DESCRIPTIVE STUDY OF SERVICES TO LEP STUDENTS AND LEP STUDENTS WITH DISABILITIES

SPECIAL TOPIC REPORT #4

Findings on Special Education LEP Students

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Note

The Descriptive Study of Services to LEP Students and LEP Students with Disabilities was conducted by Development Associates, Inc., Arlington, VA, for the U.S. Department of Education, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for LEP Students (OELA) from September 2000 to September 2003.

The Project Director was Annette M. Zehler, PhD, and Deputy Director was Howard L. Fleischman. Subcontractors were the Center for Equity and Excellence in Education (CEEE), The George Washington University, directed by Charlene Rivera, EdD; and the National Center for Educational Outcomes (NCEO), University of Minnesota, directed by Martha L. Thurlow, PhD.

This report is one of several developed as part of the Descriptive Study. The reports produced are:

- Research Report (Volume I)
- Policy Report (synthesis of findings)
- Methodology (Volume II)
- Case Study Findings (Volume III)
- Special Topics Reports:
  - Special Topic Report #1: Native Languages of LEP Students
  - Special Topic Report #2: Issues in Studying Learning Outcomes for LEP Students
  - Special Topic Report #3: Analysis of Office for Civil Rights (OCR) Data Related to LEP Students
  - Special Topic Report #4: Findings on Special Education LEP Students

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TABLE OF CONTENTS

Note i
Acknowledgments iii
Technical Advisory Panel Members v

1. INTRODUCTION 1

2. SPECIAL EDUCATION LEP STUDENTS 3

   A. Process for Identification of SpEd-LEP Students 3
   B. Numbers of SpEd-LEP Students 4
   C. Comparison of Identification Rates for SpEd-LEP Students 6
   D. SpEd-LEP Students Identified for Specific Disability Classifications 7
   E. Languages and Language Skills of SpEd-LEP Students 8

3. INSTRUCTIONAL SERVICES FOR SPECIAL EDUCATION LEP STUDENTS 11

   A. Sources of Data on Instructional Services for SpEd-LEP Students 11
   B. Descriptions of Services from District Special Education Coordinators 11
   C. Development of IEPs and Assignment to Instructional Services for SpEd-LEP Students 12
   D. Definition of Instructional Services for SpEd-LEP Students 13
   E. Settings for Special Education Services for SpEd-LEP Students 13
   F. LEP Services for SpEd-LEP Students 15
   G. Coordination Between LEP Services and Special Education Staff 17

4. INSTRUCTIONAL STAFF FOR SPECIAL EDUCATION LEP STUDENTS 19

   A Numbers of Instructional Staff Who Work with SpEd-LEP Students 19
   B Educational Backgrounds and Certification of Instructional Staff Who Work with SpEd LEP Students 19
   C. Experience and Training of Instructional Staff Who Work with SpEd-LEP Students 20
   D. Language Abilities of Instructional Staff Who Work with SpEd-LEP Students 20
   E. Characteristics of District Staff Who Work With Programs for SpEd-LEP Students 21
   F. Perspectives on Staffing Needs for Instruction of SpEd-LEP Students 21

5. STANDARDS AND ASSESSMENT 23

   A. Alignment of Instructional Services for SpEd-LEP Students 23
   B. Inclusion of SpEd-LEP Students in Statewide Testing Programs 25
   C. Use of Accommodations on Statewide and High Stakes Tests 25

6. SUMMARY OF KEY FINDINGS AND IMPLICATIONS 27

A. Identification of SpEd-LEP Students 27
B. Services to SpEd-LEP Students 28
C. Coordination Between LEP Services and Special Education Program Staff 30
D. Teachers and Aides/Paraprofessionals Serving SpEd-LEP Students 30
E. Alignment of Instruction to State Standards 30

REFERENCES 33

1. INTRODUCTION

This report presents the findings from a nationally representative study of limited English proficient (LEP) students which included within its scope a substudy focused on special education LEP students, that is, LEP students with disabilities that qualify them for receipt of special education services under the Individuals with Disabilities Education Act (IDEA, 1997). Such students are increasingly a concern among educators. As noted in U.S. Department of Education (2002), from 1987 to 2001 there has been an increase from 3.3 percent to 14.2 percent in the proportion of students with disabilities who do not use primarily English at home. Between 1992 and 2002, the LEP student population in grades K-12 has increased 72 percent to 3,977,819 LEP students (Zehler et at., 2003). With the continuing increase in the LEP student population, the SpEd-LEP population can be expected to continue to increase as well.

However, there are substantial issues related to the identification and instruction of special education LEP students, referred to here as "SpEd-LEP" students. For example, there have been concerns about both over-identification and under-identification of SpEd-LEP students. LEP students may be classified as requiring special education services because they are struggling with learning a second language while also learning content. On the other hand, difficulties due to a disability may not be identified as such because the student is a second language learner of English. There are very real challenges in determining whether second language acquisition or a disability is interfering with a student's success in the classroom. Policies and practices related to identification differ, as reflected in the variability in the rates of identification of SpEd-LEP students across districts and States. There is a growing recognition of the need for increased understanding of SpEd-LEP student characteristics, and of the issues, policies and practices related to identification of SpEd-LEP students. The data included in this report represent an initial step in this direction.

Inclusion of SpEd-LEP students in the Descriptive Study. In the fall of 2000, to address the need for information related to SpEd-LEP students in grades K-12, the Office of English Language Acquisition (OELA; formerly, the Office of Bilingual Education and Minority Languages Affairs, OBEMLA) of the U.S. Department of Education took the step of incorporating a substudy focused on SpEd-LEP students within the scope of a major national study on LEP students. The core purpose of this study, titled the *Descriptive Study of Services to LEP Students and LEP Students with Disabilities (*hereafter referred to as the "Descriptive Study"), was designed to provide current data on the characteristics of LEP students in grades K-12 and on the instructional services that they receive. The findings were to update data on LEP students and services reported from a similar study conducted ten years earlier, while also collecting additional data on LEP students' participation in current reform efforts focused on standards and assessment. The substudy was added to obtain parallel nationally representative data on SpEd-LEP students for key variables. To implement the substudy, the Descriptive Study design and data collection efforts were expanded to address the separate design issues, separate respondents, and additional approval processes required. The data collection effort related to SpEd-LEP students in fact paralleled that related to LEP students overall.

The design of the Descriptive Study The sample for the Descriptive Study was 1,315 public school districts and 3,424 schools drawn from a sampling frame of districts within the U.S. (50 States and the District of Columbia) that enrolled at least one limited English proficient (LEP) student in 2000-2001. Data on SpEd-LEP students were obtained from the subset of districts and schools which enrolled LEP students and in which there was at least one SpEd-LEP student identified.

The methodology for the Study included mail surveys, on-site data collection on student and staff backgrounds and on services, and case study interview visits to twelve districts. The main data for the study were obtained in the mail survey, which involved four questionnaires. These were completed by district coordinators for special education services and for LEP services, and by school coordinators/lead teachers for special education services and for LEP services. The on-site data collection component was conducted in a subset of 105 of the original mail survey districts. In these on-site data collection districts, student background forms were completed for up to 20 LEP students and up to 5 SpEd-LEP students in 3-6 schools within a district. In addition, teachers and aides who worked with LEP students, including SpEd-LEP students, completed background forms as did also district staff who worked with LEP services for at least twenty percent of their time. In the third component of the study, staff visited twelve districts and conducted focused interviews to obtain perspectives from the field on LEP and SpEd-LEP students' participation in standards and assessment, and on challenges and successes related to these[1].

Purpose of this report. The Descriptive Study developed nationally representative data on SpEd-LEP student characteristics, on instructional services received by SpEd-LEP students, on the characteristics of instructional staff, and on SpEd-LEP students' participation in standards and assessment. The purpose of this report is to summarize these findings on SpEd-LEP students (Chapters 2-5 respectively), and to discuss implications of the findings for research, policy, and practice (Chapter 6).

2. SPECIAL EDUCATION LEP STUDENTS

There were three sources of data on numbers and characteristics of SpEd-LEP students in the Descriptive Study. District and school special education coordinators provided summary data related to SpEd-LEP students in responses to separate mail questionnaires. Another source of information was the review of school records for a sample of SpEd-LEP students. In addition, case study interviews provided perspectives from local district and school staff on the process of identifying students.

