a lack of curriculum alignment between states (National Commission on Migrant Education, 1992). In addition, the majority of students from farmworker families are from minority ethnic backgrounds and school districts are often unprepared to accommodate their cultural and linguistic diversity (Mehta et al., 2000; USDE, 2006).

Adding to the inherent ethical dilemmas facing school systems that educate migrant children is the complicated and controversial issue of legal residency. While the majority of migrant students served in our nation's schools are legal residents, in some areas of the country significant numbers of migrant students, themselves or their parents, are undocumented (Green, 2003). As affirmed by the Supreme Court in 1982, regardless of their legal status, students residing in the United States are entitled to equal protection under the law and cannot be denied free public education (Plyer v. Doe, 1982). As stated by Green (2003), the mandate to educate children who through no fault of their own may be undocumented, "provokes xenophobia from which these children require special protection" (Green, 2003, p. 52).

After almost four decades of concentrated efforts at the local, state and federal levels, increasing numbers of students from migrant farmworker families have been able to overcome the obstacles described above and attain academic success (Duron, 1995; Cranston-Gingras, Morse & Alvarez-Mchatton, 2004; Alvarez-McHatton, Zalaquett & Cranston-Gingras, 2006; Zalaquett, McHatton & Cranston-Gingras, 2007). However, many migrant students continue to lag behind their peers on reading and math state assessments (USDE, 2006) and drop out of school at rates estimated between 45 to 90 percent (United States General Accounting Office, 1998, Mehta et al., 2000).

Migrant Students with Disabilities

A confluence of factors places students from migrant farmworker families at greater risk for disabling conditions than any other population of students in the country. In addition to mobility, other risk factors affecting these children include low levels of parental educational attainment, limited English proficiency, poverty, poor health care and dangerous living and working conditions.

According to the most recent National Agricultural Worker's Survey, 78% of adult farmworkers were born outside the United States with the majority coming from Mexico (Carroll, Samarkick, Bernard, Gabbard & Hernandez, 2005). Eighty-one percent of these individuals reported Spanish as their first language and almost half indicated that they could not speak or read English. The average grade level attainment for these adults was seventh grade. Needless to say, migrant children whose parents cannot speak or read English and who themselves may be English language learners, are at great risk for misplacement in the educational system. Razo (2004) reported that even though students with limited English proficiency are often overrepresented in special education, they also are often not referred for necessary evaluations because of the complexities of their needs.

With a median income of $12,500-$14,499, migrant families struggle financially. Among migrant families with six or more members, 50% live below federal poverty guidelines. This percentage increases to 61% for families of seven or more (Carroll et al., 2005). The link between poverty and need for special education services has been well established (Fujiura & Yamaki, 2000). Poverty is associated with poor prenatal care and low birth weight which have been implicated in learning disabilities, attention deficit disorders, visual and hearing impairments and other neurological conditions (Birenbaum, 2002).

The risk of disabling injury and illness related to farmwork is great. Farmworkers and their children are negatively affected by hazards in the fields and conditions at home (Larson, 2001). Estimates on the number of children working in agriculture vary from 126,000 (Mehta et al., 2000) to 500,000 (Hess, 2007). Surprisingly, unlike other occupations, it is legal in this country for children as young as 12 to work in agriculture with their parent's permission except during school hours. Children 14 and older do not need parental permission to work in the fields and may do so legally as long as they also go to school (Davis, 1997; Hess, 2007).

Unfortunately, since fieldwork begins very early in the morning and continues late into the evening, many children work long hours before and after school. There is no financial motivation for employers to limit the number of hours worked as farmworkers are not eligible for overtime pay. Federal law does not limit the number or time of working hours for children in agriculture, but many states have their own regulations intended to protect young workers (Davis, 2001). In examining the reasons migrant students drop out of school, Martinez and Cranston-Gingras (1996) reported that the number one reason among the 345 youth they studied was to work to help the family.

