

# **Exploratory Study on the Identification of English Learners with Disabilities**

## **Exploratory Study on the Identification of English Learners with Disabilities**

**Supporting Statement for Paperwork Reduction Act Submission**

### **PART A: Justification**

**Contract ED-PEP-11-O-0088, Task Order 2**

EDICS Tracking Number 4831  
OMB Number: (1875) New-XXXX  
Revised XX/XX/XXXX

September 2012

*Prepared for*  
Policy and Program Studies Service  
U.S. Department of Education

*Prepared by*  
Westat

# Contents

Page

<b>Section A: Justification</b> .....	<b>1</b>
Introduction .....	1
A.1. Circumstances That Make Collection of Data Necessary.....	2
A.2. Purposes and Uses of the Data.....	3
A.3. Use of Information Technology to Reduce Burden.....	4
A.4. Efforts to Identify and Avoid Duplication.....	4
A.5. Efforts to Minimize Burden on Small Business or Other Entities.....	4
A.6. Consequences if the Information is Not Collected or Collected Less Frequently .....	5
A.7. Special Circumstances.....	5
A.8. Federal Register Comments and Persons Consulted Outside the Agency.....	5
A.9. Payments to Respondents.....	5
A.10. Assurances of Confidentiality.....	6
A.11. Questions of a Sensitive Nature.....	7
A.12. Estimates of Respondent Burden.....	7
A.13. Estimates of the Cost Burden to Respondents.....	8
A.14. Estimates of Annualized Government Costs.....	8
A.15. Changes in Hour Burden.....	8
A.16. Plans for On-site Visits, Analysis, and Publication of Results .....	8
A.17. Display of Expiration Date for OMB Approval.....	9
A.18. Exceptions to Certification Statement.....	9
<b>References</b> .....	<b>10</b>
<b>Exhibits</b>	
Exhibit A-1. Respondent Burden .....	7
Exhibit A-2. Estimated Project Timeline .....	9

## Section A. Justification

### Introduction

Four decades ago, a California court ruled that non-English proficient children could not be placed in special education on the basis of culturally biased tests or tests administered in English (*Diana vs. State Board of Education*, 1970). Nationwide, the representation of English learners (ELs) in special education continues to be an important issue today as many public schools struggle to evaluate whether EL students have disabilities and need special education services. Furthermore, research has shown patterns of both over- and under-representation of ELs receiving special education services. These patterns vary substantially by disability category, English language proficiency, grade level, and size of the EL population (Artiles et al., 2005; Keller-Allen, 2006; Samson and Lesaux, 2009).

The Policy and Program Studies Service (PPSS), Office of Planning, Evaluation and Policy Development, U.S. Department of Education (ED) requests clearance for data collection activities for the Exploratory Study on the Identification of English Learners with Disabilities. The purpose of this study is to explore the processes and personnel involved with identifying ELs for special education services. The study has two components: (1) a review of research on the identification of ELs with special needs, and (2) case studies of six public school districts<sup>1</sup>. Key research questions for the study are:

- **Procedures, Practices, and Instruments Used to Assess and Identify English Learners with Disabilities.** What procedures, practices, and instruments are used to assess and identify ELs with disabilities? How do procedures and practices differ by student grade level, language group, disability, and extent of English language proficiency? How are procedures and practices similar to or different from those used with non-EL students?
- **Personnel Involved in the Assessment and Identification of English Learners with Disabilities.** What are the roles, backgrounds, and qualifications of school and district personnel involved in the assessment and identification of ELs with special learning needs? What is the overlap with personnel assessing and identifying non-EL students? What professional development is provided to staff involved in assessing, identifying, and serving ELs with disabilities? What additional tools and approaches would help improve schools' and districts' abilities to identify the special learning needs of EL students?

---

<sup>1</sup> District refers to a local education agency responsible for providing free public elementary or secondary education.

- **Patterns of Special Education Identification for English Learners.** What are the patterns of special education identification for ELs by student grade level and disability? Do these patterns reflect evidence of under- or over-identification of ELs and, if so, what are the reasons for the disproportionate representation? Are there policies, procedures, or practices that staff perceive as hastening or delaying the identification of ELs with disabilities? If so, what is the evidence to support that perception?
- **Exiting English Learners with Disabilities From Language Instruction Educational Programs.** What procedures and practices do schools and districts use to exit EL students with disabilities from language instruction educational programs? What are the procedures and practices for students who are unable to meet the established exit criteria based on the state's English Language Proficiency assessment and have to use modified achievement standards or alternative achievement standards? What challenges do districts and schools face in assessing these students' English language proficiency and content knowledge? What strategies have they employed to overcome those challenges?