District and school coordinators had difficulty in providing reports on the number of SpEd-LEP students. Many of the respondents reported that the data were not easily available; that is, they did not routinely identify SpEd-LEP students as a distinct subgroup. In many cases, data on the numbers of SpEd-LEP students were obtained only through special efforts of district and school staff. Creating a count sometimes required a special computer analysis, or the LEP services coordinator and special education coordinator met and manually compared their lists of students to identify those served by both programs.

A. Process for Identification of SpEd-LEP Students

Issues in identification of SpEd-LEP students. Interviews with staff at districts and schools visited during the case study component of the Descriptive Study included some discussion of perspectives on identification of SpEd-LEP students. Common across several of the interviews were concerns about the challenge faced in attempting to distinguish between second language acquisition versus a disability as the source of a student's academic difficulties. Related to this was a frequent mention of the lack of staff members who have the necessary expertise in both special education and second language acquisition.

Order of identification for LEP and special education services. The findings of the Descriptive Study (based on responses from district special education coordinators) indicated that, in a majority of districts (69.7 percent), students are first identified as limited English proficient (LEP) before they are identified as having a disability that qualifies them for special education services. Of the remaining districts, students were identified simultaneously for LEP and special education services in 12.9 percent of districts, while in only a very few districts (2.6 percent of districts) were students identified for special education services before determining that the students were LEP. In 14.1 percent of districts, the special education coordinators indicated that there was no typical sequence in determining when a student required LEP and special education services.

The fact that the majority of districts indicated that students are first identified as LEP and then later identified as eligible for special education services can perhaps be understood as a reflection of the concern regarding over-identification of LEP students for special education such as was expressed by district and school staff in the case study interviews. However, a parallel concern was also expressed by some staff that LEP students were not identified early enough for needed special education services. For example, in one location, students are not identified for special education prior to

grade 2. In another case, a respondent indicated that some LEP students are not identified for special education services until they are exited from LEP services into regular classroom instruction. Data were not obtained on the typical length of time between identification of LEP status and evaluation for special education services. This clearly is an area which requires further investigation and development of procedures and assessments that will assist staff in identifying SpEd-LEP students as early as possible.

Identification of SpEd-LEP Students: The Challenges in Serving Minority Language Groups

When an Ethiopian student needed to be assessed for special education, there was no criterion-referenced achievement test available in Amharic, and no cultural liaison for Ethiopian students in the district. The school had to improvise and through an interpreter gave the student a reading and writing activity in the native language. After testing, the lead special education teacher contacted an Ethiopian social service agency to ask if the results of the testing indicated to members of the Ethiopian community that the student had a disability. The contact at the social service agency informed her that the results did indicate a possible disability. She also raised the possibility that the student might be younger than reported, and that any results on assessments relating to age norms would need to be interpreted with caution.

Strategies for supporting identification of SpEd-LEP students. The case study interviews indicated that some districts were taking steps to develop better resources for appropriately identifying LEP students in need of special education services. In several of the districts visited, the coordinators described a team approach to identifying SpEd-LEP students. The teams frequently include teachers, parents, bilingual assessment specialists, administrators, and other staff members. The team reviews all records and information, examines what alternative instructional approaches have been tried with the student, and makes recommendations regarding other interventions that might be used. If the team determines that alternative instructional strategies or other interventions are not able to address the student's needs, then he/she is referred to special education. In some districts, tests are administered in the student's native language, or an interpreter might interview the student's parents to obtain their perspectives on the student's abilities.

District staff reported strategies for addressing the need for input from persons who are familiar with the student's language and culture as part of the identification process. Some of the steps that districts have taken to provide services and develop resources for identifying and serving SpEd-LEP students include:

- Use of cultural liaisons who are district staff persons with expertise in the language and culture of key language groups in the district;
- Using cultural/language consultants who are on-call to the district to assist in evaluation of LEP students for special education; and,
- Development of tuition-support programs for special education teachers/staff who are interested in taking courses toward ESL certification.

B. Numbers of SpEd-LEP Students

According to the responses provided by district special education coordinators, there were an estimated 357,325 SpEd-LEP students in public schools in grades K-12 in 2001-2002. This number represents 9.0 percent of all LEP students in U.S. public schools. As shown in Table 2.1, SpEd-LEP students were identified across all grade levels, but were most commonly identified in grades 3-6. Smaller numbers of SpEd-LEP students were identified in grades K and 1, and in the high school grades.

Considering districts with at least one SpEd-LEP student, SpEd-LEP students constituted 8.2 percent of all special education students in the district. Within districts with at least one SpEd-LEP student, the number of SpEd-LEP students as a percentage of all special education students was larger for grades K-6 (9.5 percent) than for grades 7-12 (6.7 percent).

TABLE 2.1
Number and Percentage of SpEd-LEP Students by Grade
(District Special Education Services Questionnaire)

Grade	Number	Percentage
K	20,696	5.8%
1	26,092	7.3
2	29,923	8.4
3	34,224	9.6
4	35,484	9.9
5	36,545	10.2
6	33,776	9.5
7	30,609	8.6
8	27,384	7.7
9	27,572	7.7
10	20,520	5.7
11	14,766	4.1
12	12,682	3.5
Ungraded	7,052	2.0
Total	357,325	100.0%

The number of respondents who provided data on this item was 569. The item response represented 94.4% of the weighted cases on this form. The responses were weighted at the item level to be nationally representative.

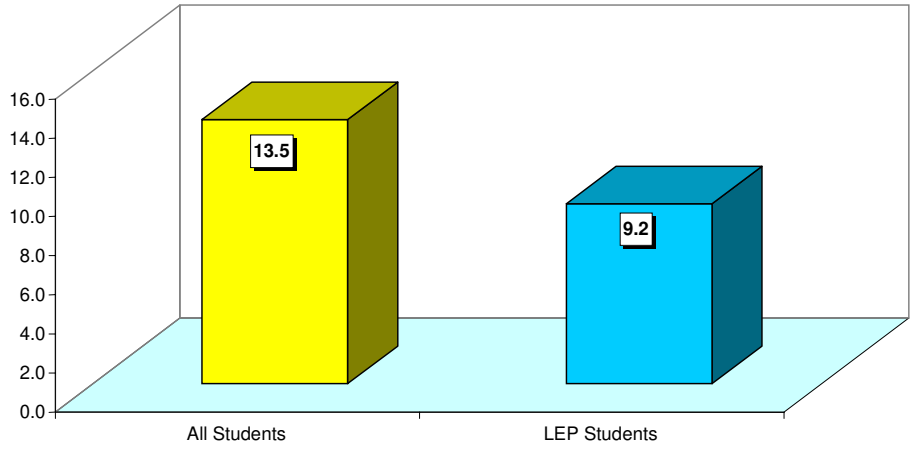
Distribution of SpEd-LEP students across districts and schools. SpEd-LEP students were enrolled in an estimated 4,774 school districts out of the approximately 6,471 school districts with LEP students. Considering districts with SpEd-LEP students, 54.6 percent of districts included fewer than 10 SpEd-LEP students and, combined, the total number of SpEd-LEP students in these districts represented only 2.6 percent of the overall SpEd-LEP population. In contrast, districts in which there were 500 or more SpEd-LEP students represented only 3.4 percent of districts with SpEd-LEP students, but enrolled 57.4 percent of the SpEd-LEP student population. Reflecting this pattern, the median number of SpEd-LEP students per district with SpEd-LEP students was 8.0, and the mean was 74.1. Thus, although there are SpEd-LEP students in a large number of districts, a large percentage of the SpEd-LEP student population is enrolled in a small number of districts.

The findings for the distribution of the SpEd-LEP student population across schools showed a concentration of students similar to that observed in the district level data. At the school level, SpEd-LEP students were enrolled in an estimated 33,713 public schools in the U.S. (72.8 percent of the 45,283 schools with LEP students). Of those schools with at least one SpEd-LEP student, 62.2 percent had fewer than 10 SpEd-LEP students, and only 5.8 percent had 40 or more SpEd-LEP students. The median number of SpEd-LEP students per school was 5.0, and the mean number was 11.5.

C. Comparison of Identification Rates for SpEd-LEP Students

One issue of considerable interest in the field has been the rate of identification of LEP students for special education. There has been concern regarding both over-identification and under-identification. The findings of the Descriptive Study indicate that among districts with at least one SpEd-LEP student, 13.5 percent of all students were in special education, while 9.2 percent of all LEP students were identified for special education services (see Figure 2.1).

