Spring 4-13-2022

Issue in Equity for Culturally and Linguistically Diverse Students with Complex Support Needs: A Comparative Analysis of District-Level Student Data

Rosalia Pacheco
University of New Mexico - Main Campus

Rosalía Pacheco

Candidate

Special Education

Department

This dissertation is approved, and it is acceptable in quality and form for publication:

Approved by the Dissertation Committee:

Julia Scherba de Valenzuela, PhD, Chairperson

Susan Copeland, PhD, BCBA-D

Nancy López, PhD

Yen Kim Pham, PhD

Sunaina Shenoy, PhD

ISSUES IN EQUITY FOR CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS WITH COMPLEX SUPPORT NEEDS: A COMPARATIVE ANALYSIS OF DISTRICT-LEVEL STUDENT DATA

by

ROSALÍA PACHECO

A.A., Liberal Arts, University of New Mexico, 1995
B.A., Journalism and Mass Communication, 1997
M.A., Special Education with an emphasis in Bilingual Education
University of New Mexico, 2018

DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

Doctor of Philosophy
Special Education

The University of New Mexico
Albuquerque, New Mexico

May 2022

DEDICATION

I would like to dedicate my work a mi Señor y Salvador Jesucristo y mi familia who have supported and encouraged me to reach my goals. I am deeply thankful to my husband, Carlos, who was my rock through it all and who has made many sacrifices so that I could pursue this work. I also want to express my thanks to my children, Santiago, Estevan, and Rosalínda who have cheered me on every step of the way and spent countless days listening to me ramble on about this research. I would also like to thank my parents, Rosa and Ray, and my brother Ramón who have been such an inspiration and who instilled in me to fight for justicia. I also know my sisters, Lucía and Línda, are celebrating completion of this work from heaven above.

ACKNOWLEDGEMENTS

I would like to acknowledge my advisor and dissertation chair, Dr. Julia Scherba de Valenzuela for her never-ending support. Her work for educational equity for students who are culturally and linguistically diverse with complex support needs is an inspiration for my current research. She is a caring mentor and teacher who gives of her time and energy selflessly. I thank her for believing in me.

I would also like to thank my committee members, Dr. Susan Copeland, Dr. Nancy López, Dr. Yen Kim Pham, and Dr. Sunaina Shenoy for sharing their knowledge and expertise during my journey to complete this work. I have such high admiration for you all and all you have contributed to the field of special education. I also would like to acknowledge Professor Ruth Luckasson, our department chair for her exceptional leadership and compassion for all students.

My deepest appreciation to all the teachers in our schools who give of themselves day in and day out help ensure the academic success of students in New Mexico. Your hard work and dedication are admirable.

ISSUES IN EQUITY FOR CULTURALLY AND LINGUISTICALLY DIVERSE STUDENTS WITH COMPLEX SUPPORT NEEDS: A COMPARATIVE ANALYSIS OF DISTRICT-LEVEL STUDENT DATA

By

Rosalía Pacheco

A.A., LIBERAL ARTS, UNIVERSITY OF NEW MEXICO, 1995
B.A., JOURNALISM AND MASS COMMUNICATION, 1997
M.A. SPECIAL EDUCATION, 2018
DOCTOR OF PHILOSOPHY, SPECIAL EDUCATION, 2022

ABSTRACT

Disproportionate representation and educational inequity are issues embedded in the history behind current services provided to students who are culturally and linguistically diverse with complex support needs (Artiles et al., 2005; de Valenzuela et al., 2006; Hosp & Reschly, 2004; Klingner et al., 2005). Research has shown that English learners with disabilities should have access to both special education and Title III services as required by law (de Valenzuela et al., 2006, 2018, 2016, 2022; de Valenzuela & Copeland, 2018; Kangas, 2014, 2018, 2019, 2021). Because there is very little research focused on the needs of English learners with complex support needs (Rivera et al., 2019), this study adds to existing literature. This quantitative study uncovers issues of educational inequities related to: (a) the identification of these students as English learners; (b) their access to Title III services; and (c) the instructional settings in which they are educated for culturally and

linguistically diverse students with complex support needs. Disaggregated student level data from a large school district in the southwest from the 2018-2019 school year was used for cross-tabulation comparisons using Pearson Chi-squared statistical test for association.

Results from this research suggested that students in the district identified with Intellectual Disability (ID) or Multiple Disabilities (MD) were less frequently identified as English learners, parents of children identified with Autism (ASD), Developmental Delay (DD), ID, MD, or Traumatic Brain Injury (TBI) were more likely to opt out of Title III services, and English learners with a disability were less likely to be re-designated as fluent in English. Additionally, English learners identified with ASD, ID, and MD were placed in the most segregated special education setting at a higher rate than students with other disabilities. Additional analyses suggested: (a) slightly more male students were placed in the most segregated setting; (b) Asian students were mostly placed in the least segregated setting; (c) and American Indian/Alaskan Native, Black or African American, and students identified as Two or more races had the highest percentage of students identified with a disability than other race/ethnicity groups. Results suggested that to protect the rights to services for students who are culturally and linguistically diverse with complex support needs, clear guidance from district documents on policies should be provided to schools so that federal laws and regulations are not misinterpreted by school administration and teachers.

TABLE OF CONTENTS

LIST OF TABLES

Introduction

The issue of access and educational inequity for students who are dually identified as having both a disability and a language difference warrants concern considering the demographics of the U.S. population. According to federal data, the population of English learners is increasing. According to the 2019 American Community Survey, 22% of the United States population speak a language other than English. This linguistically diverse population grew from 11% in 1980 to 20.3% in 2010 (Rumbaut & Massey, 2013). This substantial growth is mirrored with statistics from the National Center for Education Statistics (2021) which reported that there were 5 million students identified as English learners in 2017 as compared to 3.8 million in 2000. According to the U.S. Department of Education (n.d.), in the 2014-2015 school year, English learners represented 10% of the total population of school age students in the U.S. The National Center for Education Statistics (2021) similarly reported that in the fall of 2018 that 10.2% of students in U.S. public schools, 5.0 million, were English learners as compared to 9.2% or 4.5 million students who were English learners in the fall of 2010. Data from the Office of English Language Acquisition (2021) identified that during the 2017-18 school year, the number of English learners enrolled in nation's schools was over 5 million with California, Nevada, New Mexico, and Texas having an English learner population above 12% of the student total enrollment. In 2019, the U.S. Census Bureau (n.d.) reported that 34% of the population in New Mexico speak a language other than English as compared to the U.S. average of 22%. These data also showed that 49% of the population was Hispanic or Latino.

It is important to also examine statistics on disability in the United States.

Federal data also show that the number of Americans identified with a disability is growing. Averaged data from the American Community Survey (n.d.) spanning 2015-2019 showed that 12.6% people in the U.S. reported having a disability. According to the U.S. Census Bureau (n.d.), 16% of the New Mexico population in 2019 self-identified as having a disability as compared to the national average of 12.7% during that same time frame. Of those who self-identified with a disability, 8.7% reported having ambulatory difficulty and 6.6% as having cognitive difficulty. Additionally, according to these data, the percentage of children ages five to 17 years old with a disability was 5.6%, with 4.4% labeled with cognitive difficulty.

These demographics uncover the reality that the number of English learners in our schools, especially in the southwest, cannot be ignored when investigating issues of educational equity and access for students with disabilities. Furthermore, of the student population identified with a disability, including those with complex support needs, are a crucial percentage of that group. For the purposes of this dissertation, I define students with complex support needs as those identified with autism spectrum disorder (ASD), developmental delay (DD), intellectual disability (ID), multiple disabilities (MD), or traumatic brain injury (TBI). Students identified with ASD may be dually identified as gifted. I will take into consideration the number of students dually identified with ASD and participating in gifted in my analysis. Typically, students identified with ASD, DD, ID, MD, or TBI also are administered alternate assessments. Moreover, if these students are also identified as English learners, they need Title III services to further their development of English as well as special education services. I assert that students who are culturally and linguistically diverse with complex support needs are one of the most marginalized groups in

our schools and experience educational inequity in multiple ways. Research suggests these students may be viewed primarily based on their disability status with inadequate consideration of language and culture in the development or delivery of instructional programs (de Valenzuela et al., 2006; de Valenzuela et al., 2016; de Valenzuela, 2018; Kangas, 2014). Furthermore, I argue this lack of access to appropriate instruction, such as Title III services for English learners, may leave students underserved and deny them even the minimum services required by law. I also propose that students' identity as having a disability may supersede their identity as an English learner, especially when considering the need for instructional supports for students with complex support needs in school programs.

Research also suggests that the lack of meeting basic legal requirements in schools affects access too instruction for students who are culturally and linguistically diverse with and without disabilities (de Valenzuela et al., 2016; McLeskey et al., 2012; Morningstar et al., 2017; Skiba et al., 2006b). Grassi and Barker (2010) argued that students with disabilities who are culturally and linguistically diverse fall through the cracks of laws and programs created to serve them. For instance, Losen and Orfield (2013) explained that although improvements have been made for access to education through laws such as the Individuals with Disabilities Act (IDEA), "minority children with disabilities all too often experience inadequate services, low-quality curriculum and instruction and unnecessary isolation from their nondisabled peers" (p. xv). Sadly, culturally and linguistically diverse students with complex support needs are often educated in the most segregated settings and do not receive supports that minimally comply with federal regulations (de Valenzuela et al., 2016). I argue that schools should more fully comply with federal regulations to serve all students, including students with complex support needs from language minority homes. Students

needing more intensive supports, many of whom have limited verbal abilities, should be viewed as having language, culture, and the possibility of being bilingual (de Valenzuela, 2018). To investigate this assertion, I examined the relationships between student characteristics and access to instruction. Access to instruction is multifaceted. Students with complex support needs have limited access to instruction when they are not in the general education setting (Ballard & Dymond, 2017; de Valenzuela et al., 2006; de Valenzuela et al., 2016; Hunt et al., 2020; Klang et al., 2020; Kleinert et al., 2015; Kurth et al., 2016; Taub et al., 2017). Research has shown that when students with complex support needs spend more time in the general education setting, they have more opportunities to receive evidenced based practices, access to the general education curriculum (Copeland & Keefe, 2018; Kleinert et al., 2015; Ruppar et al., 2020; Taub et al., 2017) as well as access to language experiences and Title III services (de Valenzuela et al., 2006; de Valenzuela et al., 2016; de Valenzuela, 2018; Romero, 2015). In my view, this may include culturally responsive teaching and multicultural education as well. However, there are barriers to accessing instruction such as Title III services and instructional practices that support student needs. In this study, I used school district data to understand the possible breakdowns in access. By looking at variables such as identification and placement procedures, I discovered where the breakdown in access to Title III services existed so that this issue can be addressed in schools.

Receiving these types of educational opportunities is a matter of equity. According to the U.S. Department of Education (2017), equity of opportunity includes recognizing disparities in our country's school system, such as inequitable funding, access to quality education, and serving students who are "traditionally underserved" (para. 4). I assert that

equity of opportunity should also be recognized as necessary for all students. Therefore, in this research I clearly linked educational equity and access to issues such as the amount of time students who are culturally and linguistically diverse with complex support needs spent in the general education setting, access to the general education curriculum, and access to Title III services to learn English. In this research, I explored the identification and enrollment of students with complex support needs who were English learners in Title III services compared to other English learners, and how access to various special education settings may have been different for students based upon disability label, racial/ethnic background, or English learner status. In the next section, I discuss the historical background of the issue of educational inequity in relation to factors that may contribute to this phenomenon.

Background of the Problem

Concerns about educational equity for students who are culturally and linguistically diverse identified with disabilities has been recognized within academic literature for more than 50 years. Mercer (1974) conducted a longitudinal study where she examined assessment policy and the rights of children. She found that Chicanos and Blacks were disproportionately identified as "mentally retarded" (p. 125) due to assessment procedures. Mercer also "found that most community agencies, especially the public schools, relied on measures of intelligence in diagnosing mental retardation" (p. 134) with most of the students identified in the public schools. Mercer argued that assessment practices were unjust and that students have "the right to be evaluated within a culturally appropriate normative framework" (p. 132), "the right to be assessed as a multidimensional human being" (p. 134), they have "the right to be fully educated" (p. 135), "the right to be free of stigmatizing

labels" (p. 136), and the "right to ethnic identity and respect" (p. 136). Similarly, Chinn and Hughes (1987) analyzed the Office of Civil Rights Elementary and Secondary Schools Civil Rights surveys. They found that a large percentage of minority students, primarily Blacks, were disproportionately placed in special education classes. More recently, Kangas (2019) discussed current examples of educational inequities in policy and teaching practices that significantly disadvantage students who are English learners with disabilities and found that often what is happening in schools is not reflecting the alignment of policies and practices to best meet student needs especially for students who are identified as English learners with disabilities. In my view, this robs students of their ability to develop linguistically and in turn affects their academic achievement. Similarly, Harry et al. (2005) noted that educational benchmarks mandated by special education law and policy "do not represent universal developmental norms" (p. 24). Instead, students' language rich communities with defined conventions and discourse patterns are often not considered resources with which to build educational practices (Harry et al., 2005). However, varying discourse patterns and language differences are seen as deficits in our schools.

In the history of bilingual and special education, the dynamics between provided services are connected to theoretical perspectives about language in research, however they have real world applications for all students including students who are culturally and linguistically diverse who may have complex support needs. Duranti et al. (2012), explained the relation between language and community through the purview of language socialization. They contended that language socialization begins as early as the womb, through the interactions between parent and child. As the child grows, the child takes part in communicative practices that act as "agents in the formation of competence" (Duranti et al.,

2012, p. 6). From the perspective of second language acquisition, Norton (2000) described "the role of language as constructive of and constituted by a language learner's identity" (p. 5). Therefore, according to this perspective all students including those who may have complex support needs have language identity as equally human. However, in schools and the dominant society, home languages other than English are often viewed negatively and identified as the reason students either succeed or fail in school, compounding the issue of inequities in the educational system (Stubbs, 2002). Thus, students, especially those with disabilities or language diversity, are viewed as having a characteristic that is contrary to the norm. In response to this negative view, McDermott (1987) argued that our American society should look critically at how social systems inhibit student success rather than pinpointing blame on students and their qualities for their so-called failure in school. Cummins (1989) addressed negative or deficit perspectives by differentiating between language and disability and unpacking assessment measures, as well as investigating educational instructional practices. Cummins stated that the cultural identity and language of students from minoritized groups should be embraced by educators to counter power dynamics and discrimination in schools. Furthermore, he argued that educators should "empower students by promoting their linguistic talents and confidence in their personal identity and ability to succeed academically" (Cummins, 1989, p. 112). This understanding is important for all students especially those who have experienced great inequity.

Addedly, the intersection between language and disability is grounded in history of special education which includes ruinous stories of eugenics ideologies and institutionalism (Skiba et al., 2008). Figueroa (1999) connected the historical periods of special education with those of bilingual education explaining that "bilingual education has not only adopted

all of the regulatory, assessment, pedagogical, and structural characteristics of special education, it has also embellished them with more provisions as well as with the theoretical and applied-knowledge base particular to bilingual education" (p. 153). Similarly, Harry and Klingner (2014) sought to connect the dichotomy of race and disability by understanding the historical discourses. They argued that "race has been an essential ingredient in the construction of American public education, and inevitably, of special education" (Harry & Klingner, 2014, p. 14). Moreover, they explained that after the Brown v. Board of Education decisions for special education, placements became a barrier to inclusion. In scrutinizing problems of segregation, Skiba and colleagues (2008) identified that the Brown v. Board of Education decision, the period of Jim Crow, and the Civil Rights Act of 1964 drawn from the Plessy v. Ferguson decision of 1896, were influential to both the history of special education and the history of bilingual education. In contrast, Winzer (2014) looked at the progression of these legal movements and explained that in the 1970s new ideologies were established in connection to these historical events:

> New educational and social philosophies that spoke to specific versions of social justice that were then solidified in a broad framework of prescriptive federal legislation and state laws designed to define the rights of individuals with disabilities and ensure their access to public education (Winzer, 2014, p. 33).

Thus, connections were being made at this time in history to understand the intersection of race, gender, class, and disability although much of the focus of laws and legislation was on special education. Wright and Wright (2017) broke down the key laws and regulations of special education that address access to public education. According to these authors, the Elementary and Secondary Education Act of 1965 was passed to "address the inequality of

educational opportunity for underprivileged children" (p. 13). They also identified Mills v. Board of Education of District Colombia and Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania (PARC) as landmark cases that led to changes in legislation for children with disabilities. PARC and Mills caused Congress to investigate education programs (Wright & Wright, 2017).

According to Wright and Wright (2017), the Education for All Handicapped Children Act (PL 94-142) was enacted in 1975, which is currently IDEA. This law granted the right to a free and appropriate public education (FAPE) for all students (Grassi & Barker, 2010). Grassi and Barker (2010) explained that IDEA is a continuation of "the movement to provide access to an equal and individualized education for students with disabilities" (p. 16). The authors also argued that the needs of students with significant cognitive disabilities are addressed more fully with each authorization including funding for support services such as teacher training and intervention services. Additionally, this law recognizes that limited English proficiency must be considered however the law does not include "specific provisions for placement or teaching strategies when addressing the needs of CLDE [culturally and linguistically diverse exceptional] students" (Grassi & Barker, 2010, p. 18). Because of this, the authors contended that professionals must decide which supports best meet the needs of the student regarding disability, language, and culture. This often causes the issue of one type of service that overrides the other, often leaving students who are culturally and linguistically diverse with disabilities only receiving special education services (de Valenzuela et al., 2006; de Valenzuela et al., 2016; de Valenzuela, 2018; Kangas, 2014).