Exposure to harmful pesticides, dangerous farm equipment, unsafe transportation, excruciating weather conditions and poor sanitation make migrant farmwork one of the most dangerous occupations for children in the United States. Acute and chronic conditions, as well as severe disabilities, often result from work-related hazards (Larson, 2001). More than 100,000 children and adolescents are injured annually in farmwork associated accidents (Hess, 2007).

The risk of disability among children from farmworker families extends to the cognitive, emotional and behavioral realms often with multi-generational effects. Habin and Matthew (2006) reported that 92% of the farmworkers they surveyed in Lake Apopka, Florida were exposed to pesticides in the workplace. Routes of exposure included spray from airplanes, pesticide drift and touching plants with pesticide

residue. Of the individuals surveyed, 26% indicated that they had a child with a learning disability and 37% reported having a grandchild with learning disabilities.

The stress imposed by constant mobility, sub-standard crowded living conditions, social isolation, and chronic poverty take their toll on migrant children. Kupersmidt and Martin (1997) examined the mental health needs of 110 migrant children aged 8 through 11 and found an unusually high prevalence of psychiatric disorders. Sixty-six percent of the children they studied met the criteria for one or more conditions with anxiety disorders being the most common.

While migrant students are widely considered among the students most at risk for poor educational and heath outcomes, almost no national data regarding the prevalence of disability and the need for special education services are available (Razo, 2004). The little data available are now dated and come from the National Commission on Migrant Education's 1992 report which found that migrant students were actually under-represented as a group in special education programs, but over-represented in several disability categories. In addition, the identification of migrant students with disabilities was found to vary considerably by geographic region. This disproportionate representation was found to be greatest among currently migratory children whose frequent moves placed them at the greatest risk for assessment delays, incomplete evaluations and inconsistent communication across school districts, states and in some cases, between schools in Mexico and the United States (National Commission on Migrant Education, 1992).

Ethics

Providing an appropriate education for children with disabilities from migrant farm worker families is among the most complex challenges facing special educators. Although the science and technologies of instruction have advanced substantially during the past two decades, the most intractable issues for many special education teachers have to do with the realities of children's lives over which the teachers have little or no control. The social ecologies of children from migrant farm worker families are organized around work and day-to-day survival and they do not typically include the kinds of community support systems needed to complement and sustain school-based special education programs.

Teachers of these children, when appropriately prepared, can assess learning needs, provide a positive learning environment, and plan and implement appropriate educational interventions. Teachers have the technical knowledge and skills needed to address assessment, instruction, and behavior management issues. As professional educators, they also understand and appreciate the social psychology of learning and the influence of lived experience on learning. They are aware of the debilitating effects of poverty and the lack of continuity in the lives of children from migrant farmworker families. In this context, questions of morally right and wrong decisions become more complex. The realities in Rosa's life illustrate the kinds of challenges facing special educators.

Just past thirteen years old and in the fifth grade, Rosa has attended nine different schools in five states since arriving from Mexico at the age of two. Her parents attended grade school in Mexico before having to drop out to work. They struggle to read and speak English, but place high value on education, encouraging Rosa and her five younger siblings to behave in school and do their work. Whenever possible, Rosa's parents postpone moving the family as long as possible between picking seasons to minimize school interruptions. Rosa's mother knows how important it is for Rosa to attend school and feels bad when she must go to work in the fields and asks Rosa to stay home to care for younger siblings too ill to attend school or day care. Sometimes, also, Rosa must miss school to accompany her mother to the clinic to act as a translator. These appointments are becoming more frequent as Rosa's youngest brother was born with multiple disabilities which local farmworker advocates attribute to her mother's exposure to pesticides while pregnant.

Unfortunately, Rosa has struggled academically. At each school she has attended, teachers and other school personnel have noticed that Rosa has difficulty keeping up with her classmates. Several times, teachers have recommended that she be evaluated for special education, but Rosa's family has moved before her parent's consent could be obtained. Additionally, in some cases Rosa's responses to specific academic interventions were noted at the school level, but this information did not accompany her when she moved.