FIGURE 2.1
Percentages of All Students and LEP Students in Special Education
(District Special Education LEP Services Questionnaire)



The number of respondents who provided data on this item was from 508 to 569. The item response represented 83.5% to 94.4% of the weighted cases on this form. The responses were weighted at the item level to be nationally representative.

A number of explanations might be offered for this finding. It may be that there are LEP students who are in special education but are not identified as LEP; there may be an under-identification of LEP students in need of special education services, given the difficulties in evaluation; or there may be lower disability rates among those identified as LEP students. The Descriptive Study data do not provide evidence to offer a clear explanation.

Variation across districts in identification of SpEd-LEP students. The rate of identification of SpEd-LEP students was examined for districts based on size of the district LEP student population. This analysis indicated that districts with smaller LEP student populations (99 or fewer LEP students) identify on average 15.8 percent of their LEP students for special education services, while districts with 100 or more LEP students identify on average 9.1 percent of their LEP students for special education.

The source of this difference is not clear and deserves further exploration. It may be that in districts with smaller numbers of LEP students there is less understanding of second language acquisition on the part of staff; special education services may be the only available alternative services; or, there may be less awareness of assessment issues and of pre-referral strategies for assisting LEP students who are experiencing academic difficulty.

Comparison of data with other data sources. Other data sources in addition to the Descriptive Study have indicated a lower rate of identification for special education for LEP students and for Hispanic populations. Findings based on data collected in a universe survey of schools by the U.S. Department of Education, Office for Civil Rights (OCR) were analyzed by Development Associates, Inc. These data indicated a lower percentage of LEP students identified for special education services (7.9 percent) as compared to the identification rate for the K-12 student population overall (12.4 percent)(see Special Topic Report #2: Hopstock & Stephenson, 2003). In U.S. Department of Education data for the 2000-2001 school year, analysis of special education enrollment by race/ethnicity indicated that although Hispanics represented an estimated 17.5 percent of the population ages 6-21 (as estimated based on 2000 Census data), they represent only 14.5 percent of students in special education (U.S. Department of Education, 2002). However, in further analyses of the OCR data, Hopstock and Stephenson (2003) found considerable differences across States in identification rates for SpEd-LEP students.

D. SpEd-LEP Students Identified for Specific Disability Classifications

District and school respondents provided data on the primary disability of the SpEd-LEP students they identified. Thus, where a student was identified for more than one disability, that student was counted only for the primary disability classification. Table 2.2 provides estimates for the number of SpEd-LEP students identified for each disability classification. (The total number of SpEd-LEP students estimated in this table varies somewhat from that indicated in Section A above; the weighted estimate by disability category was based on counts reported by a differing set of districts, since not all districts that provided a total number for SpEd-LEP students were able to provide counts by disability category.)

TABLE 2.2
Number of SpEd-LEP Students
by Disability Classification
(District Special Education Services Questionnaire)

Primary Disability	Number of SpEd-LEP Students	Percentage of SpEd-LEP Students
Specific Learning Disabilities	199,599	55.9%
Speech/Language Impairments	83,982	23.5
Mental Retardation	28,056	7.9
Emotional Disturbance	8,723	2.4
Multiple Disabilities	3,701	1.0
Hearing Impairments	6,028	1.7
Orthopedic Impairments	5,584	1.6
Other Health Impairments	7,867	2.2
Visual Impairments	1,937	0.5
Autism	4,561	1.3
Deaf-Blindness	180	0.1
Traumatic Brain Injury	864	0.2
Developmental Delay	5,916	1.7
Total	356,998	100.0%

The number of respondents who provided data on this item was from 518 to 534. The item response represented 84.8% to 90.1% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

As shown in Table 2.3, for each of the IDEA disability classifications, the percentage of LEP students was smaller than the percentage of the total population among districts with at least one SpEd-LEP student. Comparing across the disability classifications, the percentage difference between all students and LEP students was largest for the "specific learning disability" classification, but the largest proportional differences were for "emotional disturbance" and "other health impairment" classifications. (The "other health impairment" classification includes the attention deficit-hyperactivity disorder (ADHD)).

TABLE 2.3
Percentages of All Students and LEP Students with Specific Disability Classifications
(District Special Education Services Questionnaire)

Disability	Percentage of All Students	Percentage of LEP Students
Specific learning disabilities	6.64%	5.16%
Speech/language impairments	2.72	2.17
Mental retardation	1.20	0.72
Emotional disturbance	1.00	0.23
Other health impairments	0.73	0.20
Developmental delay	0.32	0.15
Autism	0.26	0.12
Multiple disabilities	0.25	0.10
Hearing disabilities	0.18	0.16
Orthopedic impairments	0.16	0.14
Visual impairments	0.06	0.05
Traumatic brain injury	0.04	0.02
Deaf/blindness	0.01	0.005

The number of respondents who provided data on this item was from 518 to 534. The item response represented 84.8% to 90.1% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

The data obtained through the review of individual student records in the on-site data collection indicated that SpEd-LEP students in elementary grades were much more likely to have "speech/language impairments" as their primary disability than were SpEd-LEP students in the middle and high school grades. In contrast, SpEd-LEP students in the middle and high school grades were more likely than were elementary students to have "specific learning disabilities" as their primary disability.

E. Languages and Language Skills of SpEd-LEP Students

Spanish-language LEP students make up a greater percentage of the SpEd-LEP population than of the overall LEP population. Spanish-language students represented 80.4 percent of the SpEd-LEP student population, while they represented 76.9 percent of the LEP population. Even so, in districts with at least one SpEd-LEP student, the percentage of Spanish-language SpEd-LEP students as a proportion of Spanish-language LEP students (9.5 percent) was lower than the percentage of special education students (13.5 percent) identified for the student population as a whole. In addition, two other language groups had higher than average representation in the SpEd-LEP population. Higher identification rates were found for Navajo-language students (1.9 percent of the SpEd-LEP population compared to 0.9 percent of the LEP population) and Lao-language students (0.7 percent compared to 0.4 percent).

Spanish-language LEP students compared to students from other language groups may be more likely to be identified for special education programs due in part to the availability of staff with language skills and appropriate assessment instruments, which would make it easier to identify students in need of special education services. However, it is not clear to what extent a similar explanation might be relevant for Navajo- and Lao-language LEP students.

In terms of English language proficiency, data from the student record reviews indicated that 64.7 percent of SpEd-LEP students had "limited proficiency" (i.e., the student had some difficulty in using English to function in the classroom); 23.9 percent had "very limited proficiency" (i.e., the student had considerable difficulty in using English to function in the classroom); and, 11.4 percent had "very little or no proficiency" in English (i.e., the student generally could not communicate or function in the classroom using English). SpEd-LEP students in elementary grades were somewhat more likely to have very little or very limited proficiency (40.9 percent of the population) than were SpEd-LEP students in middle and high school grades (23.9 percent).

3. INSTRUCTIONAL SERVICES FOR SPECIAL EDUCATION LEP STUDENTS

A. Sources of Data on Instructional Services for SpEd-LEP Students

Information on instructional services provided to SpEd-LEP students was obtained at both the district and school levels. At the district level, the district special education coordinator responded to an open-ended survey question on the nature of services within the district specifically structured to meet the needs of SpEd-LEP students. At the school level, the special education services coordinator or lead teacher (i.e., the person most knowledgeable about the special education services) responded to survey items. In these items, the school coordinator provided descriptions of instructional services within each of six disability categories: specific learning disabilities; speech/language impairments; mental retardation; emotional disturbance; developmental delay; and, all other disabilities. These categories were based upon the thirteen classifications defined by the Individuals with Disabilities Education Act (IDEA), with the low-incidence classifications collapsed into one category. Additional information on services received by SpEd-LEP students was obtained through the review of individual SpEd-LEP student records in the on-site data collection.

Instructional services for SpEd-LEP students include services provided by both the LEP services program staff and the special education program staff. In collecting the data on instructional services, the school coordinators were asked to provide information on four variables: two were related to special education, and two related to LEP services (described below). In many cases, in the data collection follow-up process, it was found that this was not always an easy task for the special education coordinator, since the two programs (LEP and special education) typically operated separately in serving students eligible for their respective services. This structure thus presented some difficulties in obtaining information on services provided to SpEd-LEP students. Anecdotal observations during the case study visits also suggested that the staff within one program was not always aware of the specific services provided to the SpEd-LEP students by the other program.