The problem of special education supports dominating instructional services and superseding language and culture supports has roots in the history of education. Figueroa

(1999) explained that the characteristics of special education have been the framework on which the standards for bilingual education were built. Furthermore, Figueroa listed important special education legislation as the backbone for bilingual special education. Additionally, Figueroa described this period in legislation for bilingual special education, that lasted from the late 1970's to the mid 1990's, as the "do more" (Figueroa, 1999, p. 148) era in when more programs and testing were thought to support student success and equity. However, as I found in my review of literature, there are substantial issues of inequity based on this ideology for students with disabilities as well as for students who are identified as English learners.

Disproportionate Representation

The issue of disproportionate representation has been highly studied to understand educational inequity for students who are culturally and linguistically diverse with and without disabilities (Artiles et al., 2005; de Valenzuela et al., 2006; Dyson & Gallannaugh, 2008; Hosp & Reschly, 2004; Klingner et al., 2005). Special education referrals and special education placements of students often create discriminatory environments for students from minoritized groups (Harry et al., 2005). Skiba et al. (2008) argued that segregation and discrimination are part of the history of special education due to factors such as test bias and inequity, as well as other factors such as the way behavior is managed in schools. In their report on the relationship between disproportionality in special education and historical trends, they explained that this problem was first identified by the work of Dunn (1968). Cases such as Plessy v. Ferguson and eugenics ideologies were described by the authors as setting the precedence of discrimination.

Examining data from one large district in the southwestern U.S., de Valenzuela et al. (2006) found that "English language learners were disproportionately enrolled in special education and placed in more segregated settings" (p. 425). De Valenzuela et al. described the need for increased attention to educational equity based on their findings. If proper supports are not in place, educational contexts, that do not support student learning, may in turn become detrimental to student learning (Cloud, 1994). Additionally, teachers who serve students who are English learners share concerns that they are not prepared to teach students from marginalized groups (Skiba et al., 2006b). Thus, students are placed in special education programs due to challenges such as behaviors that arise because of inadequate language supports (Skiba et al., 2006b).

Educational inequity and disproportionality become even greater issues for students with who may have complex support needs because often special education programs supersede language services (de Valenzuela et al., 2016; Kangas, 2018). When looking at services provided for students with developmental disabilities, de Valenzuela et al. (2016) found "a need for greater attention to providing supports for both first (L1) and (L2) language development for bilingual children with DD and greater access to available language programs" (p. 32). Karvonen and Clark (2019) clarified that "more extensive language surveys are needed to better screen students with significant cognitive disabilities who may be ELs [English learners] so they can be referred for evaluation" (p. 83). Furthermore, Karvonen and Clark suggested further research should be done to identify language needs for this group of students. In addition, families of students should be included in developing programs and designing services according to the authors. Families offer unique insight and knowledge, or as Sánchez (1999) stated, "an opportunity to learn from

culturally and linguistically diverse families, and a vehicle to reflect our own stories" (p. 356). Furthermore, providing students with all students access to educational supports to foster bilingualism is a matter of equity (Kay-Raining Bird, 2016).

When considering the area of bilingual special education for students who may have complex support needs and are English learners, the intersection of special education, bilingual education, and bilingual special education must be understood. Bevan-Brown (2001) stated, "Special education services are influenced by cultural values, attitudes, norms, customs, experiences, skills, knowledge and practices" (p. 141). The services known as special education are a result of historical movements, as well as cultural values and societal norms among other factors. Similarly, bilingual education and bilingual special education are reflections of history and those who influenced the movements.

Statement of the Problem

The issue of students with complex support needs receiving inequitable services is not a new idea. Kleinert et al. (2015) found that students with more significant cognitive disabilities were not included in more inclusive general education settings. Additionally, de Valenzuela et al. (2016) found that English learners who may have complex support needs may not receive language services due to non-compliance of federal policies. The authors explained that "the presence of a severe disability appears to be an important barrier to participation in language education programs and services designed to support bilingualism" (p. 42). Furthermore, Kangas (2019) noted that education services that fall short of legal requirements are a longstanding issue of contention. For example, although students who require both special education and language services have the legal rights to receive them, there is evidence that this is not the case within school systems. Kangas found that educator

beliefs about laws and policies "bar ELLs [English Language Learners] with disabilities from receiving the dual services to which they are legally entitled" (p. 877). Similarly, Harry et al. (2008) stated that "specialized services to struggling students, results in a straight-jacketed version of special education" (p. 24) when referring to services provided for English learners. Issues such as disproportionate representation of English learners in special education due to inappropriate identification and unsuitable language proficiency assessments, especially for students with complex support needs (Karvonen & Clark, 2019), deepen the issues of injustices in our education system. Therefore, looking closely at assessments for language proficiency is warranted to understand barriers for access to these programs. Moreover, the lack of research using an intersectional lens promotes "color-blind practices and policies" (Artiles et al. 2010, p. 279) and contributes to deficit views of students and their abilities. This is particularly true in the case of students with who may have complex support needs who are English learners because in my view they are often seen first by their identified disability before their cultural and linguistic diversity. In fact, the way that laws are written or not fully understood and implemented compounds the problem.

The Every Student Succeeds Act (ESSA) is the recent amendment to the Elementary and Secondary Education Act of 1965 (Skinner, 2019). State governments receive Title I-A program educational funding and are held accountable for academic achievement and assessment practices used in the state under ESSA (Skinner, 2019). Additionally, ESSA provides guidance to school districts on the use of effective instructional practices and language assistance services (Skinner, 2019). According to the Department of Education (2016), under ESSA school districts must disaggregate data for English learners with and without disabilities, furthermore states must provide alternate English language proficiency

assessments for students in need of more complex supports. However, the way that states follow this law is often a mish mash of interpretations as you will see in my literature review. In addition to ESSA regulations, the United States Office of Civil Rights (OCR) provides guidance on civil rights violations, for example the right for students who are English learners with disabilities to receive both language assistance and special education services. However, adherence and follow through on this basic requirement is an issue as you will see in past research as well as in this investigation.

Although federal law mandates student data should be disaggregated and used as accountability for local, state, and federal data reports, bias and discrimination muddy the waters for student access (Cavendish & Samson, 2021). Cavendish and Samson (2021) explained that these "reports that are generated rarely take into account the impact on students who are subject to further marginalization when they are assigned more than one of these identity variables" (p. 2) thus leaving some students such as students culturally and linguistically diverse receiving inadequate and inequitable services. Furthermore, the examination of the practices used in the classroom is also an issue of educational equity and social justice for all students. Norms and attitudes are nestled in the services provided in special education which may deny students the appropriate supports they need (Bevan-Brown, 2001). In addition, policies, laws, and teaching practices for students with disabilities should be examined critically because instructional practices may be inappropriate and place students at a disadvantage (Kangas, 2019). This concern is even more true for students with culturally and linguistically diverse who may have complex support needs, who are often in the most segregated settings.

Therefore, looking at disaggregated student level data to identify barriers to accessing Title III services and instructional services that best support their diverse needs is paramount. For students with complex support needs who are English learners, their disability label should not be the sole or primary determinant for services and access to instruction. Thus, the question lies: What is the breakdown of access to Title III services and how do the services they are receiving compare to those with less stigmatizing disability labels or those without disabilities? Especially, because these students are equally human and deserve the right to receive equitable services as required by law.

Operational Definitions

In this section I provided the operational definitions for two key terms: culturally and linguistically diverse and complex support needs. It is important to operationally define these terms because they are frequently used, but often ill-defined. Setting clear parameters for the meaning of these terms guided my research and my quantitative analysis which required a clear understanding of variables needed for statistical tests and analysis.

Culturally and Linguistically Diverse

Many terms have been used in research to identify students who have cultural, racial/ethnic, and/or linguistic diversity. Harry and Klingner (2014) explained that they chose to use the term minorities to represent this group. The reasoning for their decision was based on the need to make note of issues of power regarding race and culture, which in their view, are not widely connected with the term culturally and linguistically diverse (Harry & Klingner, 2014). Furthermore, the researchers posited that the term students of color may leave out “Whites who identify with groups that have historically been oppressed within the society” (p. xvi). While the term minoritized addresses the issue of exclusion and

marginalization the authors were concerned that the term promotes ambiguity. In this study, I referred to minoritized groups as minorities when talking about dynamics of power and social hierarchies. The term culturally and linguistically diverse has been used for an extensive amount of time to understand the issue of disproportionate representation and racialization, for example by Artiles and Zamora-Durán (1997). Trainor and Robertson (2020) used the term culturally and linguistically diverse to include an understanding of "disparate outcomes across diverse groups of students" (p. 3) and to understand "the historical, social, and political realities that make culturally and linguistically diverse students vulnerable to unequitable educational opportunity" (p. 3) and the intersections of a range of diversities as related to "educational opportunity" (p. 3) primarily through understanding effective instruction. De Valenzuela (2018a) explained that the term culturally and linguistically diverse is used in the field of special education "to emphasize that in addition to having a language background that is different from monolingual standard-English speakers, these students also come from diverse cultural, ethnic, and/or racial backgrounds" (p. 46). Although the term is broad, it is beneficial "in capturing the largest group of students whose cultural and linguistic backgrounds need to be considered when developing educational programs" (de Valenzuela, 2018, p. 46). Therefore, I used the term culturally and linguistically diverse in this study.

For the purposes of this dissertation, I also used the term culturally and linguistically diverse to include students who are English learners (ELs). However, I did not use these terms interchangeably. Rather, I used "English learners" for those students who have been formally designated as such by the school district as a result of their scores on the state-designated language proficiency assessments, the WIDA ACCESS (English language

assessment for students who are typically developing or those with disabilities but not identified as having the most significant cognitive disabilities) and the WIDA Alternate ACCESS (English language assessment only for students identified as having the most significant cognitive disabilities). I used the wider term, culturally and linguistically diverse because I included race/ethnicity data which captures a larger population of minoritized students than just those identified as English learners.

Complex Support Needs

Students with complex support needs represent a range of needs and cannot be encompassed by a singular fixed definition. Following the 2010 redefinition of intellectual disability (Schalock et al., 2010), the emphasis shifted from severity of disability to amount and type of individuals' needs for supports. Therefore, although the term "students with the most significant cognitive disabilities" has been used in current research (e.g., Karvonen & Clark, 2019), as well as in federal requirements pertaining to students who are administered large-scale alternate assessments. In this study, I used the term "students with complex support needs" following Copeland et al. (2018). They explained that people with complex support needs are those with "diagnosis such as ID [intellectual disability], autism spectrum disorder, or multiple disabilities frequently have complex support needs, although individuals with other disability labels might also fit into this category" (p. 11). This population, however, does not correspond closely to the eligibility categories defined in the Individuals with Disability Education Improvement Act (2015, §300.160), which is how data on students with disabilities is categorized by local, state, and federal education agencies. The group of students that corresponds most closely with this population is that of students identified as having "the most significant cognitive disabilities" for the purposes of participation in large-

scale alternate assessments, such as the New Mexico Alternate Performance Assessment. The New Mexico criteria for participation in large-scale alternate assessments specifies that "students with the most significant disabilities who are unable to participate in regular assessments even with extensive accommodations" (New Mexico Public Education Department, 2021, p. 1). They also define students with the most significant cognitive disabilities as a student who: (a) "requires substantial modifications, adaptations, or supports to meaningfully access the grade-level content" (p. 1), (b) requires intensive individualized instruction in order to acquire and generalize knowledge" (p.1), and (c) is unable to demonstrate achievement of academic content standards on the general achievement test, even with accommodations" (p. 2). The guidance also states that the Individualized Education Program (IEP) team makes the decision based on student criteria as to who is eligible. This procedure aligns with ESSA requirements states that students with the most significant cognitive disabilities are eligible (U.S. Department of Education, 2017a). It is also important to note that according to ESSA, the number of students who can take alternate tests is capped at one percent of all students tested. However, because students with complex support needs who are eligible to take the New Mexico Alternate Performance Assessment (the state-designated alternate academic achievement assessment for students with the most significant cognitive disabilities) and/or the Alternate WIDA ACCESS (the state-designated alternate language proficiency assessment for students with the most significant cognitive disabilities) describes only part of the group of students with complex support needs. Therefore, this research focused on examining services provided to students identified with ASD, DD, ID, MD and TBI as students who may need complex supports. To account for students identified with ASD, who may not have complex support needs, I considered the

number of students who are dually identified as ASD and gifted for my analysis. I recognize that this operational definition is still imperfect, however, it is the closest I was able to get in understanding the needs of this group without applying measures such as the Supports Intensity Scale through interviews and observations. Because I only used student level district data for this analysis, administration of additional measures was not possible. However, because the data was disaggregated student level data, I was able to get a better understanding of these students as compared to using aggregated state level data.

Purpose of the Study

The purpose of this study was to examine educational equity for culturally and linguistically diverse students who may have complex support needs in a large southwestern school district during the 2018-2019 school year. For the purposes of this dissertation, I specifically examined those aspects of educational equity related to (a) the identification of these students as English learners; (b) their access to Title III services; and (c) the instructional settings in which they are educated. Therefore, I explicitly investigated students with dual identities, as both culturally and linguistically diverse and having complex support needs through these analyses.

Questions to be Addressed

The following research questions guided this study:

1. How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

2. How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

3. How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)?

Importance of the Study

Although a great deal of research on disproportionate representation of students who are culturally and linguistically diverse in special education has been conducted, the body of research "describing the smaller group of students with significant cognitive disabilities who are ELs [English Learners] is only recently emerging" (Karvonen & Clark, 2019, p. 72). Of this emerging research, much of the analysis for this population focuses on alternate assessments. In addition, a significant part of the exploration on investigating access to instruction does not consider language and culture (Rivera et al., 2019). Furthermore, of the research that does consider language and culture, much is centered on students with disabilities without looking specifically at students in need of more complex supports, a group that is often experiencing the most inequitable education (Kangas, 2019). Understanding the intersecting complexities students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI face in education is important to further current research and meet federal requirements. Instruction for students who are culturally and linguistically diverse who may have complex support needs should include both special

education services and language services to as mandated by law. Therefore, the focus of this study was to examine educational equity for culturally and linguistically diverse students with ASD, DD, ID, MD, or TBI in a large southwestern school district during the 2018-2019 school year. For the purposes of this dissertation, I specifically examined those aspects of educational equity related to (a) the identification of these students as English learners; (b) their access to Title III services; and c) the instructional settings in which they are educated. By analyzing data from a large school district in the southwest from the 2018-2019, I answered if disability status took precedence over language and culture in the child's development, if there was a breakdown in accessing Title III services, if the process for identification is a possible barrier, and how social locations/positionalities, such as class origin and gender, shape access. I am hopeful that this analysis will assist those organizing and delivering instructional programs to ensure students are receiving the educational services required by law and further the studies conducted by researchers such as de Valenzuela et al. (2016) and Romero (2015). Unearthing the settings and systems in school programs that may contribute to this injustice may help educators, administrators, policy makers, and all stakeholders make decisions that will support educational equity. I am also hopeful that the findings from this research will also help to eliminate the idea that instructional supports should solely be guided by the characteristic of disability rather than including language diversity when organizing instructional supports for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI.

Researcher Stance

My personal conceptual framework was drawn from my experiences as a Nueva Mexicana, mother, educator, student, creative artist, and researcher. For example, I grew up

surrounded by many important cultural experiences, including traditions from the Hispanic and Native American communities as a Nueva Mexicana. Through my upbringing in Northern New Mexico, I experienced many arts and religious traditions, such as Las Posadas, bulto making, storytelling, Alabado singing, retablo making, Spanish folk dance, and folk theater. My mother grew up in Adelino, New Mexico near Belen. Because I often spent the summers with my grandparents, I experienced Matanzas, storytelling, farming, and folk arts. I spent most of my childhood years surrounded by the Spanish language because my grandparents on both sides primarily spoke Spanish. My parents said that before the age of five, I spoke Spanish fluently, however, through the years I lost that ability due to immersion in English. Garcia and Kleifgen (2018) recognized that bilingualism is dynamic and that "semiotic meaning-making" (p. 88) is much more than the words we use. Additionally, Garcia (2009) recognized that bilinguals have varying abilities, for example they may be able to listen and speak but not have strong literacy skills. Despite these definitions of bilingualism, I struggle to consider myself bilingual because of the pervasive microaggressions that restrict the identity of "bilingual" to those who are formally educated in two to more languages and robustly fluent in both.

After I married, I moved to the community of Alameda where my husband was raised. Living next door to my in-laws exposed me to the traditions from Rio Lucio near Peñasco that my father-in-law experienced such as baking in the horno, gardening, wood carving, ethic of care, and traditions from Picuris Pueblo such as Los Matachines. However, stories that family members shared detailed the educational inequity, prejudice, and racism they experienced. For example, both my parents and my grandparents were punished in the schools for speaking Spanish or sharing their cultural experiences. They

explained that most of the teachers in the schools they attended were Anglo and from Texas or the east. It has often historically been the case that many teachers in New Mexico have come in from out of state and have had very little knowledge about the people and students from here and therefore, compounding the problem of educational inequity and prejudice in our schools and universities. My mother's family was very poor. They share experiences of how they were shamed in school for not having new clothes or shoes, although they were always carefully hand sewn and their shoes were nicely shined with soot and lard.

My family has also had many experiences with disability and activism. My mother's sister lives with intellectual disability, and my mother was her caregiver for many years. My aunt has often shared stories about her school experiences. For example, she explained how she was locked in a closet at school for most of the day in middle school because her special education teacher said she could not learn. She also described the horror she felt when her teacher threw a desk at her. She eventually dropped out of school. When my mother was aunt's caregiver for many years, I assisted her by driving her to appointments, taking her to bookstores, teaching her literacy skills, music, and arts. Another experience my mother shares is that she and her other sister worked at the Los Lunas Training School as young adults. My mother cared for the young children with disabilities and my aunt cared for the adult males with disabilities. They both have shared stories about the segregation and injustice the residents faced. Additionally, my father shared his experiences as a member of the Alianza with Reyes Tijerina. Tijerina was a civil rights activist who fought to restore land grants in New Mexico. Both my parents' families lost land and their land was not restored. This history is part of the historical trauma many diverse students face in the southwest.