As a fourth grader, Rosa's reading achievement was determined to be at the second grade level as measured by a state assessment. In particular, the test revealed that she had difficulty with unfamiliar vocabulary, but was able to comprehend complex passages when picture cues were used. Unfortunately, this information was not recorded and only Rosa's score was available when she moved. Based on her test score, Rosa's new school retained her in the fourth grade. When she moved again before the end of the school year, her records were lost and she was placed in her current class in the fifth grade. Although she has always enjoyed school, Rosa is becoming increasingly frustrated. Soon, she will

be old enough to leave school and join her parents working full-time in the fields to help support the family.

Although teachers rely on the social sciences to inform instruction, some questions cannot be answered by research. These are questions about what ought to be done for good reasons. For example, what is the teacher's responsibility for Rosa when she is so handicapped by the circumstances of her life? How does the teacher think about appropriate educational interventions for a child whose social context precludes educational planning with any expectation of continuity in interventions? These kinds of questions extend far beyond the technical knowledge base for instruction and require thoughtful consideration of what will best serve the interests of the child. We rely on experience and what Aristotle called "practical wisdom" in deciding what needs to be and what can be done. An analysis of the Rosa's needs, on the one hand, and the benefits and costs of different interventions is primarily about the relative interests of the child, her family, the teacher, and the school. These kinds of decisions and their justifying reasons are primarily ethical in nature. So how are ethical decisions made and justified?

Ethics is the study of moral principles and their effect on decisions and behavior. Historically there have been several different approaches to ethical decision-making. Principle-based theories of ethical reasoning, developed in the eighteenth and nineteenth centuries, have been applied in different areas of business, education, and political life. John Locke and Jean-Jacques Rousseau inspired the contractarian view, holding that decisions should be guided by moral principles that constitute ideal terms for relationships. They are the principles someone from outside the community with no vested interest in the community would advocate. They include, for example, fairness, cooperation, and deliberation.

Jeremy Bentham and John Stuart Mill were among the leading proponents of utilitarianism, a moral theory that understands any action to be good if, and only if, it brings happiness or otherwise serves the best interest of most people. This view relies on empirical evidence to support claims of "best interest" and is the prevailing ethic in business and government today. However, the utilitarian theory of right action poses serious problems for minorities and vulnerable populations, such as children from migrant farmworker families, whose support may be viewed as being for the moral good of the majority but not necessarily benefiting the majority's economic interests.

Immanuel Kant developed the view that right action should be judged by principles that are based on reason which he understood to be universal. He considered it to be one's duty to act in all circumstances as you would have others act who faced similar circumstances. Virtue-based ethical theories, on the other hand, focus on the kinds of decisions a "good" and virtuous person would make in particular situations. Virtue-based decisions produce things that are inherently good such as happiness, friendship, beauty, pleasure, unity, and knowledge. Several scholars in the latter part of the twentieth century developed different aspects of virtue-based ethical theory (Gilligan, 1982; MacIntyre, 1981; Noddings, 1984). In this view, decisions are highly contextualized, subjective, and empathic, taking into account the feelings and welfare of individuals and groups.

These different approaches to ethical decision making are useful in thinking about ethically right and wrong educational decisions for individuals like Rosa. There are, of course, several different levels of analysis. What ethical theory should guide legislators at the federal and state levels? What should guide local school boards, school-based educators, and Rosa's teacher? Should one theory guide policy decision at all levels and the teacher in the classroom? There will be differences between and among educators, legislators, and advocacy groups in how individual and group interests should be met.

For present purposes, several observations are pertinent to the interests of Rosa and other children similarly situated in life. First, the utilitarian ethic governs most policy decisions for what one would take to be good reasons. In a democratic society, the interests of the majority are protected. However, a logical extension of this theory could justify a social Darwinian ethic which was the reasoning for the eugenics movement in the early part of the twentieth century. This view must be balanced by a three essential principles, participation, deliberation, and care.