The study team will conduct a review of research on the identification of ELs with special needs, followed by exploratory case studies in six public school districts with three schools per district. Case study data will include the collection of written policies and procedures related to services for ELs and identification of ELs with disabilities and in-person interviews with district and school personnel. Demographic information and special education data for each case study district also will be collected. Site visits to 18 schools within six school districts will occur in winter 2013. Case study districts, and schools within those districts, will be purposively selected to ensure diversity among case study districts with regard to selection criteria, for example, the percentage of students classified as ELs, the percentage of students with Individualized Education Plans (IEPs), and the rate of EL population growth in the district. Full details on the sampling criteria are provided in Part B: Description of Statistical Methods of this package. Each site visit will last four to five days and will be staffed by two team members. Each two-person team will have collective expertise in special education and ELs. Clearance is requested for the study's design, sampling strategy, data collection, and analytic approach. This submission also includes the clearance request for the data collection instruments.

### **A.1. Circumstances That Make Collection of Data Necessary**

Nationwide, there are approximately 520,000 ELs receiving special education services, representing about 8 percent of students served in special education (U.S. Department of Education, Office of Special Education Programs, Data Analysis System, 2009). Under the Individuals with Disabilities Education Act (IDEA) of 2004, a child is eligible to receive special education services only after an evaluation determines that the child needs specialized instruction because he/she has a disability. A child may not be determined to have a disability if the results of his/her evaluation can be attributed only to limited English proficiency (IDEA, 2004, Section 300.306 (b1)(iii)).

Yet, many schools and districts struggle to evaluate whether EL students have disabilities and need special education services. A recent study by Sanchez and colleagues (2010) investigated the processes used by three New York districts to identify ELs with learning disabilities and the issues and

dilemmas districts confronted. Major challenges faced by district and school personnel included: a lack of clear, streamlined policy guidelines or procedures to follow and criteria to use for identification of ELs with disabilities; differing views among school and district staff about timing for referral of students who are ELs; and lack of access to assessments that differentiate between second language development and learning disabilities.

In 2007–08 school year, the U.S. Department of Education’s Office for Civil Rights conducted 15 compliance reviews that focused on the identification of ELs with disabilities. The agency found districts that did not take into consideration students’ language proficiency and linguistic background during prereferral and referral processes, including failing to provide assessments in students’ native languages during evaluation (U.S. Department of Education, 2008). Greater understanding is needed of the circumstances that lead to EL placement in special education (Sullivan, 2011; Klingner and Harry, 2006), valid assessment practices for identifying ELs with disabilities, and instructional practices that truly meet the educational needs of these students (Gersten and Baker, 2000).

## **A.2. Purposes and Uses of the Data**

This study is intended to help the U.S. Department of Education, other policy makers, and educators better understand the processes and personnel involved with identifying ELs for special education services. The deliverables produced from this study will include a review of research conducted from 2001 through 2011, as well as a report of findings based on case study site visits. Findings from this exploratory study will help the Department plan a national, in-depth study of these issues. The study is exploratory and will consist of the analysis of extant data, document review, and district and school personnel interviews. The study is not intended to assess program outcomes.

The study team will (1) review previous research on identifying ELs with special needs; (2) collect written policies and procedures from web sites and district contacts in the six case study districts on services for ELs and identification of ELs with disabilities; and (3) conduct in-person interviews with district and school personnel in these six case study school districts. Demographic information and special education data will be collected from national datasets, as well as state and district web sites. Case study data will be collected from a purposive sample to capture relevant policies, procedures, and practices. Findings from site visits will not yield any generalizable outcomes since the sample is not representative. The study’s sample is based on the purposive selection of districts using criteria intended to ensure diversity among case study districts with regard to (a) percentage of students classified as EL, (b) percentage of students with IEPs, (c) rate of EL population growth in the district, (d) EL instructional models used, (e) processes for determining special education eligibility, and (f) enrollment of students from multiple language groups. To the extent possible, districts will be spread across states. What we learn from this exploratory study will help us generate hypotheses regarding assessing and identifying ELs with disabilities and plan a future, broader scale study on the topic.

Data collected during the site visits will include information on procedures and practices used to identify ELs with disabilities, the challenges districts and schools experience in making such identifications, and the strategies that are used to overcome those challenges. The primary source of

data will be interviews with district and school personnel conducted during site visits. In addition, extant data will be collected on case study districts, as described further in the section below.