My son experienced educational inequity in middle school when he developed a physical disability. I did not know how to advocate for my son, and he eventually had to drop out of school. Through my studies on disability and work teaching students with a range of disabilities in an inclusive charter school; I gained knowledge to help my son as well as the students I taught. My son is currently in a PhD program in the eastern United States studying developmental psychology. It is important to note that this journey is not only filled examples of injustice, lack of cultural capital, and hardship, but of resilience, appreciation for heritage, joy, and hope that change can occur.

I was able to tap into my experiences as a teacher, performing artist, and storyteller during my career journey. The knowledge I gained allowed me to integrate arts into core curriculum, collaborate with my colleagues, special education, general education teachers, parents, and ancillary staff to include differentiated instruction for students with varying disabilities who were and were not culturally and linguistically diverse. Additionally, I have traveled throughout the country sharing storytelling presentations with integrated lesson and unit plans for their schools to incorporate multicultural educational practices to support diverse students. These programs also include family and community members for literacy events. Through these experiences, I was able to observe first-hand the power of access to instructional practices and culturally relevant teaching.

As a clinical supervisor in a dual license program, university instructor, and researcher, I have also been able to share my understandings with the pre-service, developing, and seasoned teachers I have worked with. In this position, I have conducted numerous observations in a variety of settings. I have gained a great deal of knowledge about the educational services provided for students, especially those with complex support needs.

Additionally, I have gained experience as a research assistant including data collection for state alternate language assessment practices and classroom observation data collection using ecobehavioral time sampling data collection system. During the observations, ECAT was used as an observational tool to understand educational practices that support students with more complex needs to be included in general education classrooms.

These professional experiences as well as my personal experiences are all important components of my conceptual framework and my expertise in working with all students. This knowledge connects with the theoretical framework I used in this research I explain in the next section. Additionally, these experiences have caused me to personally understand the need for students with culturally and linguistically diverse with complex support needs to have access to instruction for both special education services and Title III services, that may include funds of knowledge and culturally responsive teaching practices. Because I too have lived and breathed similar educational inequity, I have a unique understanding other researchers may not have. As a mother, daughter, granddaughter, and community member, I understand the importance of research that looks at educational inequity. I believe that research should be directly connected with practice and lead to systemic change and supports bridging theory to practice as seen in policy, which is often not the case with some research. In my view, access to instruction, such as Title III services, as required by law for English learners is a matter of social justice that should not be ignored for any students including students.

Positionality can be defined as a researcher's "social hierarchy" (Reid et al., 2016, p.48) that informs the researcher's perception of others. There are also many layers to our social location that may include race, gender, citizenship, which contribute to power

dynamics and our sense of belonging (Yuval-Davis, 2011). Therefore, it is critical that I acknowledge my positionality or social location when conducting research and understand that my journey has helped me develop a unique insight into the school experiences students who are culturally and linguistically diverse with and without disabilities face. However, I must also critically reflect on my positionality to inspect how my personal history is impacting my research analysis as well as its' relation to my theoretical lens. Furthermore, Ravitch and Riggan (2017) argued that if the researcher mistakenly uses a theoretical framework that is disconnected from the researcher's conceptual framework, the decision may negatively impact flexibility in the pursued research. Thus, my conceptual framework and understanding of the phenomenon of access guided my theoretical framework as explained in the next section. Looking at the historical contexts of theory and the way related theories influenced my understanding and ensured that I fully examined my role as a researcher in relation to the study.

Rationale and Theoretical Framework

Theory has been defined as an established structure for analysis used to understand a phenomenon (Reid et al., 2016). Theory serves as a tool for the researcher to conceptualize the roots of the circumstance (Reid et al., 2016). Additionally, it aids in recognizing factors that affect it in some way. The theoretical approach I used for this research was DisCrit to understand the phenomenon of access to instruction such as special education services and Title III services as well as social locations and structure that may contribute to the possible lack of access to the general education setting as required by law for all students. I also viewed the phenomenon from the viewpoint of intersectionality. It is important to note that although intersectionality is not a theory as is DisCrit, it is a perspective that allows the

researcher to take into consideration all social locations in relation to power. Cavendish and Samson (2021) noted that the perspective of intersectionality helps tell stories that would otherwise be "untellable" (p. 10). The authors related their work of understanding the use of intersectionality in education to achieve equity to the foundational work of Kimberlé Crenshaw. They explained that Crenshaw was not able to examine oppression Black women experienced by only analyzing race and gender. "Intersectionality offered a lens of analysis that showed how processes of racialization coalesced" (Cavendish & Samson, 2021, p. 10) with other factors that may not be recognized due to a linear analysis. DisCrit and an intersectional analysis allowed me to look at the data from an alternative view in contrast to what is often used in research. Although the critical perspective is not without controversy, using this lens allowed me to better understand contributing factors such as policy, laws, and implications for practice by mapping the margins of populations that may have been left out of past analysis. Additionally, this perspective guided my considerations of the complexities of the classroom experience of the population I examined. Anfara and Mertz (2006) described theory as a lens that informs epistemology and the methodology used by the researcher. Thoroughly analyzing my theoretical lens in relation to my conceptual framework, helped to ensure that the questions I asked would be answered by using that perspective and methodological approach adding validity to my results. In addition to my main theoretical perspective, I explored how related perspectives as connected to my conceptual framework informed my understanding such as sociocultural theory, second language development theories, and culturally relevant pedagogy. These perspectives also guided my view of the importance of the study, recommendations for future research, and discussion of results.

DisCrit

The distant history of DisCrit is grounded in critical theory, which has been defined and re-defined since its inception. According to Rich (2007), critical theory stems back and is founded on the study of truth. The author noted that factors such as language, culture, communication, bias, and power relations are underlying structures that dictate the reality of human experience. In contrast, Bronner (2011) described critical theory as the criticism of established systems in society and human thought that inhibit autonomy. According to Bronner, this critical framework has historical roots that date back to the philosophical traditions of Plato and Socrates, as well as provenance during World War I and World War II. Felluga (2015) traced elements of critical theory back to ancient Greece and Rome with a discussion of the formations of human thought and the derivation of the *natural* state.

As an interdisciplinary theoretical schema, critical theory allows for critique of history as an impetus for change and liberty (Bronner, 2011); contrastingly, critical theory "explores the connection, overlaps, intersections, and interferences between the three spheres of economic development, psychic life, and culture" (Buchanan, 2010, p. 101). Furthermore, Buchanan (2011) stated that through self-refection and critical discourse, critical theory makes the distinction between the concept and its inception. Historical ideologies are the substratum in which current beliefs are founded in the view of the critical theory (Felluga, 2015).

Critical theory has also been related to positivism (Potter, 2017). Positivism is the scientific approach to discovering knowledge (Buchanan, 2010), albeit critical theorists assume a negative stance to this disposition because the critical theorist is concerned with the process of uncovering why a truth is assumed to be so and the construction of that truth

(Rich, 2007). Accordingly, critical theory is not concerned with data, but rather, the reasons why the data is the way it is. Thus, when discussing a phenomenon, a researcher should apply a critical lens that looks closely at traditions, society, and norms according to this framework (Buchanan, 2010).

To understand the use of DisCrit in my research, it was important to explore related theories and the historical context of their development. Rioux and Valentine (2006) stated critical disability theory exposes systems of inequality and oppression of people with disabilities. According to the authors, this perspective allows the researcher to investigate societal barriers, social policies, and political rationales that deny people with disabilities of basic human rights and social justice. Pothier and Devlin (2006) stated that this lens "emphasizes the inevitability of difference, it demands the material reorganization of our basic social institutions, and it challenges the assumptions of sameness and assimilation in a profound way" (p. 20). Furthermore, the author explained that this lens challenges assumptions of identity and disability in relation to political systems and laws. In this research, I investigated assumptions about identity and disability regarding political systems and laws, while also considering the factors of race/ethnicity and language for students who are culturally and linguistically diverse. Therefore, using the lens of DisCrit rather than critical disability theory allowed me to investigate the intersecting elements of race, culture, and language in addition to disability.

Another theoretical branch related to DisCrit is critical race theory. Rooted in the civil rights movement, critical race theory is the study of race and power dynamics in relation to history, economics, or anything that raises questions about privilege and hierarchy (Delgado & Stefancic, 2001). According to the authors, since critical race theories' beginnings in the

1970's, the lens has been used to "combat the subtler forms of racism" (p. 3), that arose during this period of history. Thus, the role of law and policy should be examined from this perspective. Furthermore, Delgado and Stefancic (2001) stated, critical race theory is related to critical legal studies and radical feminist perspectives. López et al. (2018) stated that critical race theory "is anchored in rectifying the historical amnesia that plagues many discussions on social inequalities that fail to engage the tenets of critical race theory which include a critique of liberalism and color blindness" (p. 182). Furthermore, the structures of oppression and unjust policies are investigated using this perspective unlike the deficit perspective that places blame for inequalities on the individual (López et al., 2018). Although critical race theory answers the questions about race and systems of oppression, it does not consider disability. For this reason, DisCrit more fully guided my research and methods to answer my research questions while also considering cultural wealth and counternarratives. However, because this lens is grounded in critical race theory, this perspective also allowed me to consider race and contribute to the research that has already been done because of my racial/ethnic background. As Solórzano and Yosso (2002) explained,

> Although social scientists tell stories under the guise of 'objective' research, these stories actually uphold deficit racialized options about people of color…a critical race methodology offers space to conduct and present research grounded in the experiences and knowledge of people of color (p. 23).

Thus, DisCrit allows the researcher to critically examine structural racism as well as disability. According to Annamma et al. (2018), DisCrit reveals systems of oppression due to racism and injustice against people with disabilities who are not from the dominant race. The authors traced the roots of this theory to uncover the merging of critical race theory and

critical disability theory to "produce new strands of knowledge" (p. 50) as I discuss later. Further, they argued that DisCrit focuses on (a) ableism, (b) racial identity, (c) social construction of race and ability, (d) provides a voice for marginalized groups, e) acknowledges law and history, (f) recognized Whiteness, and (g) considers activism and resistance. Connor et al. (2016) explained that "dis/ability must be primarily understood as a political and social category" (p. 27). Unlike critical disability theory, racism is investigated in DisCrit to understand the educational experiences of students from marginalized groups.

The use of theories such as those related to critical theory has become a recent area of contention. Schwartz (2021) explained that critical race theory is a "central issue in school board debates" (para. 1) with bills introduced in over 20 states across the nation and passed into law by eight states. The language in proposed bills would "restrict how teachers discuss racism, sexism, and controversial issues" (para. 2). Those in favor of theoretical frameworks that question systems of oppression and racism such as critical race theory, argue that the perspective does not pit one race against another but in turn "puts an emphasis on outcomes, not merely on individuals' own beliefs, and it calls on these outcomes to be examined and rectified" (Sawchuk, 2021, para. 16). Therefore, in using DisCrit for this research, I examined issues of access and educational equity with the intention of uncovering areas of educational policy and practice that are inclusive or may need to be changed so that all students can receive the benefits of education as required by law.

Intersectionality

Intersectionality developed from the need for social change due to social inequalities during the twentieth century (Collins, 2019). The term intersectionality was coined by Kimberlé Crenshaw (Collins, 2009). Additionally, critical inquiry is a major component of

this lens as well as the practice of social change (Collins, 2019). Collins (2019) contended that intersectionality should be viewed as critical social theory because it allows the researcher to address the many layers of inequalities in society. These inequalities are multidimensional and should be critiqued as such (Collins, 2009). According to Collins, "intersectional paradigms remind us that oppression cannot be reduced to one fundamental type, and that oppressions work together in producing injustice" (p. 21). Collins also noted that the way that the injustices are organized in society may be viewed through the matrix of domination, which identifies structural, disciplinary, interpersonal, and hegemonic cultural domains of power. Additionally, intersectionality is grounded in the concept of reflexivity and accountability (Collins, 2019) and allows the researcher to critically analyze systems of oppression.

There are many types of intersectionality used in research. McCall (2005) described intersectionality as "the most important theoretical contribution that women's studies, in conjunction with related fields, has made so far" (p. 1771). Additionally, McCall identified layers in the perspective of intersectionality because society is multidimensional as well. The three applications are anticategorical complexity, intercategorical complexity, and intracategorical complexity (McCall, 2005). According to the author, anticategorical complexity "deconstructs analytical categories" (p. 1773) because the categories themselves promote social inequalities, for example the category of race. In turn, intercategorical complexity allows the researcher to utilize social categories to examine its presence amidst social groups. The perspective of intracategorical complexity "interrogates the boundary-making and boundary-defining process itself" (McCall, 2005, p. 1773) to more closely relate to lived experience. The anticategorical approach accounts for the social location of the

subject and is sensitive to the problem of "homogenizing generalizations" (p. 1783) using categories in research can create. The intracategorical approach similarly critically examines the use of boundaries, but also considers the use of social categories within society. "This approach is called intracategorical complexity because authors working in this vein tent to focus on particular social groups at neglected points of intersection…in order to reveal the complexity of lived experiences within such groups" (McCall, 2005, p. 1774). Because this research both critically looks at the use of categories as boundaries for access to instruction such as Title III services within the group of learners who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI. The lived experience for students who are culturally and linguistically diverse in need complex supports is multilayered, therefore, an intersectional lens is necessary in research to support these students. The combination of intersectionality and DisCrit may expose educational inequalities due to racism within the school system that students and their families experience. Additionally, because my ethnicity is Hispanic, using the intersectionality approach for a quantitative research study helped counter the lack of Chicana/Latina researchers using this lens found by Zinn et al. (2019). Further, my use of DisCrit was related to critical race theory and combined with intersectionality in quantitative research is needed as well (López et al., 2018).

Related Theories

Although the following theories were not formally used as lenses in this research. It is important to make note of them because these theories are connected to my research questions, conceptual framework, and researcher positionality. One framework that informed my work is sociocultural theory. De Valenzuela (2014) explained that "sociocultural theory has been especially influential in the areas of pedagogy, language and communication, and

assessment" (p. 280). The author stated that sociocultural theory is also known as cultural-historical theory. De Valenzuela contended that sociocultural theory is an important lens for understanding the needs of students who are culturally and linguistically diverse with complex support needs, however the lens has not had the same support in the field as more positivist approaches used in research in special education and bilingual education. The author stated that "the incompatibility between the paradigms underlying special education and bilingual multicultural special education positions culturally and linguistically relevant, context-sensitive pedagogy within a system based on remediating deficits assumed to reside within the child" (de Valenzuela, 2014, p. 287) therefore, sociocultural theory would be a better approach understand the needs of these students. According to de Valenzuela, sociocultural theory would also benefit research to understand the needs of students who have more complex needs because this group of students is often "denied access to a range of psychological tools" (p. 287). Additionally, the author argued that combining sociocultural theory with critical theory assists the researcher in uncovering issues of power dynamics as well as confronting issues of educational inequity that may be overlooked using the perspective of sociocultural theory alone (de Valenzuela, 2014).

Culturally relevant pedagogy is a second theory that informed my work when looking at the types of services provided, including Title III services and multicultural education. Ladson-Billings (1995) explained that culturally relevant pedagogy is a theoretical lens that addresses social justice and educational inequity for diverse students through teacher education reform. The author stated that culturally responsive practices connect student's home and school cultures. Ladson-Billings drew from her research of educational practices to meet the needs of African American students. She explained that the work of Patricia Hill

Collins guided her work through the following understandings: "(1) concrete experiences as a criterion of meaning; (2) the use of dialogue in assessing knowledge claims; (3) the ethic of caring; and (4) the ethic of personal accountability" (p. 471). The author conducted observations to identify factors that supported African American students' academic achievement. Ladson-Billings stated that "culturally relevant pedagogy must provide a way for students to maintain their cultural integrity while succeeding academically" (p. 476) as well as reinforce critique of social inequalities. Additionally, Ladson-Billings explained that this culturally relevant pedagogy includes a view of social and cultural contexts unlike sociolinguistic and cultural ecology perspectives. The author noted that this theory is an important lens for preparing teachers to meet the needs of students who are culturally and linguistically diverse.

Pirbhai-Illich (2017) described culturally relevant pedagogy as an important theory for identifying forms of racial dominance and colonialism especially for Native Americans. The author argued that there has been push back due to neoliberalism ideologies that do not support it. Pirbhai-Illich contended that reform is needed to foster a critical relationality between communities, families, and schools to support culturally responsive teaching practices that create a caring school culture. Gay (2002) explained that culturally responsive teaching practices aid teachers to "(1) incorporate critical cultural consciousness, (2) maintain a culturally diverse classroom atmosphere, (3) include diverse learners, and (4) utilize multicultural curriculum instruction" (p. 613). Moreover, Bevan-Brown (2001) stated, "Special education services for learners from ethnically diverse groups are generally designed, delivered, and evaluated by people from the majority culture and are usually based on a majority culture concept of special needs" (p. 145). Therefore, culturally relevant

pedagogy is an important theoretical perspective that informed my understanding of access to instruction appropriate for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI.

Lastly, language socialization theory informed my work because of my assertion that students who need complex supports are often not viewed as having language and culture. Ochs and Schieffelin (2012) explained the language socialization is grounded in linguistic anthropology. According to the authors, this perspective looks at the connection between forms of language and the meanings behind that language as well as how the process of deriving that meaning is a life-long process, which includes infancy to adulthood. They also hold that this is true for all human beings whether a person is identified with a disability or has limited speaking abilities. However, for novices to further their understandings, access to experiences must occur either through explicit practices or by continuous participation in language experiences with supports (Ochs & Schieffelin, 2012). Therefore, this theory guided my understanding of whether instructional settings are supporting access to these experiences for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI.