B. Descriptions of Services from District Special Education Coordinators

District coordinators responded to an open-ended survey question on services provided to SpEd-LEP students. The coordinators were asked to indicate whether there were specific services defined for SpEd-LEP students in the district. The responses indicated that most districts (75.7 percent of those districts with at least one SpEd-LEP student) did not have services designed specifically for SpEd-LEP students within their special education programs. Also, coordinators who reported that their districts did have specific services for SpEd-LEP students were asked to describe these services. In the majority of these cases, the coordinators described services that are typically found in LEP or special education programs and that were not unique services for the SpEd-LEP population. Examples included English language classes, interpreters, and IEP development.

C. Development of IEPs and Assignment to Instructional Services for SpEd-LEP Students

In more than two-thirds (67.2 percent) of districts with at least one SpEd-LEP student, special education coordinators reported that the special education program staff took primary responsibility for developing IEPs for SpEd-LEP students. However, in 23.4 percent of districts, coordinators reported that the LEP services program and the special education program shared equally in this responsibility. Coordinators in 8.3 percent of districts reported that primary responsibility varied between the two programs depending on the student's disability. LEP services program staff had primary responsibility for IEPs in a very small percentage of districts (0.8 percent).

More than 80 percent of districts had at least three types of decision-makers who participated in decisions regarding which instructional services SpEd-LEP students should receive. The district special education coordinators reported that school-level special education staff (85.0 percent of districts) and parents (76.2 percent) were most commonly among decision-makers concerning instructional services. Regular school instructional staff (74.4 percent), district-level special education staff (68.1 percent), school-level administrators (67.2 percent), and district- level LEP staff (59.8 percent) were also frequently on teams.

Districts use several types of information (between one and 12 types, with a median of 7) to decide which instructional services SpEd-LEP students should receive. Table 3.1 presents the percentage of districts that used each of the various types of information. As shown, districts most commonly used achievement/content tests in English (83.8 percent) as one source of information to consider in making decisions about services for SpEd-LEP students.

TABLE 3.1
Types of Information Used for Assigning Services to Special Education LEP Students
(District Special Education Services Questionnaire)

Type of Information	Percentage of Districts
Achievement/content tests in English	83.8%
Oral proficiency tests in English	73.8
Prior instructional services	66.1
Specific learning skills tests	63.9
Achievement/content tests in native language	59.3
Aptitude tests in English	56.3
Writing samples in English	54.7
Teacher ratings of English proficiency	53.6
Oral proficiency tests in native language	48.3
Aptitude tests in native language	45.5
Literacy tests in English	44.4

The number of respondents who provided data on this item was 489. The item response represented 95.8 of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

D. Definition of Instructional Services for SpEd-LEP Students

School special education coordinators were asked to describe the types of instructional services received by SpEd-LEP students within primary disability categories. Instructional services were described in terms of four variables: two relevant to special education, and two relevant to LEP services. The first variable, extent of services in special education settings, was based on reporting required under IDEA on use of instructional settings that are outside of the regular classroom. The second variable was developed for the Descriptive Study as an indicator of the extent of use of inclusion approaches to special education instruction. The third and fourth variables, extent of LEP services, and extent of use of the native language, were the two key variables underlying a set of eight instructional service types defined for LEP students in the Descriptive Study. This approach thus made it possible to link with IDEA reporting related to the extent of services in special education settings, and to link the SpEd-LEP student data with overall LEP student data, in terms of extent of LEP services and extent of native language use (see Figure 3.1).

FIGURE 3.1
Variables Used in Describing Services to Special Education LEP Students

Special Education Services	LEP Services
1. Special education services in a separate setting… • 0-20% of the week • 21-60% of the week • More than 60% of the week	3. Extent of LEP services • None • Some • Extensive
2. Special education services in a general classroom… • 0 hours per week • 1-3 hours per week • 4 or more hours per week	4. Use of native language for instruction • None (less than 2%) • Some (2-24%) • Significant (at least 25%)

E. Settings for Special Education Services for SpEd-LEP Students

Within special education programs under IDEA, one focus is on the educational environment in which students receive special education services. The concern is to ensure that students are served within the least restrictive environment in which their needs can be met. Findings of recent research on racial and ethnic minorities served under IDEA have suggested that these groups are more often served in more restrictive environments (e.g., outside of the general classroom). For example, in 1999-2000, 52.9 percent of White students as compared to 41.1 percent of Hispanic students ages 6 to 21 were served outside the regular classroom less than 21 percent of the school day (U.S. Department of Education, 2002). (However, some caution must be exercised in that this statistic does not take into account differences in representation in disability categories that require more restrictive settings (U.S. Department of Education, 2002)).

In this study, therefore, one variable in describing services was the extent to which a SpEd-LEP student received special education services outside of the general classroom. Such settings could be a separate special education pull-out session or a separate special education class or, less typically, a separate full-time program in a separate building. The term "general classroom" refers to all non-special-education instructional settings. For students who are also identified as LEP, general classrooms may include classrooms that are structured to meet LEP students' needs, including classrooms in which there is use of the student's native language, or special use of English for instruction that is structured to meet the needs of LEP students. Data reported related to this variable parallel data required to be reported to the Federal government on implementation of IDEA.

In addition, a second variable related to the use of inclusion approaches in providing special education services was also investigated. Coordinators reported on the number of hours in the course of a typical week that a SpEd-LEP student received special education services (provided by a special education teacher or aide) within the general classroom. This variable was developed for the purposes of this study, and there were no parallel IDEA data.

The two setting variables do not represent mutually exclusive settings. A student may receive special education services in a resource room, for example for 50 percent of the time, and also receive inclusive services within a general classroom for a portion of the other half of instructional time. There has been research to suggest, in fact, that a mix of settings is beneficial for special education students (Marston, 1996, and Wilson, 1997, both cited in U.S. Department of Education, 2002).

Findings on services received outside the general classroom. The findings showed that the majority of SpEd-LEP students receive special education services outside of the general class 21 percent or more of the time. Overall, 55.0 percent of SpEd-LEP students received special education services in separate special education settings 21 percent or more of the time. This is higher than the 48.6 percent of special education students ages 6-21 reported for school year 1999-2000 (U.S. Department of Education, 2002, Table AB2), although data reported for the prior year, 1998-1999 indicated that 52.6 percent of special education students ages 6-21 received services outside the general classroom 21 percent or more of the time (U.S. Department of Education, 2001). While there appears to be a trend toward decrease in receipt of services outside of the general classroom in recent years for special education students in general, the current percentages indicate that SpEd-LEP students are more likely than special education students in general to be served outside of the general classroom. It may be that some of this difference in use of separate settings reflects services which incorporate use of the students' native language (see discussion below on use of the native language for Spanish-language SpEd-LEP students). The data suggest the need for additional research on the nature of the educational settings in which SpEd-LEP students are provided special education services.

The percentage of time SpEd-LEP students are educated in separate education settings varies substantially by the primary disability category of the student. The percent of students receiving services within separate special education settings for 21 percent or more of the time varied from 84.2 percent for students within the mental retardation category to 18.6 percent for students identified with speech and language impairments (see Table 3.2).

Findings on inclusion approaches: services received within the general classroom. Coordinators were asked to report on the extent to which students received special education services within the general classroom, i.e., use of an inclusion approach in providing special education services. More than half of all SpEd-LEP students were reported to receive at least some special education services

within the general classroom. For SpEd-LEP students overall, school special education coordinators reported that 55.1 percent of students received at least some special education services within the general class: 24.4 percent received such services for 1-3 hours per week in the general class, and 30.7 percent received 4 or more hours per week. The remaining 44.9 percent received no special education services within the general classroom.

The amount of special education services received within the general classroom varied substantially by disability category. Across disability categories, the percentage of students receiving no special education services within the general class ranged from 33.3 percent for SpEd-LEP students within the "all other disabilities" category, to 68.7 percent of SpEd-LEP students identified as having speech/language impairments (see Table 3.2).