Participation here means that those who are affected by a decision participate in making the decision. Although there is a guarantee in law that parents will participate in educational decisions about their child, several factors make it difficult for migrant farm worker families to participate. These include access, language, mobility, and education. An ethic of participation must be assured by local initiatives that are motivated by a genuine interest in the family knowing, understanding, and being able to participate in the decisions.

An ethic of deliberation involves the nature of the decision(s) being made and the process by which it is made. A democratic egalitarian ethic (Howe 1996; Howe & Miramontes, 1992) suggests that the interests of all parties are known and have agency. A migrant farm worker family's voice in activities and meetings designed to insure due process must be sought, heard, and given weight in decisions. This may involve meeting at different places and times than is typical. It

may involve having a translator present. What is required is for the families to be assured that their views are heard, respected, and count in decisions.

An ethic of care is implicated in the policy participation and deliberation but it also extends to the teacher-student interaction in the classroom. In this view, the child has a history, a family, and need for support. The child's narrative as a boy or girl, son or daughter, brother or sister, and student has meaning to the teacher. Care involves empathy, an on-going commitment by the teacher to understand what and who the child brings to school in his or her experience. It involves discernment in appreciating the values the child associates with objects, activities, and relationships. It involves being authentic in seeing and being seen, hearing and being heard by the child.

Policy decisions can be abstract and motivated by principles such as the common good, however, at the teacher-child level decisions are much more contextualized and personal. The child affected by a decision or an action has a name. A name like Rosa.

For example, from a utilitarian perspective, the maintenance of a migrant labor force with minimal support may be argued to be in the interest of the economy and, therefore, for the majority. However, there is ample evidence that there are significant negative health and educational consequences of inadequate support for migrant farm worker families and their children.

The general ethical principle of doing no harm is germane to considerations of educational services for children from migrant farm worker families. The challenge is to define harm. Harm can be the child's experience of a teacher, class, or school as being dismissive, disrespectful, cruel, and thoughtless. Sensitivity to cultural differences in language, symbols, and gestures is essential for an ethical teacher of these children. An affront can be very nuanced to an observer, but have a profound impact on a child. The teacher's sensitivity to the child's response is an important protection from unintended negative effects.

Teachers can't be everything to all people but they can be important to students in their class. They can be committed to positive behavior, sensitive to children's needs, and deliberate in maintaining a caring culture.

A school should be a moral community—caring, deliberative, inclusive, and democratic. It can develop and protect an ethic of hospitality, welcoming strangers who might not have a history or a future in the school but who are present with needs to be taught and cared about today.

Conclusion

Schools have faced complex challenges providing an appropriate education for diverse students since education for all children was made mandatory early in the 20th century. In addition to the ever-present and well known lack of adequate resources, they have functioned in a context of political tension between their professional mission of teaching students using the "best methods" of the day, and their more complex mission of providing a developmentally appropriate, caring, culturally sensitive, and positive relational milieu to educate all students for responsible citizenship.

The amplitude of this tension has never been greater than it is in this first decade of the 21st century. The commitments to providing evidence-based educational practices informed by the best social science available and an appropriate education for culturally diverse student populations are clear priorities in public education policies. Although there have been significant difficulties giving needed attention to both priorities, Whaley and Davis (2007) have recently argued that they can be, and should be, complementary. A major test of the deep social values embedded in these policy mandates is provided in our ability to appropriately educate and meet the diverse social, cultural and language needs of children who present complex challenges such as those with disabilities from migrant farmworker families. The difficulties in seeing and providing an appropriate education for these politically invisible children creates a plethora of ethical dilemmas for education policy makers and teachers. In this article we have examined some of the specific unmet needs and ethical theories that can be useful in guiding fair and responsible decisions in policy deliberations at all levels and schools. The heart of those deliberations, in our opinion, should be to guarantee an appropriate education for these students that rises to three standards: 1) democratic, offering participation, voice, and agency that are socially empowering, 2) caring, providing a context within which individual students are welcomed and their identity and needs are acknowledged and respected, and 3) effective, insuring the presence of, and accountability for, individualized evidence based instructional practices.

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