### **A.3. Use of Information Technology to Reduce Burden**

The study team will collect extant data from national datasets, as well as state, district, and school web sites in order to inform the selection of case study sites, prepare for site visits, and reduce the amount of information requested of school and district personnel. Data will include demographic information and special education data, published reports, guides, and regulations. Sources will include national datasets; state, district, and school web sites; and documents provided by district and school personnel. Moreover, to reduce redundancy, interview protocols will be tailored to different types of respondents (e.g., district administrators, teachers, etc.), focusing on the specific knowledge and experiences of the individual respondents.

### **A.4. Efforts to Identify and Avoid Duplication**

There are no current studies that describe in detail the procedures and practices used by districts and schools to identify ELs with disabilities, the challenges they experience in making such identifications, and the strategies used to overcome those challenges. The paucity of current research on the identification of ELs with disabilities was confirmed through a comprehensive review of research conducted from 2001 through 2011 (which is Part 1 of this study) and validated by expert members of the study's Technical Working Group.

### **A.5. Efforts to Minimize Burden on Small Business or Other Entities**

No small businesses will be involved as respondents. Every effort will be made to minimize the burden on school and district personnel. The study team will attempt to capture as much existing data about specific schools and/or districts as possible prior to scheduled site visits rather than requiring school personnel to gather such data. We will identify a point of contact prior to each site visit and will work with this individual to make certain that our visit is efficient. There will be one interview per respondent with minimal follow-up. Respondents for these interviews are staff members of local educational agencies knowledgeable about procedures and practices for identifying ELs with disabilities, including:

- District administrators (e.g., special education director, EL director, federal programs director, assessment director, student/instructional services director, or their designees)
- School administrators (e.g., principal, assistant principal, or department chair, or their designees)
- District-level non-administrative personnel (e.g., psychologist, speech pathologist, or instructional specialist)
- School-level service providers (e.g., special education teacher, EL teacher, counselor, resource teacher, student support team leader, or general education teacher)

Each interview should take no more than 90 minutes, with minimum follow-up. No prior preparation will be needed. Questions will focus on participants' daily work experiences.

#### **A.6. Consequences if the Information is Not Collected or Collected Less Frequently**

The data collection will occur only once. If the data collection is not completed, the Department, other policy makers, and educators will not have access to current information on the procedures and practices used by districts and schools to identify ELs with disabilities and the challenges they experience in making such identifications. Without the benefit of this exploratory study, the Department will be less able to generate hypotheses regarding assessing and identifying ELs with disabilities and plan a nationally representative study on the topic.

#### **A.7. Special Circumstances**

There are no special circumstances associated with this data collection.

#### **A.8. Federal Register Comments and Persons Consulted Outside the Agency**

A notice about the study was published in the Federal Register on May 14, 2012 when this package was submitted to provide the public with an opportunity to comment. We have summarized the comments received and included our responses here in Appendix F.

In addition, a Technical Working Group was convened for this study. Participating members included:

- **Sharyn Howell**, Executive Director, Division of Special Education, Los Angeles Unified School District
- **Angelica Infante**, Executive Director, Office of English Language Learners, New York City Public Schools
- **Janette Klingner**, Professor, School of Education, University of Colorado at Boulder
- **Salvador Hector Ochoa**, Dean & Professor, College of Education, University of Texas—Pan American
- **Amanda Sullivan**, Assistant Professor, College of Education & Human Development, University of Minnesota

Panelists met in February 2012 and provided input on the study design, sample selection, instrumentation, data collection, and plans for data analysis. Key recommendations included, for example, (a) maintaining alignment of the study with specific categories of disability as defined by IDEA 2004; (b) emphasizing the examination of strategies used by schools and districts to overcome challenges related to the identification of ELs with disabilities; (c) incorporating additional criteria into the selection of case study districts; and (d) reducing the total number of case study districts in the study while increasing the number of participating schools within those districts.

#### **A.9. Payments to Respondents**

No payments to respondents will be offered. No direct incentives to respondents are planned.

## A.10. Assurance of Confidentiality

We will make every effort to protect the privacy and confidentiality of all individuals who participate in the study. Responses to this data collection will be used only for research purposes, and we will not provide information that associates responses or findings with an individual, school, or district to anyone outside the study team, except as may be required by law.

Respondents will be assured that researchers will take steps to reduce disclosure risk. At the time of the interview, efforts to maintain confidentiality will be reviewed with the respondent. A draft version of the interview information sheet is provided in Appendix C. Respondents will be informed of the purposes of the data collection and the uses that may be made of the data collected. We will also indicate that participation in the study and responding to individual interview questions is voluntary and that respondents may decide not to participate or to end their participation at any time. Interviewers will collect signed consent forms from respondents prior to conducting the interview. A draft version of the informed consent form is provided in Appendix E.