Scope and Delimitations of the Study

The purpose of this study was to examine educational equity for culturally and linguistically diverse students with ASD, DD, ID, MD, or TBI in a large southwestern school district during the 2018-2019 school year. For the purposes of this dissertation, I specifically examined those aspects of educational equity related to (a) the identification of these students as English learners; (b) their access to Title III services; and c) the instructional settings in which they are educated. Thus, this research was designed to uncover barriers to accessing

federally mandated services. The data requested included grades K through 12 and did not include early intervention or preschool data. The data included information such as students' race/ethnicity, gender, age, reported use of a primary home language other than English, and status as an English learner. These data included information about students' socioeconomic status by examining students' qualification for free and reduced lunch, although it is an imperfect proxy for socioeconomic status. I considered that this measure may not provide a clear picture of socioeconomic status. According to Snyder and Musu-Gillette (2015), "while the percentage of students receiving free or reduced-price lunch can provide some information about relative poverty, it should not be confused with the actual percentage of students in poverty enrolled in school" (para. 1). Furthermore, Harwell and LeBeau (2010) argued that "free lunch eligibility is a poor measure of socioeconomic status which suffers from important deficiencies that can bias inferences" (p. 120). It is important to note that parent's educational attainment has also been used as an additional metric to determine socio-economic status, however, this information was not provided by the school district. Therefore, using free and reduced lunch participation was warranted to explore socioeconomic status. In addition, the data requested did not explicitly identify students with complex support needs, as this is not an IDEA category and some students who qualify for special education services under the identifiers such as intellectual disability and autism spectrum disorder do not have complex support needs. However, I did not obtain additional data, such as detailed information on IEPs or other documents that might provide more information about students' services and support (such as provision of alternative services) or detailed diagnostic testing results. Some less detailed information was provided by the school district. As explained earlier in this chapter, I did take into consideration that not all students

identified with ASD have complex support needs. There was only one student in this dataset who was also identified as gifted. That student was considered in this analysis. Similarly, I did not examine specific instructional practices beyond knowing whether students are enrolled in Title III services, English language development. Therefore, I did not assess the effectiveness of instructional practices for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI, as I did not conduct classroom observations, focus groups, or interviews.

Chapter 2

Review of Related Literature

It is important to examine literature as related to my research questions to understand the complexities of access to instruction students who are culturally and linguistically diverse with complex support needs face. As stated in chapter one, there are many levels of access I reference in this review. For students with complex support needs, the literature I reviewed clearly shows that this group of students often had limited access to the general education setting. Literature also shows that when students are in the general education setting, they are exposed to evidenced based practices, grade level curriculum, learning standards, and peer social interactions. I also refer to access to inclusive environments and Title III services for students who are culturally and linguistically diverse who may be identified as English learners. According to research, students who are culturally and linguistically diverse are also supported best when they receive instruction in more inclusive environments where they would have access to teaching practices that support their diverse learning needs. I assert that same is true for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI. The issue of student placement is important for this group as well for instance, when students are placed in segregated settings, they receive less access to services students in general education receive according to research. For example, students with complex support needs who are English learners may have limited access to Title III services, culturally responsive teaching, multicultural education, and other supports due to their identification label. Student placement is also important because if the disability label is the primary factor that dictates student needs, this limits access to instruction to support learning English for those who are English learners. For example, research shows that students with

complex support needs are in the most segregated settings, in my view, is one reason they may miss out on Title III services, culturally relevant teaching practices, and multicultural education. Moreover, they may not even be tested for language proficiency altogether due to the disability label driving specialized services they receive. If they are tested, the assessments may not fully assess English language proficiency for this group which would cause students who take alternate assessments to be overidentified as English learners or never exit programs. Additionally, the issue of the process for identification as connected to the IEP process is a factor for this group receiving equitable services. Furthermore, the language proficiency assessment process for students who take alternate language proficiency assessments may be a barrier to access to Title III services. In this chapter I support my argument with a review of (a) the historical background including laws and movements, (b) minimal legal requirements and literature related to placement including access to general education curriculum and Title III services, (c) instructional services and supports, and (d) racism, bias, and other factors. I also review quantitative and disproportionality research as well as methods in this section to support my use of quantitative methodology for this proposed research. Lastly, I discuss the future of the current study. Reviewing these areas is warranted because it provides contextual background, informs my research questions, and reveals how my dissertation research relates to existing knowledge through expanding on the arguments I introduced in chapter one. It is important to note that because research focusing on students who are culturally and linguistically diverse with complex support needs is an emerging field, I limited my search to the time-period between 2000 to 2020 for my review in most areas except for the historical

background and discussions of disproportionality. Additionally, this chapter is related to the following research questions:

1. How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

2. How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

3. How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)?

Historical Background

Many foundational elements of special education programs have been adopted by bilingual education policy (Figueroa, 1999). For example, the services provided to students in need of more complex and language supports are rooted in the issues from the field special education. Sadly, the interconnected histories of bilingual special education reveal that this group of people have faced discrimination and injustice. For example, during the 20th century children and adults with disabilities, especially those who may have had complex support needs, were placed in institutions (Winzer, 2014). Moreover, there is evidence that the

practices of institutionalism are not long gone. In the following sections, I uncover the history of bilingual education, special education, and bilingual special education to understand how these related histories impact current problems of access to instruction and educational equity.

Bilingual Education

Negative views of bilingual education can be traced back to the territorial period in the Southwestern United States (Nieto, 2009). During that period of history, Native Americans were forced to speak English and placed in boarding schools beginning in the 1880s (Nieto, 2009). The field of bilingual education stems back as far as the 1800s with the creation of bilingual schools in parts of the nation. Some schools taught both German and English while others, such as in Louisiana, educated students in French and English (Gándara & Escamilla, 2017). In the New Mexico Territory, students learned both Spanish and English (Gándara & Escamilla, 2017). However, evidence of English-only ideologies surfaced in 1906 with the Naturalization Act (Gándara & Escamilla, 2017). This act required immigrants to the U.S. speak in English. Nieto explained that the 1917 Burnett Act took the requirements of the Naturalization Act a step further requiring immigrants to pass a literacy test. States began to require that instruction in schools was taught in English (Nieto, 2009). In 1906, many schools taught students in English and by 1923, 34 states used English only instruction (Gándara & Escamilla, 2017; Nieto, 2009). However, Nieto noted the importance of the U.S. Supreme Court case of Farrington v. Tokushige in 1927. In this decision, the court decided schools in the then Territory of Hawaii could not teach foreign languages in schools unless it was approved through a permit. Although English only policies were spreading nationwide,

the Cuban Revolution of 1949 spurred bilingual schools to be established in South Florida (Gándara & Escamilla, 2017).

The influence of bilingual policy on services for students who are culturally and linguistically diverse can be separated into historical periods (Baca & Cervantes, 1998). The 1920's through the 1960's is described as the period of English immersion when students were placed in English only classrooms with no language supports (Baca & Cervantes, 1998). During this period, the Supreme Court decided that school segregation violated the Fourteenth Amendment to the U.S. Constitution in the landmark case of Brown v. the Board of Education of Topeka. Nieto (2009) contended that this case was significant to the history of bilingual education because the decision triggered further desegregation cases that led to the Civil Rights Act of 1964. Additionally, the creation of Title VI "became the paramount initiative for bilingual education in the United States" (Nieto, 2009, p. 63). The two-way bilingual program was introduced in 1963 followed by the Bilingual Education Act in 1968 (Baca & Cervantes, 1998). Stewner-Manzanares (1988) described the act, which is Title VII of the Elementary and Secondary Education Act (ESEA), as "the first official federal recognition of the needs of students with limited English speaking ability" (p.1). According to Stewner-Manzanares, this act not only was a measure to rectify civil right violations, but it also highlighted the need for differentiated services, awareness of the importance of culture, and countered English-only school policies. Through this act, funds became available for programs in districts in areas such as teacher training, materials, and avenues for parent involvement (Stewner-Manzanares, 1988).

During the 1970's, the issue of educational inequity and bilingualism drew attention at the K-12 as well as university levels in states such as New Mexico. In a speech given by

U. S. Commissioner of Education, Dr. P. Marland Jr., to inaugurate the first Hispanic president of New Mexico Highlands University, Commissioner Marland explained problems with the educational system especially for Spanish-speaking children and Native Americans in New Mexico (Marland, 1972). He argued that high drop-out rates were a tremendous issue of which bilingual education may be a remedy. However, he noted that there was a greater need for an educational system that encouraged students to "take pride in their cultural background and their national history" (Marland, p. 1). The author explained that very little is taught in schools about their ancestors and what is taught is "uncomplimentary" (Marland, p. 1). Lastly, Commissioner Marland argued that that school staff members at both the K-12 and university levels do not represent the demographics of the state.

In 1974, the Lau v. Nichols class action lawsuit and the Equal Educational Opportunities Act (EEOA) of 1974 initiated amendments to Title VII (Stewner-Manzanares, 1988). This movement was extended to undocumented immigrants with Plyer v. Doe in 1982, included the right to education for this population. These amendments to Title VII not only improved access for undocumented immigrants, but they also strengthened the supports and resources for English language learners (Stewner-Manzanares, 1988). The Lau v. Nichols case once again made its mark on the history of bilingual education with the Office for Civil Rights (OCR) guidelines known as the 1975 Lau Remedies, followed by the 5th Circuit Castañeda v. Pickard decision in 1981. This decision included a three-part standard: a) programs should be based on theory; b) implemented with the theory as a lens; and c) effectiveness of the program should be demonstrated (Gándara & Escamilla, 2017). However, despite these strides to provide educational equity, the fight for English only school policies once again surfaced in the United States the during the Reagan administration

in the 1980s (Nieto, 2009). However, the reauthorization of Bilingual Education Act under the Improving America's Schools Act, which included multiculturalism and development of two-way bilingual programs, provided hope for much needed improvements to support learning for diverse groups (Nieto, 2009). Not all states passed legislation to improve equity in education, however. California's Proposition 187 requirements in 1994 "made it illegal for children of undocumented immigrants to attend public schools" (Nieto, 2009, p. 64). Arguments over the need to enforce English only policies spewed into federal law as well, for example during the Bush administration in 2002 with "anti-bilingualism policies" (Nieto, 2009, p. 64). This ideology came into fruition with the reauthorization of the Elementary and Secondary Education Act (ESEA) known as the No Child Left Behind Act. In this reauthorization, Title VII was replaced with the English Language Acquisition, Language Enhancement, and Academic Achievement Act (Gándara & Escamilla, 2017).

These changes altered the face of bilingual education established by the prior act. Although it can be argued that the intention of the No Child Left Behind Act was supported by the National Association for Bilingual Education (NABE) and was amended to meet the needs of all students through accountability, Crawford (2004) explained the "approach to school accountability is overly rigid, punitive, unscientific" (Crawford, 2004, p. 1) and did not support the education of English learners. Crawford also asserted the need for valid assessments and an appropriate use, reasonable expectations for English learners, authentic means to measure student achievement, and called for reform of the act.

Laws such as this placed major strongholds on states and local districts because they were the primary source of educational funding for students from diverse groups (Skinner, 2019). For example, the most recent authorization of ESEA recognized as Every Student

Succeeds Act (ESSA) contains the Title I-A program which includes funds delegated to meet the needs of disadvantaged students (Skinner, 2019). Under ESSA, accountability for content and academic achievement as well as assessment are in the hands of state governments which complicates the question of access and equity further. Funds are also connected to Title III, which is titled Language Instruction for English Learners and Immigrant Students. This guidance provides funds "used by LEAs for activities such as effective language instructional programs, professional development, and supplemental activities" (Skinner, 2019, p. 12). Although the relationship between funding and laws may be viewed as positive changes sparked to address inequities, the interconnected histories of bilingual and special education show that funding and services do not always get to the hands of the most marginalized groups. This may be due to movements such as English only policies or differences in the way states distribute funding. It may also be due to the intersecting histories infused with bias and injustice. In the next sections, I review how the histories of special education and bilingual special education inform current practices in states and school districts in providing access and educational equity for students culturally and linguistically diverse with disabilities.

Special Education

As with the turbulent history of bilingual education, special education began with periods of inequity and injustice. Names given to the periods of special education history elucidate this reality, for example, the 1700s are known as the period of neglect, the 1800s the age of asylum, the late 1800s to early 1900s the period of boarding schools (Baca & Baca, 2004). These periods not only reflect the treatment of those with disabilities, but they

also uncover the struggles some groups in our society have historically faced. Some of which sparked societal change and accountability.

Since the mid-18th century, people with disabilities have been rejected by society (Winzer, 2014). Historically, disability has been viewed as punishment from the powers that be (Winzer, 2014). The European Enlightenment offered hope to extinguish negative perceptions of people with a disability through human rights reform. However, reform was followed by institutionalism in the 19th century (Winzer, 2014). Thomas Hopkins Gallaudet established the American Asylum for the Education and Instruction of Deaf and Dumb Persons (Winzer, 2014). In institutions such as this, "care and containment, not education and potential cure, became the governing motifs. The designator *school* was replaced with *asylum,* students became inmates, and service clientele changed from the individual to society" (Winzer, 2014, p. 27). Furthermore, those viewed as different from established societal norms were labeled as mentally deficient (Winzer, 2014). During this time, the Convention of American Educators of the Blind and the Association of Medical Officers of American Institutions for Idiots and Feeble-Minded Persons surfaced. Social Darwinism added to the ideology that disability was a deficiency. This viewpoint led to the use of genetic science to distinguish disability. For instance, since the 1880s, eugenics and forced sterilization were imposed (Winzer, 2014). Some states enforced this practice more than others. Winzer (2014) explained, "of the 30 US states with enabling legislation on the books from 1907 to 1958, California was the most energetic eugenics state" (p. 29). This is startling considering the diverse population of California. The history of the eugenics movement motived the development of IQ tests, disability designations based on the medical model, and the beginnings of special schools (Winzer, 2014).

According to Winzer (2014), “Soon there were special classes under a variety of generic titles such as auxiliary, opportunity, open air, welfare, and steamer to serve immigrant children who could speak English” (p. 31). These special schools masked as places for inclusion and educational equity were not questioned until parent and professional organizations spoke out (Winzer, 2014). Further changes occurred during the civil rights movement. During this time the conditions of institutions were uncovered (Winzer, 2014). This led to discussions of inclusion and the initiation of disability studies with the President’s Panel on Mental Retardation (Winzer, 2014). Today, the struggle for inclusive practices is informed by this turbulent history. Inclusion of all people including those with language and cultural differences is an issue of social justice sparking movements and fields such as bilingual special education.

In the next section, I expand on the relationship between the histories of bilingual education and special education as well as how they pertain to access and educational equity.

Bilingual Special Education

The complicated histories of bilingual education and special education served as a structure for the field of bilingual special education. Along with the laws and regulations that guide bilingual and special education services and access, there are unique arguments and legal battles that have arisen in the field. A great deal of the discussion and research in the field of bilingual special education has focused on issues such as disproportionate representation, inappropriate assessment measures, and inadequate instructional practices and services. In this section I address some of these arguments such as inappropriate assessment measures, however, much of my review focuses on the historical development of the field in connection to laws and legal cases and how they relate to arguments of educational inequity.

The history of this field has been traced back to the work of Sánchez (1934) (Bernal, 1983). Sánchez raised arguments about the use of assessment measures to identify a disability. He found that this can be very dangerous when using these measures on students who are culturally and linguistically diverse. In Sánchez' article from the Division of Information and Statistics with the State Department of Education in New Mexico, he expressed a warning against using standardized mental tests. He explained,

> While the misapplication of tests is a matter of general concern and evident in education generally, it is in the treatment of the problems presented by bilingual, or environmentally handicapped, children that the gravest mistakes have been made (p. 765).

Sánchez argued that the tests were not valid measures of intelligence. Further, he challenged Spearmans' theory of general intelligence. Sánchez identified that of 1,000 fourth graders who were tested in Texas, Colorado, and New Mexico, 50 percent of the students scored in the "moron" (p. 767) range. Sánchez contended that those results were unacceptable because language should have been taken into consideration because the students were from Spanish-speaking communities. Additionally, Sánchez pointed out agendas for segregating Mexican children from American children were communicated by officials in the United States Office of Education at the time. The interpretation provided by Sánchez was that these assessments were a form of racial segregation. This writing exemplifies some of the arguments that unify the relationship between the need to serve students with language difference and how special education has come into play when determining services. Furthermore, this example reveals how issues of institutionalism and bias that historically have been a large part of the history of bilingual education and special education are present even in the earliest writings

connected with the field of bilingual special education. In the next section, I present laws and regulations that intersect with these related fields and bilingual special education.

The civil rights movement, the Brown v. Board of Education decision, the Civil Rights Act, and the Bilingual Education Act are important to the field of bilingual special education like related fields (Bernal, 1983). These laws and movements drove questions and concerns about educational equity and social justice, for example during the 1960s concerns about services provided through special education arose (Baca & Bransford, 1982). It has been claimed that the field of bilingual special education officially began with The Bilingual Special Education Interface (Figueroa, 1999). Zhang and Cho (2010) explained that the field is "relatively young" (p. 46). They stated that P.L 94-142, P.L. 90-247, and Lau v. Nichols were imperative to the field. Additionally, they recognized the phases of the development of the field as awareness of issues, then research and program facilitation, followed by teacher training.