Table 3.2
Special Education Services Received by Special Education LEP Students
(School Special Education Services Questionnaire)

	Percentage of SpEd-LEP Students by Disability Classification						
Receipt of services within a separate special education setting …*	**Specific Learning Disabilities**	**Speech/ Language Impairment**	**Mental Retardation**	**Emotional Disturbance**	**Develop-mental Delay**	**All Others**	**All Disabilities**
0-20% of the week	37.9%	81.4%	15.8%	25.4%	31.2%	24.0%	45.0%
21-60% of the week	35.1	10.1	19.4	31.6	31.8	21.4	26.5%
More than 60% of the week	27.0	8.5	64.7	43.0	37.1	54.6	28.5%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Receipt of special education services in a general classroom …**	**Specific Learning Disabilities**	**Speech/ Language Impairment**	**Mental Retardation**	**Emotional Disturbance**	**Develop-mental Delay**	**All Others**	**All Disabilities**
0 hours per week	36.8%	68.7%	35.5%	37.0%	40.5%	33.3%	44.9%
1-3 hours per week	28.2	17.9	17.7	21.6	41.3	22.2	24.3%
4 or more hours per week	35.1	13.4	46.8	41.4	18.2	44.6	30.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

*The number of respondents who provided data on this item was from 790 to 868. The item response represented 86.3% to 96.4% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

** The number of respondents who provided data on this item was from 664 to 856. The item response represented 66.6% to 93.8% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

F. LEP Services for SpEd-LEP Students

School special education coordinators provided information on two key variables that defined the LEP services received by SpEd-LEP students: extent of LEP services, and extent of use of the native language for instruction.

Findings on extent of LEP services received. The extent of LEP services received was defined at three levels: *none; some* (i.e., LEP services support/supplement instruction and/or ESL for less than 10 hours per week); and *extensive* (i.e., content instruction is designed for LEP students and/or ESL services for more than 10 hours per week). The majority of SpEd-LEP students receive services for LEP students that support or supplement regular instruction. The school special education coordinators reported that 56.2 percent of SpEd-LEP students received services described as *some LEP services*; and 27.7 percent received *extensive LEP services.* The remaining 16.1 percent of

students received *no LEP services*. Comparing these findings with the data for all LEP students, SpEd-LEP students were less likely to receive *extensive LEP services*. The coordinators' responses also indicated that the extent of LEP services received by SpEd-LEP students varies by the primary disability category (see Table 3.3).

Findings on extent of use of the native language. The following three categories were used: *All English* (less than 2 percent); *some native language use* (2-24 percent); and, *significant native language use* (at least 25 percent). The coordinators reported that 63.0 percent of SpEd-LEP students (compared to 59.6 percent for LEP students) received instruction *all in English*, 23.9 percent of SpEd-LEP students (compared to 20.1 of LEP students) received *some use of the native language*, and 13.1 percent (compared to 20.4 percent of LEP students) received *significant use of the native language*. Comparing the data for SpEd-LEP and LEP students, SpEd-LEP students are somewhat more likely to receive instruction *all in English* and less likely to receive *significant native language use*.

Table 3.3
LEP Services Received by Special Education LEP Students
(School Special Education Services Questionnaire)

	Percentage of SpEd-LEP Students by Disability Classification						
Extent of LEP services	**Specific Learning Disabilities**	**Speech/ Language Impairment**	**Mental Retardation**	**Emotional Disturbance**	**Develop-mental Delay**	**All Others**	**All Disabilities**
None	15.8%	14.2%	17.9%	14.0%	11.4%	24.1%	16.1%
Some	57.9	55.2	39.0	52.9	78.5	61.5	56.2
Extensive	26.3	30.6	43.1	33.0	10.1	15.3	27.7
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Extent of use of the native language**	**Specific Learning Disabilities**	**Speech/ Language Impairment**	**Mental Retardation**	**Emotional Disturbance**	**Develop-mental Delay**	**All Others**	**All Disabilities**
All English	64.9%	57.6%	57.1%	78.5%	56.2%	68.0%	63.0%
Some native language use	25.7	21.8	19.7	17.2	30.1	21.6	23.9
Significant native language use	9.4	20.6	23.2	4.3	13.7	10.4	13.1
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

*The number of respondents who provided data on this item was from 778 to 868. The item response represented 84.5% to 96.4% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

** The number of respondents who provided data on this item was from 805 to 870. The item response represented 85.4% to 96.4% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

The pattern of language use for instruction differs by the disability category of the student (see Table 3.3. A higher percentage of students within the emotional disability category received instruction all in English as compared to students in other disability categories.

Comparisons of services received by language group of students. Data from the student record review process were analyzed to compare instructional services for SpEd-LEP students from Spanish-language versus other backgrounds. Spanish-language SpEd-LEP students in comparison to those from other language groups were more likely to:

- Receive instruction in a separate setting for 21 percent or more of the time (47.8 percent versus 32.7 percent);
- Receive special education services in general classrooms (43.3 percent versus 29.2 percent);
- Receive extensive LEP services (22.0 percent versus 11.4 percent); and,

- Receive services involving use of the student's native language (41.1 percent versus 10.4 percent).

G. Coordination between LEP Services and Special Education Staff

Questions about coordination were asked of respondents at both the district and school levels, and of both LEP services and special education staff. Most district and school LEP services coordinators and special education coordinators reported that they coordinated their efforts either fairly well or very well. When asked to rate the level of coordination, 31.1 percent of district special education coordinators indicated that LEP services staff and special education services staff coordinated their efforts "very well," and 53.0 percent reported that they coordinated "fairly well," while only 12.6 percent reported "not very well," and 3.3 percent, indicated that they coordinated "not at all." The responses of school special education coordinators, district LEP coordinators, and school LEP coordinators were similar.

These responses were somewhat in contrast with the data collection experience where there was considerable difficulty in obtaining counts of SpEd-LEP students. However, the responses on means of coordination indicated that most, with the exception of the IEP meetings, were more informal in nature and that formal policies for coordination between programs were not prevalent. According to district special education coordinators, the most common mechanisms for coordination were meetings/discussions about individual students (81.5 percent), IEP meetings (77.2) percent, and informal discussion of policy (72.5 percent). Smaller percentages of district special education coordinators reported that there were joint meetings on policy and practices (42.8 percent), joint training (35.1 percent), offices located near each other (24.5 percent), clear procedures outlined (21.4 percent), or a formal policy on coordination (14.4 percent). The findings from school special education coordinators and district and school LEP services coordinators were similar. Without formal systems of coordination, there is less likelihood that both program staffs will have a mutual awareness of the services each program offers to students eligible for both programs. Thus, while the staff of both programs may coordinate about individual students, the lack of formal systems for coordination may preclude summary data or knowledge about SpEd-LEP students as a specific sub-group, such as was required to provide the counts of SpEd-LEP students.

4. INSTRUCTIONAL STAFF FOR SPECIAL EDUCATION LEP STUDENTS

Summary data on the characteristics and training of instructional staff that work with at least one SpEd-LEP student were collected in the mail survey of school special education coordinators. In addition, in the on-site data collection, background data were collected directly from teachers and instructional aides who worked with at least three LEP students. These teachers and aides indicated the number of SpEd-LEP students with whom they worked.

A. Numbers of Instructional Staff Who Work with SpEd-LEP Students

An estimated 729,603 teachers in public schools in the U.S. work with at least one SpEd-LEP student. This number represents 24.4 percent of all public school teachers who teach grades K-12. In addition, there were an estimated 156,292 instructional aides who worked with at least one SpEd-LEP student in public schools across the country in 2001-2002.

B. Educational Backgrounds and Certification of Instructional Staff Who Work with SpEd-LEP Students

Educational backgrounds and certification of teachers of SpEd-LEP students. Summary data provided by school special education coordinators indicated that, of teachers who serve at least one SpEd-LEP student, 20.3 percent were certified in bilingual education, ESL, or a related area; 22.1 percent were certified in special education; and 5.5 percent had a Master's or Doctoral degree in a field related to the instruction of SpEd-LEP students. Of these teachers, the coordinator reported that 8.4 percent were working with provisional teaching certification.

Among teachers who instructed at least three LEP students and whose primary teaching responsibility was special education, 87.8 percent reported special education certification; over half (53.9 percent) had a graduate degree; 11.4 percent held ESL certification; and 2.3 percent were certified in bilingual education.

Educational backgrounds and certification of aides who work with SpEd-LEP students. Descriptions of the backgrounds of instructional aides who worked with at least one SpEd-LEP student indicated that only small percentages were certified. According to school special education coordinators, of those instructional aides who worked with at least one SpEd-LEP student, 5.9 percent held bilingual education, ESL, or other LEP services-related certification; 6.8 percent were certified in special education; and 2.3 percent had provisional teaching certification.

Among instructional aides who worked with three or more LEP students and who described their primary responsibility as a special education aide, 39.4 percent reported that they had at least a Bachelor's degree; 46.5 percent had some college or an Associate's degree; and 14.0 percent had a high school diploma or GED.