Additional steps to reduce disclosure risk include:

- We will not identify the names of individuals, or the schools or districts in which they work, in any reports or public briefings. All findings will be presented in aggregate by type of respondent (e.g., district personnel) or for subgroups of interest (e.g., individuals with certain work experience). All efforts will be made to keep the description of the individual and agency general enough so that a reader would not be able to determine the identity of the site or individuals at the site.
- Identifying information about respondents (e.g., respondent name, address, and telephone number) will not be entered into the analysis data file, but will be kept separate from other data and will be password protected. A unique identification number for each respondent will be used for building raw data and analysis files. Files containing more information will be password protected.
- The names of individuals will not be used in any communications about the study with Department staff. In emails, participants will be referred to by unique identification number. Districts and schools will also be referred to by identification number.
- All audiotapes and notes from individual interviews as well as all documents that contain sensitive, personally identifiable information will be maintained in secure files accessible only by members of the study team. Computer-generated output containing identifiable information will be maintained under the same conditions.
- All audiotapes, interview notes, and sensitive documents will be destroyed upon submission of the final report on the case studies.
- Confidential materials will be printed on a printer located in a limited access room. When printing documents that contain confidential information from shared network printers, authorized study staff will be present and retrieve the documents as soon as printing is complete.



- Access to the sample files will be limited to authorized study staff only. Computerized files will be managed via password control systems to restrict access. The internal network is protected from unauthorized access.
- All members of the study team will be briefed regarding confidentiality of the data. Training for site visits will familiarize study team members with the confidentiality provisions discussed above and their responsibilities for explaining those provisions to respondents and maintaining the necessary safeguards in storing and using study data for analysis and reporting.

### A.11. Questions of a Sensitive Nature

The questions included on the data collection instruments for this study do not involve sensitive topics.

### A.12. Estimates of Response Burden

Respondent burden for the case study site visits consists of the time spent participating in interviews and minimum follow-up. Respondents will not incur any equipment, postage, or travel costs. District administrator contacts will spend limited additional time providing lists of respondents and helping arrange interviews, as well as providing supplemental information on the EL population not available through national datasets or state, district, or school web sites.

Exhibit A-1 displays estimates of the total respondent burden in hours and dollars. These time estimates are based on prior experience with site visits of this nature. We expect to interview a total of 126 respondents at an estimated total respondent burden of 258 hours.

#### Exhibit A-1. Respondent Burden

Respondent Type	Number of Respondents	Time per Response (Hours) <sup>1</sup>	Total Hours	Hourly Wage	Total Cost
District Administrator	12	2.5	30	\$50	\$1,500
District Psychologist	12	2	24	\$30	\$720
District Speech Pathologist	6	2	12	\$30	\$360
District Support Specialist	6	2	12	\$39	\$468
School Administrator	18	2	36	\$46	\$1,656
School Service Provider	72	2	144	\$27	\$3,888
<b>Total</b>	<b>126</b>		<b>258</b>		<b>\$8,592</b>

<sup>1</sup> Time per response calculations include both interview and follow-up for all respondents, as well as assistance with arrangements and document collection for district administrators.

NOTE: Wage estimates are based on data from the National Survey of Salaries and Wages in Public Schools (2011).

### **A.13. Estimates of the Cost Burden to Respondents**

There are no direct costs to respondents, with the exception of the time required by respondents to participate in the study as provided in Exhibit A-1.

### **A.14. Estimates of Annualized Government Costs**

The estimated cost to the federal government of conducting these data collection activities is based on the government's contracted cost of the data collection and related study activities. For the data collection activities for which OMB approval is currently being requested, the overall cost to the government is \$231,795. This includes activities of the prime contractor and subcontractors to develop the instruments, identify participating sites, design and conduct site visit training, and collect and analyze the data. This estimate includes the required labor and associated administrative costs. This estimate also includes the preparation, training, travel, and logistical costs for the site visit teams to visit 18 schools within 6 districts. The site visit team will include two staff members and they will be in the field for four to five days per trip.

### **A.15. Changes in Hour Burden**

Not applicable. This is a first-time submission.

### **A.16. Plans for On-site Visits, Analysis, and Publication of Results**

Case study data collection will occur in the winter of 2012. The study team will conduct on-site interviews with district and school staff as well as collect extant documents that describe state, district, and/or school policies and procedures for assessing, identifying, and serving ELs with disabilities. Members of the site visit team will develop profiles that describe procedures and practices used to identify ELs with disabilities, the challenges districts and schools experience in making such identifications, and the strategies used to overcome those challenges.