The Title VII of the Elementary and Secondary Education Act was the first legislation to reference bilingual education, however, it did not address the needs of students with disabilities (Baca & Bransford, 1982). However, Section 504 of P.L. 93-112, known as the Rehabilitation Act of 1973, indicated that the "right of bilingual handicapped children to receive bilingual special education services" (Baca & Bransford, 1982, p. 7). This legislation was significant in that it directly connected both the need for special education services and language supports for students with this dual identification. Section 504 also connected both special education and bilingual education (Baca & Bransford, 1982). Moreover, because the Office of Civil Rights enforces Section 504, the aspect of cultural and linguistic diversity cannot be ignored. The 1970 OCR guidelines are the standard for non-compliance

complaints. This memorandum provides guidance on developing English learner programs including concerns of compliance of Title VI of the Civil Rights Act of 1964. It states that "inability to speak and understand the English language" (para. 4) should not exclude students from participating in an "effective educational program" (para. 4). It also explains that students should not receive special education services based on their language skills. In addition, students should not be "tracked" (para. 6) into a "dead-end or permanent track" (para. 6) language program. Lastly, the 1970 OCR guidance specifies that parents should receive necessary notifications in the language they speak. Most recently, the 2015 OCR guidance refers to Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974 with guidance on English learner student participation in education programs through assessment, language assistance, qualified staff, meaningful access to curriculum, avoidance of segregation, special education evaluation and dual services, guidelines on opting out of Title III services, monitoring and exiting these programs, district program evaluation, and parent communication. Moreover, this guidance recognizes that students who are English learners with disabilities should receive both special education and language services as required by federal law (de Valenzuela, 2018).

It is important to understand how legal references to groups and services such as that of the OCR memorandums have helped to define the field of bilingual special education. For instance, Baca and Bransford (1982) offered the following definition of bilingual special education:

> Bilingual special education in the ideal sense may be defined as the use of the home language and culture along with English in a program of special instruction individually designed for the student. In bilingual special education, the child's

> language and culture are considered to be the foundations upon which an appropriate education can be built. The basic educational paradigm is to move the handicapped child from the known to the unknown through preferred cultural and linguistic communicative mediums (p. 1).

According to this definition, the students' language and culture are the basis of instruction and cannot be ignored as with the OCR guidance documents. This factor distinguishes the difference between the field of bilingual special education from both special and bilingual education.

Educational policy and instructional delivery practices have also helped to define the field of bilingual special education such as PL 94-142 (Baca, 1980) and supplied the "operational impetus" (Bernal, 1983, p.424) for the field. However, Ehlers-Zavala (2011) stated that bilingual special education became part of the multicultural education reform movement and thus gained popularity. For instance, with the removal of the word bilingual from NCLB caused a shortage of teachers who are bilingual special educators. It is important, however, to point out that the field of bilingual special education has not included students with complex support needs until the work of de Valenzuela et al. De Valenzuela et al. (2016) interviewed "individuals with expertise either in special needs and/or language education to support bilingualism (e.g., second language (L2) instruction), who served as key informants about service delivery and/or policy in these areas" (p. 4) to understand the "inclusion and exclusion of students with developmental disabilities (DD) in and from special education and bilingual opportunities" (p. 4). They found there were many "barriers to providing children with DD access to programs and services to support bilingual development" (p. 4). This acknowledgement of students who are culturally and linguistically

diverse with complex supports in the work of scholars such as de Valenzuela et al. and Kangas and others have moved the field of bilingual special education forward to include this group of students who have been overlooked in research and literature in the field.

Guidance documents from the U.S. Department of Education have also moved field forward by specifying the needs of English learners with disabilities. For example, regulations for school district provision of services for English learners with disabilities such as the need for language assistance to be identified early, English language proficiency as a consideration for assessments, special education evaluations conducted in the child's native language to differentiate between language and disability, and that both language assistance and special education services must be provided by the district. This document also includes an ESSA update that explained:

> Title III of the ESEA, as amended by ESSA, requires LEAs to disaggregate EL data by the number and percentage of ELs with disabilities, in reporting on: (1) the number and percentage of ELs making progress towards ELP; and (2) the number and percentage of former ELs meeting State academic standards for 4 years after exit (p. 3).

This requirement does not specifically refer to the field of bilingual special education, it does however offer guidance regarding reporting requirements for district accountability for services.

Although this section is not an exhaustive exploration of bilingual special education and all associated laws, this review does highlight the development of this field. It also reveals that there is much more work to be done in understanding issues of access and educational equity for students who are identified both with a disability and language

difference and how these identifications intersect. There is also much more work to be done in defining and conceptualizing the field of bilingual special education. For instance, recently some states such as New Mexico have faced litigation by families and community members recognizing educational inequities students who are culturally and linguistically diverse with and without disabilities face. Rodríguez (2019) explained that the use of financial resources provided by the federal level were not used fairly to ensure the successful outcomes of all children that resulted in the Yazzie/Martinez v. State of New Mexico class action lawsuit. The author stated that this case is an example of "public accountability and transparency" (p. 138). Examples like the Yazzie/Martinez case may help to develop and define the field of bilingual special education and the services students should receive. However, the history of bilingual special education and the Yazzie/Martinez case reveal that although there are laws in place that mandate students who are culturally and linguistically diverse with disabilities should receive equitable services, that is often not what happens in school districts and schools. In the next section, I review minimal legal requirements that should be followed in schools and districts to serve students who are culturally and linguistically diverse with disabilities. A review of minimal requirements helped to uncover the relationship between student characteristics and the services that are provided. I also review literature concerning student placement and inclusion.

Minimum Legal Requirements

Although laws and policies are in place, they often do not fulfil their intended purpose in schools and districts. Accountability systems used by states and districts to identify areas for concern such as inequality and disproportionality are "being appropriated in ways that distort their original meanings and purposes" (Artiles, 2011, p. 438). Inconsistent

reporting allows states to appear "free of racial disproportionality…states can continue to place racial minority students in these programs without penalties from NCLB or IDEA" (Artiles, 2011, p. 440). In this section, I present current research in relation to laws that reveal whether what is practiced in states is truly representative of minimum legal requirements for students who are culturally and linguistically diverse with disabilities. I also investigate research concerning legal requirements, educational placement, access to general education curriculum, and access to Title III services.

IDEA mandates that students identified with a disability should receive "specially designed instruction, at no cost to the parents, to meet the unique needs of the child with the disability" (§300.39) in the least restrictive environment, however this is not an easy task. Because laws often include language that is ambiguous, appropriate adherence to laws is often left up to interpretation. The obscure language of legal documents was cited in the United States Supreme Court case Endrew F. v. Douglas County School District (2017). Rulings in this case specified that student achievement should be more than the "de minimus standard previously established through Board of Education of the Hendrick Hudson Central School District v. Amy Rowley" (Barrett et al., 2020, p. 497). According to this finding, students should be progressing with evidence of significant student learning and should include academics and increased participation for all students (Weiss & Glaser, 2021). All students include those with complex support needs, students who are culturally and linguistically diverse, as well as students with both needs of supports. It is important to note that ambiguous language in the law may be left up to interpretation. The Office of Civil Rights does, however, provide guidance to clarify legal mandates such as specifying the obligations of school districts for developing programs to support the needs of students who

are English learners and students with disabilities. For instance, the 1970 OCR memorandum mandates that students whose first language is not English should have access to "effective educational" (para. 4) programs and should not receive special education services as a replacement for language programs. They should not only receive language instruction, but they should also show increased language proficiency skills and not remain in a "dead-end or permanent track" (para. 6) with restricted access to their peers. Likewise, the 2015 OCR memorandum mandates that students who are English learners should not be placed in segregated settings with little access to language assistance but instead have access to curriculum and educational experiences. These experiences should be meaningful and taught by teachers who have the qualifications and experience to meet the diverse needs of students. In addition, student progress should also be monitored and evaluated so that student instructional programs can be adjusted based on their progress, for example, the opportunity to exit language programs. Following the minimum requirements of the law becomes even more complicated when considering the treatment of students from specific disability categories including those in need of more complex supports as well as culturally and linguistically diverse.

The Office of Special Education Programs (OSEP) provides guidance to Congress for accountability of legal mandates. For example, OSEP "provides data with regard to a variety of factors, including student placement" (Wehmeyer et al., 2020, p. 37). It is required that school districts submit data such as "the percentage of time students across disability categories spend in regular education and other alternative education settings" (Wehmeyer et al., 2020, p. 37). These data are used as evidence that districts are following the guidelines as required by law. In addition, there are specific steps that schools must follow as well to

ensure that students with disabilities have access to the instruction that best meets their needs. These steps are mandated by law as well. For example, under IDEA an Individual Education Program must be created by an IEP team. From this collaboration "composed of the student's parents and persons knowledgeable about the child, the evaluation, and placement options within the school district" (Yell et al., 2020, p. 302), the student's placement and services are determined. In theory, the use of an IEP team is in place to ensure that students have access to services that support their learning, however, many issues arise in schools because the mandates are not followed completely. For example, although there are regulations that require that parents be informed of the IEP team meeting, often translated copies are not provided to families whose first language is other than English (Rossetti et al., 2020). Additionally, translators may not be present at the IEP meeting leaving families at a loss leaving school personnel making all the decisions for the student (Rossetti et al., 2020). Moreover, parents of students in need of Title III services may be encouraged to opt out of these services (Romero, 2015) without a clear understanding of the value of language assistance due to language barriers between the IEP team and parents. Furthermore, when the team is deciding services and student placement, there is often a focus on special education services with language services taking the back burner. Hoover and Patton (2017) outlined intrinsic assumptions considering both special education and language services during the IEP development stage. These included that (a) proper referral and assessment are aligned to IDEA mandates, (b) assessment for English language proficiency level was determined effectively and considered during the disability assessment process to consider bias, (c) varied assessments were used to consider culture and language for placement and eligibility, and (d) members of the team have knowledge and experience on working with culturally and

linguistically diverse students were included and actively participating in the process. However, if these foundational steps are not considered during the process, the student may not be receiving adequate services as mandated by law.

Laws such as IDEA were created to guide school districts for greater access to the general education setting, for example the law requires that students with disabilities are placed in the least restrictive environment. The law states that:

> "Each public agency must ensure that to maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (§300.114 (a) (2)).

However, the lack of clarity of the law leaves much room for interpretation. Ryndak et al. (2014) pointed out that lack of clarity about what it means for students to be involved in the general education curriculum as well as academic progress are not well defined for districts leaving room for interpretation which often leads to segregated placements. Similarly, Grassi and Barker (2010) argued that the programs and services for students with disabilities who are culturally and linguistically diverse "have not been clearly delineated by law" (p. 22) and makes the task open to interpretation for school districts.

In addition to considering the assumptions Hoover and Patton (2017) identified, Yell et al. (2020) argued that three placement requirements should be addressed to meet IDEA mandates: "(a) the student's placement should be determined only after the IEP is developed,

(b) the placement decision must be based on a student's individual needs, and (c) a student's placement must in the LRE [least restrictive environment]" (p. 302). However, if school districts do not follow these requirements, they may not be making "legally sound decisions regarding the student's placement" (Yell et al., p. 302). This is important considering access to the general education curriculum is linked to student placement (Ruppar et al., 2020; Ryndak et al., 2014). For example, Ryndak et al. (2014) argued that "principles of least restrictive environment and involvement and progress in the general curriculum have been interpreted in ways that perpetuate segregation, rather than increasing students' access to meaningful curriculum in inclusive education contexts" (p. 65). They explained that IDEA and ESEA "has to a large degree created stumbling blocks to systems-wide educational reform" (p. 71). For example, according to the least restrictive environment principle "states are not required to decrease the number of students with disabilities who receive educational services in the most restrictive settings" (Ryndak et al., 2014). They also stated, "unquestionably, both general and special education policy substantially affect educational placements of students with disabilities as well as their involvement and progress in the general curriculum" (p. 71). Ryndak et al. explained that issues concerning placement as well as access to the general education curriculum "require rectification if students with significant disabilities truly are to be seen as equal participants in our educational system and are to receive services that are both excellent and equitable to the services received by their grade-level peers" (p. 71). Therefore, the issue of placement and access to instruction, for example to the general education curriculum, has historically been a problem and has continued to surface today as you will see in the sections devoted to student placement.

There have been attempts for rectification for some of the issues affecting students with disabilities and students from minority populations. For example, according to the Office of Special Education Programs (OSEP), the data they collect includes state data on "number of students with disabilities served in each of the six different educational environments: regular class, resource room, separate class, public or private school, public or private residential facility, and homebound/hospital placements" (U.S. Department of Education, 1995, para. 2). Each year they report to Congress on the implementation of IDEA. In their report on how states compared based on student placement of children between the ages of six to 21 served under IDEA in the fall of 2018, they reported that in southwest states such as New Mexico, 48.9% of students spent 80% or more of their day in a general education classroom, 31.8% of students spend 40% through 79% of their day in general education classroom, 17.7% less than 40%, .05% of students were indicated to be in separate schools, .02% in residential facilities,.02% in homebound/hospital facilities, .01% correctional facilities, and .06% in parentally placed private schools (U.S. Department of Education, 2020a). These data are startling considering the number of English learners in schools in the southwest and primarily in New Mexico, some of which may have complex support needs. Thus, in my view, student placement is a tremendous issue for students who are culturally and linguistically diverse with complex support needs to be able to receive services, such as access to Title III services for students who are English learners and instruction such as multicultural education and culturally responsive teaching practices.

Placement

Although federal guidelines are meant to guide school districts to support all students with disabilities, research has shown that educational equity is not the same for students with

complex support needs. Morningstar et al. (2017) studied national placement trends for students with significant disabilities between the years of 2000-2014. “By examining trends over almost 15 years, this study offers further evidence of the disparities among groups of students with disabilities in relationship to LRE” (p. 12). Morningstar et al. found that “access to general education settings is lacking” (p. 2) for students identified with autism, intellectual disability, multiple disabilities, and deaf blindness. They suggested that future research include an investigation of “a continuum of services” (p. 18) rather than a “continuum of specific locations” (p. 18). Similarly, Williamson et al. (2020) looked at a span of 25 years to study trends in placement rates of including students with disabilities in the least restrictive environment. They found that from 1990 through 2015, “(a) general education placements increased while more restrictive placements decreased, (b) students in secondary schools continued to be placed in more restrictive settings, and (c) the impact of disability categories on national LRE trends varied” (p. 236). Additionally, the authors noted that although some advancements have been made, students identified as having intellectual disability were placed in the most segregated settings at a high rate. Likewise, McLeskey et al. (2012) found that students identified with intellectual disability and emotional behavioral disturbance were placed in more restrictive settings than students identified with learning disability, and students identified with intellectual disability spent little time in general education settings. McLeskey et al. stated that “more than any other disability category much progress remains to be made in providing students with ID [intellectual disability] with access to the GE [general education] classroom as required by the LRE [least restrictive environment] mandate” (p. 137). Furthermore, according to the authors, students were placed in more restrictive settings as they progressed to secondary school. Not only are students

with disabilities not included in general education settings, Gage et al. (2020) found that "students with disabilities are seven times more likely to be restrained and four times more likely to be secluded" (p. 1) than students who are not identified as having a disability. The issue of restraint, seclusion, and the school to prison pipeline are also problems that have been researched for students with disabilities, however I did not focus on this body of research. It is important to note, however that there are many other troubling experiences students with disabilities are facing in our schools.

In my view, placement has been shown to be an impetus for positive change as I highlight further. Recent studies have shown if students are placed in more inclusive settings, students are able to achieve academic progress. For instance, in the quasi-experimental study by Gee et al. (2020), they investigated outcomes of inclusive placements as compared to separate placements using a matched pairs comparison. Their sample included 15 pairs of students identified with extensive support needs. The students were matched according to their IEPs. "One child in each pair was included in general education for 80% or more of their day from their first IEP to the most current IEP at the time of the study" (p. 223) while "the other child in the pair was placed in a separate special education class, and was served there from the first IEP to the last IEP" (p. 223). Additionally, observations were conducted using time-sampling, and IEP outcome data was analyzed to compare the IEP conducted at the beginning and at the end based on "communication levels, literacy levels, and numeracy levels" (p. 223). They found that "students in the general education classrooms demonstrated highly significant levels of progress as compared with the students in separate classrooms" (p.223). They also found that "levels of engaged learning, social interactions, and involvement in typical curricular activities were significantly higher during the school day

for students served in general education classes" (p. 234). Gee et al. stated that "when state and/or district improvement plans set targets for the number of children with disabilities to be included for 80% Or more of their day, often the students with ESNs [extensive support needs] are left out of these improvement efforts because they only represent 1% to 2% of the population" (p.238). They explained that the data from this study is important in understanding "the implications of placement, assumptions that IEP teams make about students with varying capacities and labels, opportunities for learning and engagement, and policies and practices related to system change" (p. 234). These studies bring to life the positive results that occur when districts follow requirements of the law, for example, by placing students in environments where they are making academic progress.

Federal mandates for special education services under IDEA require that services should support an individualized education program guided by assessment in the least restrictive environment (Barrett et al., 2020). However, the level of service as well as the educational placement is often an arduous task for school districts. Barrett et al. (2020) examined the relationship between scores on state assessments and the amount of time students with severe disabilities spent in general education settings. They found "time in general education settings is associated with higher levels of proficiency on statewide assessments of reading and math" (p.509). The authors explained that finding the program that best meets the needs of students can be difficult not only for educators but for families as well. Similarly, Soukup et al. (2007) found more inclusive settings contributed to learning success for students with intellectual developmental disabilities. They stated, "the degree to which students with intellectual developmental disabilities have access to the general education curriculum and the degree to which such access is related to and predicted by

classroom setting and ecological variables" (p. 101). The authors found that access to the general education curriculum increased for these students in need of more complex supports due to the way the classroom environment was organized. However, restrictions on space, staffing, scheduling, and other factors become an issue for school districts when planning placements and programs.

There are important outcomes school districts should draw attention to when thinking about funding and allocation of resources. Increased access to instruction in the general education setting is not only found to improve the educational experiences of students, but also the improves the time districts spend in litigation. In a survey of district special education administrators in one state, White et al. (2019) used a chi-square analysis to recognize trends of including students with intellectual disability. They found "less inclusive districts spent more time engaged in due process and litigation activities than inclusive districts" (p. 1). However, the authors pointed out that there were systemic complexities that continued support of segregation rather than inclusion in some districts.