C. Experience and Training of Instructional Staff Who Work with SpEd-LEP Students

Experience and training of teachers of SpEd-LEP students. In their responses to the background forms, 60.5 percent of teachers who worked with at least three LEP students and whose primary teaching responsibility was special education indicated that within the past five years they had received in-service training related to the teaching of LEP students. Overall, the teachers received a median of three hours of training that was related to the teaching of LEP students (the median included those with no training). On the other hand, 94.3 percent of such teachers (i.e., teachers of at least three LEP students whose primary responsibility was special education) reported that within the past five years they had received in-service training related to the teaching of students with disabilities. The median number of hours of this training received by all such teachers was 40 hours. The median number of hours of in-service training received in the past five years by these teachers related specifically to the teaching of SpEd-LEP students was zero.

Experience and training of aides who work with SpEd-LEP students. Among classroom aides who worked with at least three LEP students and whose primary responsibility was special education, 26.5 percent reported that they had received in-service training in the past five years on the teaching of LEP students. In comparison, 62.0 percent reported that they had received in-service training in the past five years on the teaching of students with disabilities. The median number of hours of training related to teaching students with disabilities was 6 hours (the median included those with no training); of these hours, the median number of hours devoted to the teaching of SpEd-LEP students was zero. Elementary school aides received more hours of training than did middle and high school aides.

The median number of years the special education aides reported having worked as classroom aides was 4 years. Elementary school aides tended to have more experience than middle school aides, and middle school aides in turn had more experience than high school aides.

D. Language Abilities of Instructional Staff Who Work with SpEd-LEP Students

Language abilities of teachers who work with SpEd-LEP students. According to school special education coordinators, of those teachers who work with at least one SpEd-LEP student, 14.0 percent were fluent speakers of a non-English language that was the native language of their SpEd-LEP students, 12.5 percent read a non-English language used by SpEd-LEP students, and 11.1 percent came from a non-English language background.

Language abilities of instructional aides who work with SpEd-LEP students. According to school special education coordinators, of those instructional aides who work with at least one SpEd-LEP student, 38.6 percent were fluent speakers of a non-English language that was the native language of their SpEd-LEP students; 34.8 percent read a non-English language used by SpEd-LEP students; and 35.4 percent came from a non-English language background.

E. Characteristics of District Staff Who Work With Programs for SpEd-LEP Students

Of district staff who worked 20 percent or more of their time on work related to programs for LEP students, approximately one-quarter described their primary responsibility as a special education program administrator/manager or specialist. Among this group, 95.2 percent held a graduate degree, 84.7 percent held administrator/principal certification, and 84.0 percent held special education certification. Only a very small percentage held bilingual (5.7 percent) or ESL certification (2.0 percent).

The median number of years of experience managing/working with programs at the district level among these district staff was 8 years; the median years of experience with special education programs at the district level was 7 years; and median years of experience with LEP programs at the district level was 2 years. The median number of years of experience in teaching at the K-12 level and of experience in teaching students with disabilities was 12 years.

Almost all (99.5 percent) of this group of district administrators had received in-service training related to the instruction of special education students. Their responses on the background form indicated that within the past five years they had received a median of 100 hours of in-service training related to the instruction of students with disabilities; of this total, a median of three hours was devoted specifically to the instruction of SpEd-LEP students.

Among these administrators, only 10.5 percent reported that their oral proficiency in the language that was the native language of one or more of their LEP students was at least "good" or "fluent." Only 10.2 percent reported that their ability to read and write in that language was at least "good" or "excellent."

F. Perspectives on Staffing Needs for Instruction of SpEd-LEP Students

Data from district special education coordinators indicated that three-quarters of districts lack at least to some extent sufficient numbers of teachers with the necessary qualifications to serve special education students who are LEP. Coordinators in districts with larger numbers of LEP students were more likely to report a lack of qualified teachers for their SpEd-LEP students than were coordinators in districts with smaller numbers of LEP students.

5. STANDARDS AND ASSESSMENT

The Federal No Child Left Behind Act of 2001 (NCLB) requires that all States: (1) set standards in each instructional content area for what students should know and be able to do in each grade level, and (2) assess the extent to which students are achieving those standards through the collection of objective data using tests aligned with those standards. The Act stipulates that all students must be included in Statewide testing programs, including those who are limited English proficient and those with disabilities. The NCLB Act of 2001 was signed into law in January 2002, approximately halfway through the 2001-2002 academic school year, the year in which data were collected for this study. Thus, school districts and schools were operating under the requirements of the previous legislation, the Improving America's Schools Act., and had not yet begun to implement the NCLB Act at the time that data were collected for this study. The data presented in this chapter should be interpreted with this fact in mind.

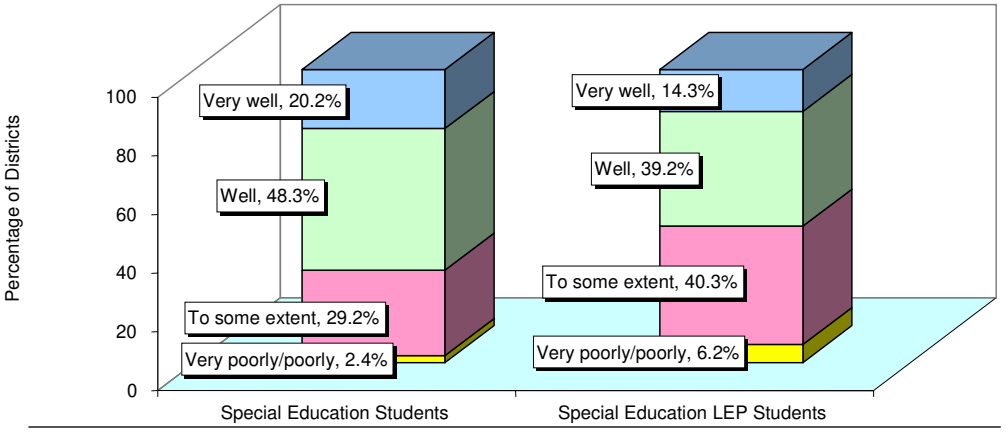
A. Alignment of Instructional Services for SpEd-LEP Students

District special education coordinators provided responses to items on the district mail survey which addressed the degree of alignment of programs with State standards. The responses of the coordinators indicated that instructional programs for SpEd-LEP students are not aligned with State content/performance standards to the same extent as are instructional programs for special education students in general. As shown in Figure 5.1, two-thirds of district special education coordinators (68.5 percent) reported that instructional programs for special education students were "very well" or "well" aligned with State content/performance standards, while only a little more than half of those coordinators (53.5 percent) reported that programs for SpEd-LEP students were similarly aligned with State standards.

Materials and training provided to support alignment. General curriculum materials and training are more often provided to teachers to align instruction with State standards than are curriculum materials and training specifically structured for LEP or SpEd-LEP students.

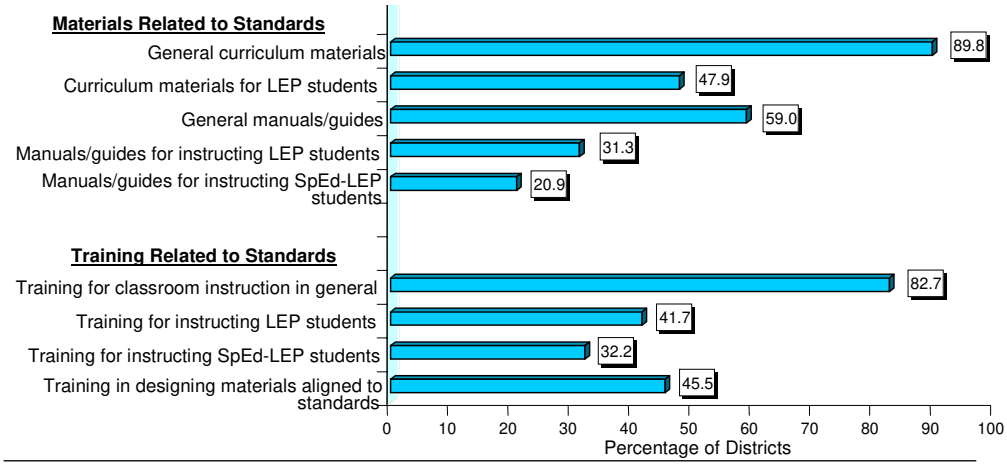
As shown in Figure 5.2, most district special education coordinators (89.8 percent) reported that general curriculum materials were provided to teachers of SpEd-LEP students to help them align instruction with State standards; 47.9 percent of coordinators reported that materials for LEP students were provided. The coordinators also reported that general manuals/guides for applying standards in the classroom were provided to teachers of SpEd-LEP students in 59.0 percent of districts; manuals/guides for applying standards for instructing LEP students were provided to teachers of SpEd-LEP students in 31.3 percent of districts; and manuals/guides for applying standards for instructing SpEd-LEP students were provided to teachers of SpEd-LEP students in 20.9 percent of districts. In 4.0 percent of districts, there were no materials provided to teachers of SpEd-LEP students that were specific to aligning instruction with standards.