Interviews with district and school personnel will be recorded with their permission and transcribed for analysis. In the spring of 2013, the study team will analyze project documents and code data across multiple sources using QSR NVivo. Analysts will first label data as relevant to a particular research question or questions, and then organize data into similar categories within research questions, from which themes or patterns in relationship to the research questions will be developed.

An iterative process of looking at the data, identifying themes, and returning to the data for confirmation will be used to identify:

- Procedures, practices, and instruments used to assess and identify ELs for special education;
- Personnel involved in identification and assessment;
- Challenges in the assessment and identification of EL students and strategies that are used to overcome those challenges;
- Patterns of special education identification; and

- Procedures and practices used to exit EL students with disabilities from language instruction educational programs.

The study team will analyze interview data in conjunction with extant data on case study districts (such as demographic information, special education data, published reports, guides, and regulations) as well as findings from the research review to help illuminate the issues.

After completing the data collection, the study team will prepare a summary of preliminary findings from the case studies and extant data analyses. A first draft report will then be produced in summer of 2013. The report will include a narrative on each district as well as a cross-district analysis of patterns identified in the data. A final report will be produced from this study in fall of 2013. Following approval, the final report will be posted on the Department’s website.

The estimated project timeline is presented in Exhibit A-2 below.

<b>Exhibit A-2. Estimated Project Timeline</b>	
<b>Fall 2011/Winter 2012</b>	<ul style="list-style-type: none"> <li>- Prepare study design</li> <li>- Recruit experts and conduct expert panel meeting</li> <li>- Conduct review of research</li> <li>- Develop interview protocols</li> </ul>
<b>Spring/Summer 2012</b>	<ul style="list-style-type: none"> <li>- Develop report on review of research</li> <li>- Pilot test interview protocols</li> </ul>
<b>Fall 2012/Winter 2013</b>	<ul style="list-style-type: none"> <li>- Finalize data collection instruments</li> <li>- Recruit case study districts and schools for the onsite visits</li> </ul>
<b>Spring/Summer 2013</b>	<ul style="list-style-type: none"> <li>- Collect extant data on case study districts</li> <li>- Conduct onsite interviews with schools and districts</li> <li>- Analyze project documents and code data across multiple sources</li> <li>- Prepare draft report</li> </ul>
<b>Fall 2013</b>	<ul style="list-style-type: none"> <li>- Complete final report</li> </ul>

#### **A.17. Display of Expiration Date for OMB Approval**

The Department is **not** requesting a waiver for the display of the OMB approval number and expiration date on data collection instruments.

#### **A.18. Exceptions to Certification Statement**

This submission does **not** require an exception to the Certificate for *Paperwork Reduction Act* (5 CFR 1320.9).

## References

- Artiles, A.J., Rueda, R., Salazar, J., and Higareda, I. (2005). Within-group diversity in minority special education disproportionate representation: The case of English language learners in California's urban school districts. *Exceptional Children*, 71, 283-300.
- Diana V. State Board of Education, Civil Action No. C-7037RFP (N.D. Cal. Jan. 7, 1970 and June 18, 1973).
- Gersten, R., and Baker, S. (2000). What we know about effective instructional practices for English-language learners. *Exceptional Children*, 66, 454-470.
- Individuals with Disabilities Education Act of 2004*, Pub. L. No. 108-446. 20 U.S.C. §1400 *et seq.*
- Keller-Allen, C. (2006). *English language learners with disabilities: Identification and other state policies and issues*. Project Forum at NASDSE.
- Klingner, J.K., and Harry, B. (2006). The special education referral and decision-making process for English language learners: Child study team meetings and staffings. *Teachers College Record*, 108, 2247-2281.
- Samson, J.F., and Lesaux, N.K. (2009). Language-minority learners in special education: Rates and predictors of identification for services. *Journal of Learning Disabilities*, 42(2), 148-162.
- Sanchez, M. T., Parker, C., Akbayin, B, and McTigue, A. (2010). *Processes and challenges in identifying learning disabilities among students who are English language learners in three New York state districts*. REL 2010-No. 085
- Sullivan, A.L. (2011). Disproportionality in special education identification and placement of English language learners. *Exceptional Children*, 77(3), 317-334.
- U.S. Department of Education (2008). *Annual report to Congress of the Office for Civil Rights: Fiscal years 2007-08*. Washington, DC.
- U.S. Department of Education (2009). *Children with disabilities receiving special education under Part B of the Individuals with Disabilities Education Act*, Office of Special Education Programs, Data Analysis System (DANS).