Geography and Placement.

Another consideration for school districts is geographic placement. Recent research has been conducted examining how location of districts, schools, and classrooms, is linked to inequitable access. For example, Brock and Shaefer (2015) tested whether living in an urban environment predicts educational placement. In this analysis, they used state-level data in Ohio in a mapping multivariate analysis of variance. When looking at amount of time students with developmental disabilities spent in segregated special education settings, they found that "students in urban districts tended to spend less time in general education classrooms" (p. 154) and more time in more segregated placements. Bischoff (2008) included

the issue of racial segregation in relation to school districts and geography. The author looked at the way that school districts are geologically divided and organized related to racial segregation. Bischoff suggested that changing the way school districts are organized could support access and social interactions. The author stated that racial segregation is "one potential negative consequence of school district fragmentation in metropolitan areas" (p. 182). Bischoff recommended that future research should look at "mechanisms that drive race-based choice" (p. 209). White et al. (2019) recognized that "lack of access to general education for students with disabilities, particularly students with extensive support needs, students of color, and students from low-income household, reflects continued educational inequities" (p. 159). In their study, they conducted a geospatial analysis using an intersectional lens. They found "persistence of racial segregation that is enacted systematically and systemically via special education placements, disability categories, and geography" (p. 159). They suggested that future research focus on "student-level placement data in the context of race, class, disability label, and space to identify and address inequities in access to inclusive schooling" (p. 159). White et al. (2020a) studied access to inclusive settings in a U.S. school district using statistical and spatial analysis, DisCrit and intersectionality. They found that "although far fewer students with disabilities were served in K-8 schools compared to traditional elementary and middle schools, those attending K-8 schools were more likely to be educated in inclusive settings" (p. 356). This is a particularly important finding because it highlights the difference in access across grade levels. Similarly, Kleinert et al. (2015) examined the location as well with research that focused on students with significant cognitive disabilities and where they are instructed. They studied how the location where a student receives instruction affects access to general curriculum. They

found that the participants only had access to instruction in more segregated settings most the time. The authors also found that there was a "significant positive correlation between expressive communication and reading and math skill levels with increasingly inclusive classroom settings" (p. 312). Therefore, geographic location is a factor in our communities as well as our schools according to this research. Research has connected the place where students are receiving instruction, legal requirements, and perpetuation of these problems as I discuss further.

Although researchers have found that inclusive practices rather than segregation support learning for minoritized groups, Ryndak et al. (2014) argued that much more work must be done to connect laws and policies with what is taking place in schools and districts. They explained that the way legal requirements, such as least restrictive environment, are interpreted can cause increased segregation rather than inclusion of students with significant disabilities. They suggest "policy-to-practice" (p. 66) should be implemented so that students with disabilities, especially students with more complex needs, are more equitably included. Similarly, McLeskey (2020) recommended that studying schools that have effectively included students with severe disabilities, providing professional development for school administrators, and increased federal funding for this work are needed for opportunities for increased access to occur. However, Kurth et al. (2014) argued that "(1) states do not set rigorous improvement goals to reduce restrictive placements; (2) that the percentage of students with disabilities (SWD) placed in restrictive placements have remained essentially unchanged over the past decade; and (3) that students with low-incidence (severe) disabilities are disproportionately placed in restrictive placements" (p. 2). The fact that very little change has occurred is troubling in my view and should continue to be addressed in research.

Despite the grim fact that research has shown students with complex support needs are more likely to be placed in the most segregated settings which leads to limited access to the general education curriculum in inclusive environments, Wehmeyer et al. (2020) noted that "there is reason to hope that the next decade under the Endrew F. ruling will bring greater progress in the inclusion of students with I/DD in the United States" (p. 41). The hope that Wehmeyer et al. expressed is encouraging, however, if districts are not following the minimum requirements of the law, the inequity that students face in school will not change in my view. In the next section, I discuss the characteristic of cultural and linguistic diversity related to disability, especially for students with complex support needs.

Cultural and Linguistic Diversity and Placement.

Federal funding provided to states is overseen by the Office of Civil Rights (OCR) to ensure that English learners have access to Title III services. According to the U. S. Department of Education (2017a), ESSA requires states to "annually assess the English language proficiency of ELs, provide reasonable accommodations for them on state assessments, and develop new accountability systems that include long-term goals and measures of progress for ELs" (para. 1). Typically, states identify English learners as needing these services first through a language usage survey that parents complete when their children enter public school followed by an English language proficiency screener. This should be conducted within the first 30 calendar days or within two weeks of placement according to Title I regulations. The New Mexico Public Education Department (2021b) specifies that the language usage survey guides identification because if a parent answers yes on one or more of the six questions or notes that a language other than English is listed on question seven, the child should be screened as a potential English learner. Additionally, the

state identifies that the WIDA Screener for Kindergarten or the WIDA Screener Online for grades one through 12 should be administered. However, it is important to note that no alternate WIDA screener is listed therefore students eligible for alternate assessments would take the same screener as other students. If the student scores 4.5 or lower on the oral language composite score on the kindergarten version, the student is identified as and English learner. An oral language composite score of 5.0 or higher indicates a student is not an English learner. Similarly, for students taking the WIDA screener for grades one through 12, the overall composite score of 4.5 or lower identifies the student as an English learner while a score of 5.0 or higher indicates they are not. According to the New Mexico Public Education Department (2016), the language usage survey and screener process is followed by a notification sent to the parent or guardian of the child about the student's screener status must be completed within the first 30 calendar days. If parent's provide consent for placement in Title III services, they are assessed annually using a standardized language proficiency test such as the WIDA ACCESS for ELLs. Based on the composite score the student will either remain an English learner or exit services and be reclassified.

The connection to language proficiency assessment and access to Title III services is significant because of current data regarding educational environments for English learners. According to the U.S. Department of Education (2020b), in the fall of 2018 the education environment for English learners between the ages of six to 21 in New Mexico was reported as 43.6% in general education classroom 80% or more of the day, 36.7% in general education classroom 40% through 79% of the day, 19.0% less than 40% of the day in general education classroom, 0.2% in a separate school, 0.1% in homebound or hospital settings, 0.1% in correctional facilities, and 0.2% parentally placed in private schools. Therefore, many

English learners with and without disabilities are not accessing more inclusive environments such as in the general education classroom.

Research has also shown that students who are culturally and linguistically diverse face settings that are more segregated than inclusive. According to de Valenzuela et al. (2006), "Educational opportunities has also been examined in terms of access to services and the least restrictive environment (LRE) for minority students in special education" (p. 427). Skiba and colleagues (2006a) found that African American students with disabilities were "significantly underrepresented in general education classroom placements, and significantly overrepresented in separate classroom settings" (p. 419). They also found that African American students were overrepresented in the disability categories emotional disturbance, mild mental retardation, moderate mental retardation, learning disabilities, and speech and language. Additionally, the authors explained that students were placed in more restricted environments due to their disability identification especially if they need more complex supports.

Likewise, Kangas (2014, 2018, 2019, 2021) found that English learners with disabilities are not receiving equitable services. For example, Kangas (2018) explained that schools often only provide special education services or English language assistance programs, but not both. This study investigated language and planning policies for English learners with disabilities by examining services provided in two schools. Kangas found that educators' beliefs about which services are more important than the other contributed to inequity in services. The author suggested the importance of educating school leaders about federal laws and policies and aiding with interpreting those laws to protect the rights of English learners with disabilities. Similarly, Kangas (2021) explained that opportunities to

develop language is critical for English learners with disabilities. The author stated providing these linguistic opportunities is a social justice issue that requires agreement between laws, policies, and classroom/school practices.

Defining who English learners are in our schools is important in understanding the needs of this group of students. Hoover and Patton (2017) stated that the term English learner is used to refer to a person who is "in the process of acquiring English as a second language" (p. 4). Additionally, the term culturally and linguistically diverse also "pertains to any diverse learner irrespective of first or second language proficiency levels" (Hoover & Patton, 2017, p. 4). Due to the various levels of linguistic and cultural diversity, it may be difficult to identify the specific needs of these students. Some aspects of language and cultural needs may also be overlooked. Language proficiency can be defined in many ways based on the context. A basic definition of language proficiency is mastery in a language such as a grasp in receptive and expressive language skills such as vocabulary. However, this grasp of a language must be measured to understand what level of proficiency a student has. Standardized language proficiency assessments such as the WIDA ACCESS and ELPA21 attempt to measure this phenomenon. For example, the WIDA ACCESS measures language proficiency mastery with levels of proficiency on six levels from entering to reaching for students who take the non-alternate assessment that are aligned to WIDA learning standards. Students taking the alternate assessment are scored for proficiency based on six levels ranging from initiating to developing. According to WIDA (2021) the scores for the alternate ACCESS are "unique" (p. 3) because "a student who scores a P1 on Alternate ACCESS for ELLs is not necessarily performing at the same level as a student who scores at the Entering proficiency level on ACCESS for ELLs Online or ACCESS for ELLS Paper" (p. 3).

Therefore, the determination of language proficiency for English learners from these two groups is complicated to say the least. Furthermore, scores that determine mastery and reclassification, such as cut scores and exit criteria are problematic. Tolar et al. (2021) explained the definition of language proficiency as measurements in language proficiency assessments. They examined "the possible role for and utility of using content area assessments to validate language proficiency mastery criteria" (p. 49) for English learner students. They found that "cut-scores based on summary scores of ELP [English language proficiency] were imperfect predictors of class membership and indicated the need for finer differentiation within the top proficiency category" (p. 49). Additionally, they argued that their results showed the "importance of linking definitions of ELP [English language proficiency] to the context for which ELP is used and suggests the possible value of psychometric analysis when language proficiency standards are linked to the language requirements for content area achievement" (p. 49). Research has also found that better tools are needed to identify students with complex needs who are English learners in addition to more research to direct services for these students to meet minimal requirements of the law (Karvonen & Clark, 2019). Specifically, further research is needed to understand language proficiency assessment criteria for students with significant cognitive disabilities as well development of language surveys "to better screen students with significant cognitive disabilities who may be ELs" (Karvonen & Clark, 2019, p. 83). Additionally, language-translation accessibility support should be investigated as well as creation of new alternate assessments to fulfill testing the testing requirements of ESSA (Karvonen & Clark, 2019).

Mueller et al. (2006) suggested that increased parent and educator collaboration in IEP development and planning of instruction were key factors in serving students with

moderate to severe disabilities who are English learners. They also stressed that teachers, parents, and administrators should fully understand the requirements of IDEA for this to happen. Therefore, the assessments and issues connected with these assessments must be further evaluated and improved to support English language learners and especially students who take alternate assessments.

Not only are the measures used to determine English language proficiency for English learners problematic, but there are additional factors that have implications for classroom experiences, for example the lack of exposure to their primary home language. Lister et al. (2020) explained that "if students do not identify with the language used it creates barriers to accessing support" (p. 620), thus if students are not having access to a language or cultural experiences they identify with, legal requirements for supporting students individualized needs cannot be met. Gill and Nanayakkara (2020) argued that laws and regulations mandate but do not necessarily reflect the reality of current educational practices, especially in trends of disproportionality that show that "we are not following these laws, or that we are not looking at our data to see if your results show whether or not we are following these laws" (p. 13). The problem is worsening for students from diverse groups, especially English learners (Gill & Nanayakkara, 2020).

Placement related to identification is also a factor for English learners but especially for "the lowest-achieving students [who] are of ethnic minority status" (Harry & Klingner, 2014, p. 16). This increases the probability that students will be identified as needing special education services (Harry & Klingner, 2014). In their four-year ethnographic study on ethnic disproportionality in special education, Harry and Klingner (2014) analyzed school district data and processes, conducted interviews of administrative personnel, conducted interviews

in 12 schools, conducted school classrooms observations, and selected 12 students who were interviewed and observed in their home and school environments. They noted that negative stereotypes and the lack of cultural capital were factors that affected access to instruction and services for students who are culturally and linguistically diverse. These stereotypes also contributed to inappropriate placements that clearly were against legal mandates for access (Harry & Klingner, 2014).

The combination of English learner status and disability status also complicate matters for school districts. A student with disability's language difference is often overlooked during the identification and IEP process. Often if a student is identified with a disability, the services to meet the needs of the disability take precedence over language services (de Valenzuela et al., 2016; Kangas, 2014; Lopes-Murphy, 2020). Therefore, creating "a critical need to develop school professionals' understanding that these learners, in addition to receiving special education services, need substantial support in developing their second language abilities" (Lopes-Murphy, 2020, p. 44). The author stated,

> When emergent bilinguals are legitimately referred to special education, it is not uncommon for their disability-related needs to be prioritized over their English as a Second Language-related needs, and they end up not receiving the support they need to develop social and academic skills in the new language (p. 44).

Thus, students who are culturally and linguistically diverse with complex support needs who are identified as English learners may receive even less equitable services because special education services may override language services, additionally, language difference may not even be considered for this group (de Valenzuela et al., 2016; Kangas, 2014). Kangas (2014) argued the "educators' beliefs about the differential weight of federal special education and

EL laws and policies resulted in practices that bar ELs with disabilities from receiving the dual services to which they are legally entitled" (p. 877). Similarly, de Valenzuela et al. (2016) found "that access to language programs and services is limited for children with DD [developmental disabilities], even although participants at all sites reported adherence to a philosophy of inclusion" (p. 4). Therefore, although students with complex support needs may be receiving specialized education services, they may have limited access to Title III services.

Communication Considerations and Placement.

It is important to review literature concerning communication considerations because this is an area of intensive supports for the community of students with complex support needs and in my view is clearly connected to language development for English learners. Orlando and de Valenzuela (2018) explained that students with complex support needs also have complex linguistic needs like other English learners although their experience of communication may be more complex. They posited that this linguistic complexity cannot be ignored by schools and our society. Therefore, districts must also consider other factors such as communication considerations for students who are culturally and linguistically diverse with complex support needs for change to occur. Research has found that student academic progress is linked to social experiences. Ruppar et al. (2020) studied "how the social systems surrounding students with extensive support needs affect their involvement and progress in the general education curriculum" (p. 162). They found that teacher self-efficacy was highly influential in "students' access to general education content and contexts" (p. 162). They recommended that providing teachers the opportunity to practice the communication skills needed to promote access and inclusion will help build their confidence in including students

in need of extensive supports. Kleinert (2020) studied the expanse of exclusion students with significant cognitive disabilities face in schools. The author added to the list of factors Agran et al. (2020) presented as possible reasons that students with severe disabilities are not included with their typically developing peers. Kleinert argued that communicative competence is an area Agran and colleagues left out of the list and explained that "a full 10% of students participating in alternate assessments have no discernible, systematic mode of communication" (p. 35). By not supporting student communication needs, educators are "restricting both their opportunities and their placements" (p. 36). Likewise, Geist et al. (2020) considered the issue of communicative competence related to access to instructional practices that support communication skills for students who may have complex support needs such as augmentative and alternative communication (AAC) systems "with core vocabulary" (p. 42) and "using aided language input strategies to show students what is possible and how to use graphic symbols on aided AAC systems" (p. 42). They found that although some students with significant disabilities may have complex communication needs, the types of communication they use such as "non-symbolic form of communication like facial expressions, body movements, and vocalizations" (p. 42) should be honored. They provided guidance for classroom teachers to support student communication for example, access to an augmentative and alternative communication (AAC) device with vocabulary that students can use to communicate. Additionally, instruction on how to use best use the system for symbolic communication should be added. Therefore, although the communication needs of student with complex supports is multifaceted, it cannot be ignored and must be understood and nourished for this group of students to have access to the equitable

educational experiences they deserve as mandated by law. This is also true for this group of students who are culturally and linguistically diverse.

Although this literature uncovered that the level of communication is a significant consideration for supporting students in need of more complex supports, there is much more work to be done to address the problem of access Title III services for these students who may be English learners. Orlando and de Valenzuela (2018) explained "the link between literacy, language, and communication skills" (p. 21) for students who are culturally and linguistically diverse with complex support needs. They discussed ways to support "the development of communication and language skills" (p. 38) and the importance of "understanding an individual's current level of communication development" (p. 38) as well as "individual interests, preferences, and cultural practices" (p. 38) is not only necessary but a human right. "To do any less diminishes the opportunities individuals with complex communication needs have to freedom of expression, which is one of the most fundamental human rights to which all people are entitled" (pp. 38-39). Therefore, ensuring that individualized programs include language and communication is not only necessary, but equitable.

Instructional Services and Access

Access to instructional services that respect and honor the diverse needs of students is an important aspect of this research. As I detailed above, there is a clear link between student placement and the type of instruction that students receive. These factors should also be linked to their individual needs, for example access to the general education curriculum and Title III services for English learners. When considering the fact that students with complex support needs are often in the most segregated settings, it is important to investigate

instructional services and research focused on various contexts to understand if the needs of these students, which may include English learners, are met. Agran et al. (2020) contended that the services that students with complex support needs receive as well as student placement has "often been based less on the students' unique learning needs but more on beliefs and presumptions about student learning, entrenched school district policies that restrict program delivery options, and other variables unrelated to student needs" (p. 4). Therefore, this is an issue for students who are culturally and linguistically diverse with complex support needs and those who are English learners. If factors such as beliefs and assumptions about students and what they can do, specific student needs will not be addressed, and they may not receive supports and services to support academic success. For example, the legal requirement to receive both special education services and language assistance if they are identified as English learners.

Title III services.