FIGURE 5.1
Extent of Alignment of Services with State Content/Performance Standards for Special Education Students
(District Special Education Services Questionnaire)



The number of respondents who provided data on this item was from 494 to 495. The item response represented 97.1% to 97.2% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

FIGURE 5.2
Materials and Training Provided to Teachers of Special Education LEP Students to Help Them Align Instruction with State Content/Performance Standards
(District Special Education Services Questionnaire)



The number of respondents who provided data on this item was from 492 to 495. The item response represented 96.7% to 97.0% of the weighted cases on this form. The responses were weighted at the form level to be nationally representative.

Similar findings were obtained with respect to the training provided to teachers of SpEd-LEP students. As shown in Figure 5.2, 82.7 percent of district coordinators reported that general training was provided to teachers of SpEd-LEP students to assist them in applying State standards to classroom instruction; 41.7 percent of district coordinators reported that teachers of SpEd-LEP students were provided training on applying standards to instructing LEP students; and 32.2 percent reported that training was given in applying standards to instructing SpEd-LEP students. In 10.0 percent of districts, there was no training provided to teachers of SpEd-LEP students in aligning instruction to standards.

Perspectives from the case study interviews on alignment. In the case study interviews, district and school staff provided comments on their alignment efforts and on the challenges they experienced in aligning instruction for SpEd-LEP students. The coordinators referred to the IEPs as the mechanism for aligning instruction, since all IEPs are required to be in alignment with State standards. Those interviewed commented on the following as challenges to alignment: teachers' lack of familiarity with the content of standards; the high level of skills required; and the amount of paperwork required in aligning IEPs with standards. Some respondents also observed that the standards assume that students have the same background knowledge and English language ability as the general population. Others noted that there is an anticipated pace for presentation of information incorporated into the standards, but that it is very difficult to keep special education students on this pace, and to still build in the additional repetition and practice that SpEd-LEP students require to master benchmark skills.

B. Inclusion of SpEd-LEP Students in Statewide Testing Programs

District special education coordinators reported that 75.4 percent of those SpEd-LEP students enrolled in the grades in which students were tested were included in the most recent Statewide testing. In reporting criteria used to exempt SpEd-LEP students, 75.3 percent of district coordinators reported that SpEd-LEP students were exempted from Statewide tests based on their IEP. In addition, specific criteria used to exempt SpEd-LEP students were: severity of the student's disability (45.3 percent of districts); student's level of English proficiency (38.0 percent of districts); length of time in U.S. schools (32.9 percent of districts); and length of time in the U.S. (29.0 percent of districts).

Reporting of SpEd-LEP student data. Responses from the district special education coordinators indicated that assessment data for SpEd-LEP students most commonly are reported combined with data for other special education students (37.4 percent of districts). Only 4.4 percent of district coordinators reported that data for SpEd-LEP students are presented separately.

C. Use of Accommodations on Statewide and High Stakes Tests

States have policies on the use of accommodations on Statewide tests for special education students; these policies, however, do not always address SpEd-LEP students specifically. Almost all district special education coordinators (98.1 percent) reported that their States had a policy on the use of accommodations for special education students on Statewide tests, but less than one-half of those district coordinators (40.8 percent) reported that their States had a policy specifically for SpEd-LEP students. In those States that did have policies on accommodations for SpEd-LEP students, 34.5 percent of district coordinators reported that they had little local discretion within that policy; 37.9

percent reported that they had some local discretion; and 27.6 percent reported that they had a great deal of local discretion.

As reported by the district special education coordinators, 60.3 percent of the SpEd-LEP students who took the most recent Statewide tests received some form of accommodation. SpEd-LEP students in districts with the largest numbers of LEP students (10,000 or more) were less likely to receive accommodations on Statewide tests (50.5 percent of SpEd-LEP students) than were SpEd-LEP students in districts with less than 10,000 LEP students (64.7 percent of SpEd-LEP students). Almost all district coordinators reported that determination of whether a SpEd-LEP student received some form of accommodation was based on the student's IEP. Other criteria used were: severity of disability (43.6 percent of districts), level of English proficiency (33.0 percent of districts), teacher judgment (30.9 percent), and type of disability (29.9 percent).

The most frequent types of accommodation provided by districts to SpEd-LEP students were: individual or small group administration (86.7 percent of districts), extra time to complete the test (81.0 percent), reading the test aloud to students in English (69.5 percent), use of a scribe (34.3 percent), interpretation of directions into students' native languages (32.0 percent), assistive technology (24.5 percent), and use of dictionaries (20.4 percent of districts).

Almost one-quarter (22.8 percent) of SpEd-LEP students were reported to have received alternate/alternative testing in English language arts; 20.2 percent received alternate/alternative testing in math; and 14.5 percent received alternate/alternative testing in each of social studies and science.

When asked about the administration of high stakes tests (high school exit exams and grade promotion tests) to SpEd-LEP students at the middle and high school levels, two-thirds of district special education coordinators (63.0 percent) reported that SpEd-LEP students took the same tests with accommodations (extra time, use of English dictionaries, translators). A quarter of respondents (22.9 percent) stated that their districts had different rules for different groups of SpEd-LEP students and for different tests. A small group (7.1 percent) reported that middle and high school SpEd-LEP students took different tests or were exempted from high stakes tests.

6. SUMMARY OF KEY FINDINGS AND IMPLICATIONS

The data collection on SpEd-LEP students within the Descriptive Study was initially conceived of as a substudy within the national study on LEP students and services. In terms of the data collection effort, the SpEd-LEP student portion of the Study was equally if not more challenging than the LEP student portion of the research. However, the effort has resulted in nationally representative data that offer an important step toward more in-depth exploration of policy and practice related to the instruction of SpEd-LEP students. In this chapter, some of the key findings of the Descriptive Study related to SpEd-LEP students are reviewed. The findings are discussed in terms of possible implications for further research and practice.

A. Identification of SpEd-LEP Students

The Descriptive Study's request for information on SpEd-LEP students challenged many district and school administrators.

Many districts and schools provide LEP instructional services and special education instructional services to SpEd-LEP students. However, many districts do not have mechanisms in place for linking data across the two programs to identify SpEd-LEP students, and in these districts, the data on the numbers of SpEd-LEP students were obtained only through special efforts of district and school staff. In many cases, the coordinators for LEP services and special education coordinator manually compared their separate student lists to identify those students served by both programs or, in other cases, special computer analyses were required to obtain the information.

Given that the SpEd-LEP population is relatively small, and given that there have been very few research or evaluation efforts or data reporting systems that have focused on SpEd-LEP students as a distinct population, these findings are not surprising. However, the Descriptive Study data show that the LEP student population continues to grow, and U.S. Department of Education data indicate a growing population of special education students who do not have English as their primary language in the home. Thus the SpEd-LEP population can be expected to also grow larger in coming years. This expected trend suggests that school district administrators should work toward developing record-keeping and database systems that incorporate identification of SpEd-LEP students as a first step toward identifying and studying key issues relating to the needs of SpEd-LEP students.

Smaller proportions of LEP students than of students in general are identified for special education services; smaller proportions of LEP students than of students in general were reported for each of the special education disability categories.

In districts with at least one SpEd-LEP student, 13.5 percent of all students were in special education, while the equivalent percentage for LEP students was 9.2 percent. The percentage of LEP students in each of the IDEA disability classifications was smaller than the percentage of the total population in each of those classifications. The largest percentage difference was in the "specific

learning disability" classification, but the largest proportional differences were for "emotional disturbance" and "other health impairment" classifications.