Language program models used in schools vary widely (Soltero, 2004). Additionally, unclear definitions, programs are not uniform and often ambiguous. According to Soltero (2004), some common programs include: (1) dual language immersion, (2) enrichment, (3) heritage, (4) maintenance, (5) transitional, and (6) enrichment. Soltero identified these programs as either subtractive or additive. Additive bilingual education supports the continual use of the students first language while in contrast the subtractive model replaces the primary language (L1) with another (Soltero, 2004). The author listed dual language immersion and maintenance as additive models; conversely, English immersion, transitional, and ESL were identified as subtractive models. Additionally, Soltero described subtractive second language models as either submersion or immersion programs. In a submersion

program, students are only taught in English with English speaking peers (Soltero, 2004). Therefore, according to the author submersion is a subtractive model in which students receive little to no support in their native language. However, in the immersion model, students do receive support in their native language (Soltero, 2004).

Two types of immersion programs widely used in the United States, English immersion and dual language immersion (Soltero, 2004). English immersion is viewed as subtractive because the student only receives limited support in their L1 language. This program is also short term, lasting between one to three years. In contrast, Soltero (2004) explained dual language immersion does utilize both L1 and L2 languages for instruction and is a program that is longer term, lasting between six to twelve years. Hoover et al. (2008) added that the philosophy of the program is very important in the immersion models. Furthermore, they stated if no "language maintenance philosophy" (p. 85) is utilized, then the program would not be fully immersive. Other factors such as teacher language ability must also be considered in these models as well (Hoover et al., 2008).

Another common model used in the United States is pull-out (English as a Second language) ESL, according to Soltero (2004). Soltero stated ESL may be taught as traditional or content-based instruction. Additionally, these services can be in the form of pull-out or may take place in the student's classroom (Soltero, 2004). Hoover et al. (2008) explained that ESL may be more practical if there are not enough students who speak one language to support a dual language program. However, the author argued that ESL cannot be taught without considering the "context of social, academic, and cognitive development" (p. 86) of students. To do this, ESL should be integrated into content area instruction (Hoover et al., 2008).

Feasibility of either program should also be understood when choosing a model because conflicting schedules or student enrollment may inhibit the application of these programs. In the study by Kangas (2014), the author found that amount of language instruction provided to the student in the district she studied was undoubtedly lower than what the district required.

There are barriers to language instruction programs that have been researched. Soltero (2004) argued unfavorable views about bilingual education as reported in the media as well as low performing programs have created barriers for implementation of programs. According to the author, this distrust creates misconceptions about the effectiveness of programs. Additionally, teacher views that identify language models as rivals, confine the programs potential (Soltero, 2004). Hoover et al. (2008) argued that bilingual education is controversial as spurred by the English-only movement. This is important to note because as I highlighted in my historical overview, the history of bilingual education as a field is plagued with assumptions about language that trickle down into the programs that are offered in schools. Furthermore, fidelity of implementation, teacher training, and quality of the programs should be considered. Soltero argued that research supports the effectiveness of some programs such as dual language models.

Bilingual multicultural education program models used in New Mexico according to the New Mexico Public Education Department, Bilingual and Multicultural Education Bureau (2017) include: (a) dual language immersion, (b) maintenance, (c) enrichment, (d) heritage, and (e) transitional. Program models are designed as a "method the district uses to ensure that all students in bilingual multicultural education programs receive instruction designed to meet students' academic and linguistic needs" (p. 35). They explained that "all

program models can be effective only to the extent that they are intentionally designed and well-implemented" (p. 29). In addition to implementation, access to these programs is an issue for students who are culturally and linguistically diverse with disabilities (de Valenzuela et al., 2006; de Valenzuela et al., 2016; de Valenzuela, 2018; Kangas, (2014); Romero, (2014).

Effective Instruction and Supports.

Researchers have studied instructional practices and supports to understand what works and what does not for students with disabilities to succeed academically. Copeland et al. (2018) stated that access to academic content such as access to literacy is a human right that all students should receive "regardless of ability levels and support needs" (p. 3). "Luckasson explained that the human right to inclusive educational opportunities for individuals with extensive needs for supports is the same as for individuals without disabilities" (Copeland et al, 2018, p.6). Thus, all students should be receiving supports they need academically, including language supports if needed. De Valenzuela (2018a) recognized that "bilingualism is a normal part of the human condition" (p. 43). She also stated that "understanding language development is even more complex for students with complex support needs" (p. 50) for example, pinpointing student exposure to English. De Valenzuela explained that "some people, recognizing how difficult it is for many individuals with complex support needs to develop language, reason that these students would find it much easier if they only had to learn one language-a belief that is erroneous" (p. 53). Because of the complexity of meeting the needs of this group of students, educators should focus on fostering communication development and language skills and consider "the impact of the context on performance and learning" (Orlando & de Valenzuela, 2018, p. 38). They

explained that “context consists of not only the environment, activity, people, and materials but also underlying assumptions about practice and the shared understanding of the communication partner” (Orlando & de Valenzuela, 2018, p. 38). Therefore, ensuring that students with complex support needs is not an easy task especially considering that this field of research is emerging.

Research concerning access to inclusive instructional practices for students who may have complex support needs has been studied more widely due to rising concerns for this population of students. For example, Kurth et al. (2015) recognized through observations in inclusive classrooms that creative co-teaching, visual aids, and differentiated activities, for example, can be effective. They explained that “as the schools in the study demonstrated an impressive ability to integrate a wide range of supports in inclusive settings, we do believe these sites can eliminate any remaining segregated settings by creatively distributing materials across general education settings, employing role-release and collaboration to integrate related services, and embedding related services instruction into the ongoing routines of the classroom” (p. 23). Kurth et al. (2016) used a time-sampling method to study behaviors in the classroom related to effective instructional supports for students and educational experiences for high school students with significant cognitive disability. The three areas of focus for data collection were classroom ecology, teacher behavior, and student behavior. They conducted their observations in the natural setting of the students. Due to educational placements, many of their observations were in self-contained special education classrooms. They found that segregated settings did not support academic success for students in need of complex supports. Similarly, Klang et al. (2020) investigated instruction taking place for students with disabilities (e.g., intellectual disability) in both mainstream and

special education settings. They found that in both settings, learner-centered and teacher-centered practices were used, however, the use of teacher-centered instructional practices was slightly higher in both. They did find that there were differences in social participation in the mainstream setting versus the special education settings.

Access to instruction for students with complex support needs and educator beliefs has been studied as well. Ballard and Dymond (2017) investigated access to instruction for students with severe disabilities in a review of literature that examined the beliefs of stakeholders on the issue. They found that social inclusion is multifaceted, barriers that restrict access to general education curriculum exist, and that federal mandated access to academic curriculum is often superseded by a focus on social skills and adaptive behavior curriculum for this group of students.

Current research has been conducted to link instructional practices and the effectiveness of literacy interventions for students early in their schooling. Hunt et al. (2020) conducted a study in 16 schools in three states to "investigate the efficacy of an early literacy intervention when it was implemented by special educators in general education classrooms" (p. 330) for students with severe disabilities. Similarly, they found that there is evidence that interventions provided in general education settings are effective in supporting academic achievement for students with severe disabilities. They stated that "the results of our study suggest that the effects of ELSB [Early Literacy Skills Builder] instruction may be generalized to integrated, small-group instructional contexts in general education classroom in which students with and without disabilities participate in lessons together" (p. 344). Hunt et al. explained that their findings are important because of learning opportunities for students with and without disabilities such as "peer modeling" (p. 344), positive interactions

(p. 344), and changes in the way students without disabilities view students with complex support needs. However, Taub et al. (2020) found that prepackaged curriculum has its' problems as well. They studied the "degree of alignment between (a) lesson objectives and the CCSS [Common Core State Standards] that curriculum authors identified as related, (b) the lesson objective and the associated lessons provided in the curriculum, and (c) the CCSS identified by curriculum authors as related and instructional materials and strategies provided in the curriculum" (p. 288). They found that although published curricula "can have the appearance of alignment with the CCSS" (p. 292), they found they are not aligned. Taub et al. argued that this finding is significant because it shows that "students' opportunities to learn and access to the general education curriculum and contexts, a school's compliance with federal regulations and guidance, and students' large-scale assessment scores" (p. 292) are affected. They recommended that curriculum used for students with significant intellectual disability "should be age-appropriate, have alignment to grade-level general education standards, ensure different objectives for different lessons, and incorporate effective evidence-based instructional practices and materials in their lessons" (p. 294). They recognized that "federal law requires all students, including those with significant intellectual disability, to make progress toward grade-level general education standards" (p. 284). This leaves a more urgent need for teachers, schools, and districts to critically assess the efficacy of instructional practices. Additionally, when considering cultural and language diversity for students with complex support needs, practices that foster the whole student should be part of critically analyzing the tools used in the classroom.

Language needs should be considered in addition to disability supports for students with disabilities who are English learners (Lopes-Murphy, 2020). Lopes-Murphy (2020)

argued, “It is critical that professionals appreciate that, whether an emergent bilingual has low English-language needs and high disability-related needs or high English-language needs and low disability-related needs, such students will benefit from support to develop and grow in the new language, in addition to other available supports” (p. 49). The author also stated that “ESL teachers can unquestionably serve as cultural brokers in decisions regarding what services emergent bilinguals, both those with and without disabilities, should receive” (p. 50). Practices that support both language and disability needs may include multimodal strategies, varying forms of expression, wait time and or processing time, use of visuals, attention to prior knowledge, repetition, literacy language production supports, self-regulation supports, classroom environment, varying font usage, and assistive technology (Lopes-Murphy, 2020). Stockard (2020) explained, however, that the way administrators organize instructional settings “can influence the extent to which teachers exhibit implementation fidelity and, consequently, their students’ achievement” (p. 26). Proper organization of services in combination with suitable teacher training and time to prepare, as well as, receiving instruction for the “recommended amount of time” (p. 26) can more fully support student achievement. Moreover, Oh-Young et al. (2020) explained the importance of following federal standards (e.g., Individuals with Disabilities Education Act; Every Student Succeeds Act) to include evidenced based practices in instruction for students with disabilities and students who are culturally and linguistically diverse.

The use of culturally relevant content in instruction and multicultural education has been researched as a possible way to support academic success for students who are culturally and linguistically diverse with and without disabilities. For example, Corp (2017) stated the use of African American literature was relevant for the Black participants in the

study. The author explained that using culturally relevant texts was an important component of student success and engagement. Similarly, Matthews and Lopez (2019) stated that including culturally relevant content paired with the use of student's heritage language helped students succeed in math. Raygoza (2016) incorporated a critical math pedagogy and cultural practices that resulted in student success in math. Comparably, Kelley et al. (2015) used culturally familiar reading tasks and found that student reading scores increased. Likewise, Alison et al. (2017) and colleagues described the significance of using stories to teach students who are English learners in need of complex supports (Browder et al. 2017; Pennington et al., 2018; Spooner et al., 2015). Knight et al. (2015) and Corp explained that background knowledge is an important factor for student achievement especially across subject areas while Curry (2016) suggested the use of firewalks as a culturally relevant task. Therefore, incorporating content into all areas of instruction will help to engage and promote student academic success for all students.

Racism, Bias, and Other Factors

The problem of the racialization of disability is nothing new but has a deep history embedded in the current educational policy and practice (Artiles, 2011). Fritzgerald (2020) argued that "it is more difficult to see the strongholds of racism that are embedded as tradition or practices that have been the bedrock of schooling for as long as any of us can remember" (p. xv). Racism and perceived ability are interconnected in these practices (Ferri & Connor, 2005). Resistance against school desegregation during the era of Brown has been compared by some scholars to resistance against including students with disabilities in general education school environments (Ferri & Connor, 2005). It is also argued that segregated special education classrooms are used in schools as a means of resegregating

based on race (Ferri & Connor, 2005) and that "racist systems still exist and need to be acknowledged and dismantled so that all learners will experience the freedom of learning without barriers" (Fritzgerald, 2020, p. xv). Recently Bal et al. (2019) contended that some disability categories, such as emotional disturbance, are given to students from historically minoritized groups. In their multilevel logistic regression analysis using state level data from Wisconsin, they found that African American, Native American, and Latino students were more likely to receive the identification of emotionally disturbed and placed in a special education segregated settings. Tefera et al. (2017) discussed the racialization of disabilities in relation to the spaces where education takes place. They explained that special dimensions are an important part of our human experience. The authors stated that "a critical examination of space provides important opportunities for new insights and understandings to emerge, particularly in addressing racial inequalities in education…deep educational inequities continue to be documented in urban locales where poverty and racial segregation have been present across generations" (p. 191). They argued that examining educational equity and disproportionality should also include an understanding of how space is used in our society as a barrier to access of equitable education for students who are ethnically, racially, or linguistically diverse. Therefore, as educators, we need to critically examine our assumptions about students and barriers to access if we are to meet the needs of students who are culturally and linguistically diverse.

Bias is also an issue that feeds educational inequity for students with complex support needs. Agran et al. (2020) studied placement decisions for students with severe disabilities and the barriers that restricted these students from being included in instructional programs to support their unique needs. The authors recognized that beliefs and presumptions about

student learning often dictate student access to instruction. They identified six determinants of placement practices: "(a) perceptions of competence and resulting placement policies, (b) economic and demographic stratification, (c) biases, (d) teacher preparation and experience, (e) lack of resources and capacity, and (f) absence of knowledge of current research" (p. 6). Agran et al. noted that these factors are not related to educational needs but rather are associated with student sociocultural identity and capacity.

The intersecting human characteristics such as disability, race, ethnicity, and language "contribute to and individuals' identity and group membership" (Trainor & Roberson, 2020, p. 1). Additionally, that membership in a group relates to how a person understands ways of gaining knowledge and participating in society (Trainor & Robertson, 2020). Moreover, this membership is connected to aspects of privilege and social status (Trainor & Robertson, 2020). It is important that all stakeholders in education realize the connection between bias, racism, student identity, and academic achievement. This may be accomplished through recognizing student characteristics as strengths rather than deficits that hinder academic success. Matthews and Lopez (2019) explained that acknowledging students' heritage language in instruction and integrating cultural content, built student identity and was a way to "honor" (p. 72) students. They recognized that using a pedagogy that focused on student assets rather than a deficit approach was necessary to support student learning. Focusing on a students' abilities and incorporating culture are also issues of social justice (Raygoza, 2016) as well as including culturally familiar tasks improve student self-efficacy (Kelly, 2015). If instructional methods and curriculum are not culturally relevant, students will withdraw and will not participate (Lewis & Gómez Zisselsberger, 2019). However, if culturally relevant materials are used, issues of bias and negative assumptions

can be addressed as well as counter power dynamics that exist in instructional discourse (Lewis & Gómez Zisselsberger, 2019). Therefore, understanding access to instruction such as Title III services for students who are culturally and linguistically diverse in need of complex supports is multifaceted. Educational equity not only relates to laws and mandates, but also to the very depth of our human existence and how human struggles such as bias and racism intersect with everyday educational experiences, policy, and systems.

The lack of attention to language needs of English learners may be due to deficit perspectives. Hollie (2018) argued that the problem of deficit perspectives of students who are culturally and linguistically diverse causes educators to blame students and families for the lack of academic success. The author explained, "the students are myopically viewed as lacking *something*" (p. 30) or categorized as "deficient, deviant, defiant, disruptive, and disrespectful" (p. 31.). Deficit perspectives can also trickle into placement patterns and trends for English learners who are also identified with a disability. Grassi and Barker (2010) argued that "the increasing tendency to place CLDE [culturally and linguistically diverse exceptional] students in monolingual English, general education classrooms illustrates a lack of understanding of the English language acquisition process and the supports needed to fully acquire a second language" (p. 24). For example, a teacher or educational diagnostician may view errors such as the use of the regular past tense as academic failure, when in fact those errors are part of the second language learning developmental process (Grassi & Barker, 2010). Thus, district programs and the services students receive may not fully meet the legal requirements due to issue such as deficit perspectives.

Because of issues such as disproportionate representation and debates on racial segregation, school districts are examining their policies and reinventing the way that they

assign students to schools (McDermott et al., 2015). Many districts are partnering with families to "navigate student-assignment policies" (p. 544) however, those with "less social capital" (p. 544) still have less access to resources and supports. Hoover and Patton (2017) explained that "when a diverse learners possess a disability, another dimension in teaching and learning emerges requiring consideration of the interaction between diversity and disability" (p. 13). Thus, parents of students who are culturally and linguistically diverse with disabilities and especially students with complex support needs, should be included in a deeper way to ensure that the needs of students are met.

In the above sections in this chapter, I linked current research to inform my proposed research by providing a contextual background and by demonstrating how my dissertation research relates to existing knowledge. In the next section, I review articles that have used quantitative methods to explore similar phenomenon to support the use of a quantitative analysis to answer my research questions and further develop my exploration of educational equity and access.

Quantitative Methods and Access

It is possible to advance science and clinical practice through a systematic process in which the researcher can integrate real world classroom experiences as a basis for "understanding how to better serve" (Ledford & Gast, 2018, p. 4) students. Quantitative methods are also viewed as valuable and foundational in understanding and advancing educational research (Johnson & Christensen, 2020; Ledford & Gast, 2018), however, qualitative and quantitative approaches can be used in combination to verify and inform the other (Fetters et al., 2013). To investigate current quantitative approaches in education

research, I describe the method, as well as review examples of research and the methods used.