While lower representation does not necessarily mean under-identification, (e.g., the results may be based on under-reporting of LEP students in special education), the results do suggest the need for further study. As was noted by a number of school and district staff in informal interviews on identification of SpEd-LEP students, there are considerable issues involved in attempting to determine whether observed difficulties in the classroom stem from second language learning or from a disability.

- **The rate of identification of SpEd-LEP students varies across districts.**

Districts with 99 or fewer LEP students had higher rates of identification of SpEd-LEP students than did districts with 100 or more LEP students. In addition, analyses of Office for Civil Rights data for rates of identification of SpEd-LEP students indicated considerable differences across States in identification rates (see Special Topic Report #3: Hopstock and Stephenson, 2003). Further research is needed to explore further the sources of this variation. One factor is the difficulty encountered by staff in assessing LEP students and in distinguishing second language acquisition versus a disability; other factors are also likely to be involved in accounting for the differences in rates.

- **District and school staffs are challenged by the difficulties in determining whether a LEP student should be identified for special education services.**

District and school staff interviewed indicated that determining whether a student's academic difficulties are due to language acquisition issues or to a disability is extremely difficult. Many districts reported that they used teams comprised of staff and parents as part of the identification process.

Some districts have developed additional resources in the form of native speaker consultants, or staff bilingual liaisons for certain language groups; district staff also reported that they sometimes reach out to native speakers within social service agencies for assistance. However, if a district has an assessment translated, there are issues of test validity; also, where the native language resource is a person without special education expertise there are concerns. Given issues such as these, in combination with the lack of assessment tools and of special education staff familiar with LEP students' languages and cultures, evaluation of LEP students for special education services is a major challenge. As has been recognized by many in the field, there is a need for further guidance and resources related to the identification of SpEd-LEP students.

B. Services to SpEd-LEP Students

Most districts appear to provide services for SpEd-LEP students by combining the efforts of LEP program staff and special education staff. On all four variables used to describe services for SpEd-LEP students, there were considerable differences by disability group, as might be expected given the differing needs of students within these groups. In addition, there were differences in services received by language group.

- **The majority of SpEd-LEP students receive special education services outside of the general class 21 percent or more of the time.**

Overall, one half (55.0 percent) of SpEd-LEP students received services in separate special education settings 21 percent or more of the time. The findings on receipt of services in separate special education settings differed by disability category, as would be expected given the differing needs of students within these categories. Receipt of services in separate special education settings also differed depending on the native language of the student. Spanish-language students were more likely than other language groups to receive instruction in a separate setting for 21 percent or more of the time.

U.S. Department of Education data show that in recent years, there has been a decrease in percentages of special education students overall who receive services in a separate setting 21 percent or more of the time. Comparing the most recent percentages reported for special education students in general and for SpEd-LEP students, SpEd-LEP students are more likely than special education students in general to receive services outside the general classroom. It may be that some of this difference in use of separate settings reflects services that involve the LEP students' native language. The data suggest the need for additional research on the nature of the educational settings in which SpEd-LEP students are provided special education services.

- **More than half of all SpEd-LEP students receive at least some special education services within the general classroom.**

For SpEd-LEP students overall, school special education coordinators reported that more than half (55.1 percent) of students received at least some special education services within the general class. About a quarter of SpEd-LEP students received such services for one to three hours per week in the general class, and just under a third received four or more hours per week. Spanish-language SpEd-LEP students were more likely than others to receive special education services within the general classrooms.

- **SpEd-LEP students are less likely than LEP students in general to receive extensive LEP services, and somewhat more likely to receive instruction provided in English.**

The data from school special education coordinators indicated that more than half (56.2 percent) of SpEd-LEP students received services described *as some LEP services*, while just over a quarter received *extensive LEP services.* Comparing these data with those for all LEP students, SpEd-LEP students were less likely to receive *extensive LEP services* (i.e., they were less likely to content instruction designed specifically to meet their needs as LEP students and/or more than 10 hours of ESL instruction). Almost two-thirds (63.0 percent) of SpEd-LEP students received LEP services provided entirely in English; this is slightly more than the 59.6 percent of LEP students overall who receive services all in English. SpEd-LEP students were also less likely to receive *significant use of the native language* for instruction. Research to examine these differences in services and to investigate the most appropriate combination of LEP services and special education services would be useful to ensure that SpEd-LEP students receive services that address their needs both as LEP students and as special education students.

Spanish language SpEd-LEP students were more likely to receive extensive LEP services, and more likely to receive services involving the use of their native language, compared to SpEd-LEP students from other language groups. These differences by language group may be related to the greater availability of teachers and other resources for Spanish speakers, as well as related to the fact that Spanish-language students represent a large proportion of the SpEd-LEP student population.

C. Coordination between LEP Services and Special Education Program Staff

The coordination between LEP services and special education program staff, with the exception of the IEP meetings, is more commonly informal rather than based on formal mechanisms or policies.

Most district and school LEP services and special education program staff reported that they coordinated well or very well. However, in apparent contrast with this report, it was observed that LEP services and special education staffs were not always mutually aware of the services provided by their respective programs to their SpEd-LEP students. This apparent contradiction might be explained by the fact that the mechanisms staff reported for coordination were more often informal than formal in nature. Informal mechanisms are perhaps more often focused on issues related to individual students, rather than related to SpEd-LEP students as a subgroup. Increased emphasis on coordination, including formal mechanisms, could increase staff awareness and coordination of all instructional services received by SpEd-LEP students, and in turn expected to benefit students. The need for increased staff training related to instruction of LEP and special education students, as noted below, would be helpful in increasing the effectiveness of such increased coordination.

D. Teachers and Aides/Paraprofessionals Serving SpEd-LEP Students

There appears to be a need for LEP services and special education teachers and aides to have broader cross-training.

The data from district special education coordinators indicated that three-quarters of districts lack sufficient numbers of teachers qualified to serve SpEd-LEP students. Findings on the amount of in-service training received by teachers and aides who work with SpEd-LEP students also indicate that there is limited training provided. It is very difficult to find teachers and aides who have the sets of knowledge and skills required to most effectively work with SpEd-LEP students, and it would be a very heavy burden to expect teachers to have dual credentialing in LEP services and special education. However, there is apparently a need for greater training in these areas for those who work with SpEd-LEP students as noted in the survey findings and in the conversations with local program staff.

E. Alignment of Instruction to State Standards

The data collection for the Descriptive Study took place in 2001-2002. The data thus offer a description of districts' progress in efforts toward inclusion of SpEd-LEP students within standards and assessment s just prior to the implementation of the NCLB Act of 2001.

Instructional programs for SpEd-LEP students are not aligned with State content/performance standards to the same extent as instructional programs for special education students in general.

Approximately two-thirds of district special education coordinators reported that instructional programs for special education students were "very well" or "well" aligned with State content/performance standards, while only a little more than half of those coordinators reported that programs for SpEd-LEP students were similarly aligned with State standards. The proportion of districts reporting that instruction for SpEd-LEP students is aligned well or very well (53.6 percent of districts) is also somewhat smaller than the proportion of districts reporting the instruction for LEP students is aligned with standards (58.1 percent).

- **General curriculum materials and training are more often provided to teachers to align instruction with State standards than are curriculum materials and training for LEP or SpEd-LEP students.**

Almost all district special education coordinators (approximately 9 out of 10) reported that general curriculum materials were provided to teachers of SpEd-LEP students to help them align instruction with State standards. Similarly, in describing materials provided to assist teachers in implementing standards in the classroom, more than half of the special education coordinators, almost 6 in 10 coordinators, reported that general manual/guides for applying standards in the classroom were provided to teachers of SpEd-LEP students.

The findings on materials and training indicate that teachers of SpEd-LEP students are often not receiving assistance in implementing standards in the classroom that is specifically relevant to the challenges they face in instructing their SpEd-LEP students. Thus, teachers must abstract from more general materials to develop applications in their own instruction. Yet, the findings reported earlier on training and certification suggest that many teachers of SpEd-LEP students do not have the background and training they need to be able to effectively develop such adaptations in ways that will address the dual LEP and special education needs of their students. These data indicate that more training and more specific materials are needed by teachers in order to implement standards-based instruction with their SpEd-LEP students.

Notes:

[1] The details of the sampling, data collection, and data analysis activities are presented in the Methodology Volume (Volume II) of the study report. Readers who want to review all of the study's findings including detailed data tables and findings concerning LEP students (for comparison purposes) and SpEd-LEP students should refer to the Research Report, Volume I of the study report.

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