Quantitative data can be defined as "numerical information that is measured or counted and recorded in a variety of forms, including counts, scores or ranks" (Gaciu, 2021, p. 5). According to Gaciu (2021), a great deal of education research is quantitative with analysis and interpretation of numerical data. "Due to the variability within educational data, the results can be examined using descriptive and inferential statistics" (Gaciu, 2021, p.4). The type of statistical method that is used for the analysis is dependent upon the levels of measurement, distribution of the data, theoretical stance, and ethical factors (Gaciu, 2021). Additionally, "the statistical tests will be guided throughout the research process by the methodological approach adopted, which in turn depends on how the research question and hypothesis are formulated" (Gaciu, 2021, p. 4). The most common statistical tests used in education research "help us to answer only one question or to make a statement about the probability relating the sample with the population characteristics and the extent to which the results may be generalizable" (Gaciu, 2021, p. 176). Examples of some of the most common tests for nominal measurements include: Binomial test, Chi-squared test, Cocran's Q-test, and Cramérs phi or V (Gaciu, 2021). Wilcoxon signed-rank test, ANOVA, and Chi-squared test (multiple categories) are used most frequently for ordinal scales and distribution types, while t-test, z-test, One-way and Two-way ANOVA, factor analysis, and linear/multiple regression are listed as the most common tests for interval levels of measurement with a normal distribution and Sign test, Kruskal-Wallis test, and Speaman (rho) rank correlation test as examples of interval scales with skewed distribution (Gaciu, 2021). The following are

some examples of the statistical methods commonly used in quantitative studies in education research.

In a study that examined educational equity by de Valenzuela et al. (2006), the authors investigated "the relationship between student ethnicity and language proficiency status with (a) number and type of disability labels, (b) access to the least restrictive environment, and (c) ancillary services using data from a large southwestern school district" (p. 425). They used school district data with the following statistical tests: (a) ANOVA, (b) Fisher's exact test, (c) Chi-square tests, and (d) Cramer's phi. Additionally, they used composition index, risk index, and odds ratio to examine disproportionality. Their results suggested that "minority students and English language learners were disproportionately enrolled in special education and placed in more segregated settings" (p. 425) and "a trend toward increased disability labels for minority students was also identified" (p. 425). Thus, this study is an important guide for my research using statistical measures to examine inequity using district level data.

Another study that is pertinent to my proposed study is the work of Romero (2015). In a quantitative analysis using a causal-comparative research design, Romero (2015) compared the difference between identification and Title III services for English learners with and without disabilities using the lens of social construction of disability for the analysis. The tests used for this study included: (a) Pearson's chi-square test of independence, (b) Fisher's exact test, (c) risk index, and (d) composition index using de-identified 2013-2014 school district data from a school district in the southwestern U.S. Romero's research "revealed that there was a significant difference in: the proportion of students identified with a Primary Home Language Other Than English (PHLOTE) and

identified with a disability categorized as ELL from PHLOTE students without a disability identified as ELL" (p. v). Additionally, Romero found the "most of the 36 students exempted from ALS [Alternative Language Supports] were identified with a disability" (p. v). There was also a difference between grade levels, for students identified with Specific Learning Disability, and Asian students identified with a disability in comparison groups.

One example of the use of ANOVA and other inferential statistics in education research is a study by Barrett et al. (2020). They used descriptive statistics, bivariate correlations, two-way analysis of variance (ANOVA), and multiple regression in their study that included student level data from 12 school districts and 10 charter schools during the 2014-2015 school year. The data included demographic information on sex, race/ethnicity, and free/reduced meals status. They also looked at eligibility category, time in general education over a three-year span, and state assessment scores. They found that the amount of time students spent in general education settings was "associated with higher levels of proficiency on statewide assessments of reading and math" (p. 509).

In the quantitative study by Cosier et al. (2013), they explored the relationship between student reading and writing achievement and the amount of time students with disabilities spent in general education. This longitudinal study included data from over 1,300 school age students with disabilities across 180 school districts. This study used the framework of intersectionality to analyze economic and demographic factors. They conducted a bivariate analysis "to assess the correlations among the variables" (p. 327). Dependent variables included reading and math test scores, while independent variables included hours in general education, age, gender, language, race, socioeconomic status, and

disability label. The authors found that the more time students spent in the general education setting, the higher student achievement in mathematics and reading.

Bal et al. (2019) used state school district data and student level data such as, "students' race, gender, income, language, attendance, and academic proficiency" (p. 248) in their multilevel logistic regression analysis to understand disproportionality in exclusionary discipline practices and identification of the disability label of emotional disturbance among racial minorities. They first used descriptive analysis, risk analysis, and multilevel logistic regression for their statistical methods. They found that "African American students were seven times and Native American students were two times more likely to receive exclusionary discipline" (p. 247) and "African American students were two to three times more likely to be labeled as emotionally disturbed" (p. 247).

These as well as other studies included in the above review of literature have informed my methods and choice of statistical tests presented in Chapter 3. In addition to quantitative methods commonly used in education research described above, it is important to highlight the significance of research on representation. The dilemma of representation cannot be ignored when understanding the services and programs provided for students with disabilities and English learners. Artiles et al. (2010) examined disproportionality between the years of 1968 to 2008 in relation to historical views of culture. They explained that "support for color-blind practices and policies justify racial disproportionality in special education and signal a retrenchment to deficit views about students from historically underserved groups" (p. 279). The authors also explained that in addition to tackling the problem of racism in our educational system, research and conversations that examine culture, power, and privilege in our schools and institutions should also occur. They

explained that placement patterns are not only driven by educational structures, reforms, and policies but also by many levels of bias. Focusing on views of culture helps to reveal the relationship between culture and human development, cultural funds of knowledge (e.g., literacy), teacher views about student failure and referrals, classroom community and culture, and assumptions about language (Artiles et al., 2010). This perspective would help shift the dilemma of placing blame on individuals and lead to an understanding of the "complex social and cultural worlds of schools" (Artiles et al., 2010, p. 295) as well as the power dynamics that feed inequality.

Research on disproportionality has shown that students who are culturally and linguistically diverse have been "overidentified for special education, suggesting bias in referral, assessment, and placement practices…other studies, however, have suggested that students from racially and ethnically diverse backgrounds are not overrepresented in special education or may be underidentified for services" (Cruz & Rodl, 2018, p. 50). Cruz and Rodl (2018) examined the use of quantitative methods used in disproportionality research. They compared the statistical methods used in the studies and found that "there is a perceptual interpretive element in defining the problem of disproportionality, as the use of different data sets and analyses impact how both the problem and results are interpreted" (p. 50). Skiba et al. (2016) stressed that research on disproportionality should be careful to scrutinize sampling, include support from literature, and "consider the complexities of special education disproportionality" (p. 221). The authors explained that research, such as a disproportionality study by Morgan et al. (2015), should use caution when using complex statistical analytical procedures that do "not necessarily shed light on the multidimensional

aspects of disproportionality" (p. 224) or "advance the theoretical understanding of this predicament" (p. 224).

Future of Current Study

Researchers and policy makers are met with the challenge to consider "the dynamic, culturally situated, and historically produced nature of difference and its consequences" (Artiles, 2011, p. 443) to improve the way they "productively engage with race-ability difference heterotopias that juxtapose incompatible spaces-the promise of educational rights and cultural recognition along with exclusionary and oppressive consequences" (p. 443). One way to do this is to look at where inequity is produced in systems and programs (Artiles, 2011). Additionally, research in the field of education should examine and rethink structures that may promote inequitable access to education (Cavendish et al., 2020, de Valenzuela et al., 2006) such as inequality regimes (Acker, 2006) and the Matrix of Domination (Collins, 2009). Cavendish et al. (2020) argued, "we believe that special education, as it is currently configured, maintains a system of traditionalist dominance that has made effective research on overrepresentation impossible" (p. 570). Although this dissertation research focused on one large school district in the southwestern United States, it furthers and broadens the discussion raised by Artiles (2011), Cavendish et al. (2020), Romero (2015), and de Valenzuela et al. (2006). This research also questioned current education structures that inhibit students, such as those with culturally and linguistically diverse with complex support needs, to access the instruction such as Title III services for English learners as required by law they deserve. My review of literature revealed a gap in research for this population of students. Therefore, this research is also an extension of the research I reviewed in this chapter, however, with a focus on students who are culturally and linguistically diverse ASD,

DD, ID, MD, or TBI. Furthermore, this can be expanded into a larger study to include comparisons across states in the United States. Additionally, future research might include other analysis such as qualitative methods. For example, including classroom observations such as ecobehavioral time sampling (Kurth et al., 2016) and/or interviews and focus groups with students and families (Harry & Klingner, 2014). Lastly, this research may lead to future explorations investigating district maps and access for students with disabilities who are culturally and linguistically like the work of White and colleagues (2020). In addition, it could explore student involvement and progress as well as access to instructional practices for students who are culturally and linguistically diverse with complex support needs like the work of Ruppar et al. (2020).

Chapter 3

Methods

In this chapter, I explain the procedures and methods used in my dissertation research. These methods are guided by my theoretical framework and research questions, thus following standard measures for research (McMillan & Wergin, 2010; Reid et al., 2016). As noted in previous chapters, I examined educational equity for students who were culturally and linguistically diverse students with ASD, DD, ID, MD, TBI in a large southwester school district during the 2018-2019 school year with a focus on (a) the identification of these students as English learners, (b) their access to Title III services, and (c) the instructional settings in which they are educated.

My research questions were:

(1) How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

(2) How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?

(3) How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner

status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)?

Because these questions required analysis of the relationship between two or more variables, I used a comparative quantitative approach. This quantitative approach is concerned with correlation and comparison (McMillan & Wergin, 2010). Although this method is commonly conducted using forms of regression for analysis (McMillan & Wergin, 2010), the use of complex statistical analysis may not have accurately shown multidimensional details (Morgan et al., 2015) when looking at phenomenon such as representation and access Additionally, in a comparative analysis the researcher seeks to "provide an accurate description of how two or more groups differ on some phenomenon" (Morgan et al., 2015, p. 15). This process differs from experimental designs that are focused on cause-and-effect relationships (McMillan & Wergin, 2010). Additionally, a comparative analysis allows for an understanding of real-world applications and factors that predict access to instruction for students by "demonstrating the relationships among variables" (Johnson & Christensen, 2020, p. 37).

I requested and received disaggregated student-level data that included variables each with characteristics or conditions that were categorized, for example by gender or age. I determined if correlation existed between variables but did not assume they were causally related (Frankfort-Nachmias & Leon-Guerro, 2015). Thus, I did not infer "that one variable causes the other based on the correlation between variables" (p. 454) to prevent spurious causal links (Frankfort-Nachmias & Leon, Guerro, 2015). The use of variables in quantitative research is a foundational element of both nonexperimental and experimental components

(Johnson & Christensen, 2020). Therefore, I determined that using a quantitative approach was merited for an analysis using variables.

The statistical tests I used allowed me to understand if there was a "significant relationship between two variables" (Frankfort-Nachmias & Leon-Guerro, 2015, p. 389). Frankfort-Nachmias and Leon-Guerrero (2015) explained that quantitative research is used "to answer research questions, [and] we cannot rely on reasoning, speculation, moral judgment, or subjective performance" (p. 3). Likewise, the authors posited that in social scientific inquiry, the research relies on finding relationships between characteristics individuals possess to empirically test a hypothesis. Furthermore, in the field of social research, theories explain patterns that exist in society as well as "causal relations between variables" (Frankfort-Nachmias & Leon-Guerrero, p. 7). In nonexperimental designs, statistical analysis is used to determine whether results are statistically significant (McMillan & Wergin, 2010). According to the authors, consumers of research should question the statistical tool used for the correlational or comparative study, how it was used, by whom, and whether the results were valid and reliable. Because of this, I critically examined the statistical tools I used, confirmed appropriate use by meeting with statistical procedures experts, such as meeting with my dissertation committee members, Sociology faculty members, and the UNM Math and Statistics Department Statistics Consulting Clinic, to make necessary adjustments to my statistical procedures. The tools I used were chosen based on the quality and type of data that I received from the school district as well. At that point, I determined which statistical tests were best with support from my statistic mentors.

School District Demographics

The data used for my analysis was collected by a large school district in the southwestern United States with a high population of students who are culturally and linguistically diverse. The population of the city where the district is located was estimated at 560,504 in 2019 with a median age of 37.3 (U.S. Census Bureau, n.d.). Fifty-two percent of the population was female in 2019, 49% Hispanic, 38% White alone not Hispanic or Latino, and the median household income for the city's population was $55,567 (U.S. Census Bureau, n.d.). Additionally, the census indicated that 16% of the population is below the poverty line including 22% of children identified as living in poverty that year. In 2019, 27.5% of the population five years and older spoke a language other than English and 21.4% of those people spoke Spanish (U.S. Census Bureau, n.d.).

The district is the largest in the state of New Mexico, with an estimated enrollment of 74,497 students based on October 2019 official enrollment counts (SAPRHub, 2019a). Of this student population, 66% received free/reduced-price lunch, 17% were English learners, and 20% received special education services. At that time, the racial/ethnic breakdown of the district was: 66.3% Hispanic, 20.7% White, 8.8% Tribal affiliation, 4.7% American Indian/Alaskan Native, 2.6% Black/African, 2.1% Asian, and 0.1% Native Hawaiian or Other Pacific Islander (SAPRHub, 2019b). Due to the COVID-19 pandemic and resulting difficulties in collecting some student data since the inception of the pandemic, I requested data from the end of the 2018-2019 academic year data reporting period, which, according to district personnel was the most recent complete dataset.

Data Collection and Recording

In this study, I followed best practices in data collection and recording for quantitative research, including in the use of formal instruments and procedures such as a

using a codebook to track recoding, use of a widely recognized statistical analysis program, using a formal data request with the district, and completed district guidelines for approval (Glesne,1999). I followed the formal request for data at the school district which included approval from the district review board and approved documentation from the Institutional Review Board at the University of New Mexico. I requested disaggregated and de-identified student level data from the end of the 2018/2019 school year for all K-12 students enrolled in the district at that time. Additionally, I clarified that I recognized that not all students in the district had data for all variables as not all were English learners or received special education services. I therefore requested different types of data for three different sets of students: (a) all students in the district; (b) all students who were possible, identified, or exited English learners (qualified to be administered the WIDA Screener); and (c) students who were receiving special education services during the 2018-2019 academic year. Please see Table 1 for the data requested for each of these three groups.

I requested the following data for my analysis for all students:

Table 1

Data Requested from School District for 2018-2019

All Students	**Potential English Learners**	**Students Receiving Special Education Services**
Date of birth	Date of administration of WIDA Screener	All assigned special education eligibilities
Grade level	English learner status at time of screening	Primary disability
Gender	Data of most recent WIDA ACCESS or Alternate ACCESS information	LRE data/educational setting (e.g., percent of time in general education or segregated setting)

Race/ethnicity	Current language proficiency levels	Special education instructional program (e.g., Intensive Global Support Services)
School attending	If not administered language proficiency test, reason code for non-administration	Funding level (A-D)
New Mexico Language Usage information	Whether enrolled in English language assistance program	Provision of ancillary/related services (e.g., speech-language pathology services, physical therapy)
	Type of program and program intensity Whether exempted from ESL/Bilingual education program by parental request Whether exited from English learner services If exited, data when exited	Frequency, location, and duration of special education and ancillary services

Data Security, Privacy, and Confidentiality

I ensured that these data were secure and confidential by requesting data that was de-identified (e.g., without student names) to support anonymity and confidentiality. The data was stored in my personal computer which is password protected and backed up to Microsoft OneDrive via UNM's Office 365. All notes and computations were stored on my personal computer without student identifiers attached. This included the use of Excel spreadsheets, Microsoft Word documents, and data in statistical software, such as STATA which was installed on my personal computer. Additionally, access to the data was limited to those approved for access on the project IRB protocol (e.g., dissertation committee members).

Data Processing and Analysis

The primary paradigm that guides quantitative research is a positivist approach assuming that lived reality can be measured, quantified, observed, and is fixed (Glesne, 1999). However, because I do not subscribe to these underlying assumptions, I used the theoretical lens of DisCrit and the perspective of intersectionality to guide my analysis. Garcia et al. (2018) studied how the use of DisCrit can help to progress quantitative research. They stated that "quantitative approaches cannot be adopted for racial justice aims without an ontological reckoning that considers historical, social, political, and economical power relations" (p. 155). Thus, my analysis accounted for additional factors that came into play when trying to understand access to Title III services for students who were culturally and linguistically diverse with ASD, DD, ID, MD, or TBI. I investigated the relationship between students' disability labels and their access to instruction (i.e., least restrictive environment, general education setting, Title III services) and how the disability label or category itself may be contributing factor to educational inequity. In addition, my use of DisCrit allowed me to consider the efficacy of education systems and programs students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI receive. To maintain reliability and assure validity of results, I was attentive to the details of the "design and procedures to ensure accuracy and replicability" (Reid et al. 2016, p 14). Furthermore, I identified and addressed statistical assumptions especially in second-language research to support the validity of the research (Hu & Plonsky, 2021). For example, the use of graphics such as histograms and scatterplots to show data visually to support greater transparency of statistical analysis was used for my analysis during the screening process. Abulela and Harwell (2020) explained that it is important that researchers do not "underemphasize four important

methodological components impacting the validity of inferences: (a) quality of constructed measures, (b) proper handling of missing data, (c) proper level of measurement of a dependent variable, and (d) model checking" (p. 59). To examine the quality of constructed measures, I thoroughly researched current uses of the measures and consulted with statistics mentors to confirm my understandings and use of the measures. Additionally, I sent example tables to my sociology statistics professor, with whom I took two advanced statistics courses. He validated my use of cross-tabulation with Peason's chi-squared test of association. He also approved with my construction of tables and reporting of statistical significance. I also conferred with him about missing data. To identify missing data, I asked questions suggested by Long and Freese (2014) including: (a) "What percentage of cases are missing for each variable?" (p. 95), and (b) "What patterns of missing data are there among variables? For example, do missing values on one variable tend to occur when there are missing values on some other variables?" (p. 95). I also investigated if the dependent variable was the proper level of measurement for the analyses I was considering. For example, whether the variables had meaningful means to to use ANOVA or the T-test statistics. Through tables, research, and consultation with statistics mentors, I determined that cross-tabulation was the most appropriate method to uncover phenomenon that may be otherwise hidden with more advanced statistical analysis. Because I clearly documented each statistical test with the use of do-files, I was able to work with statistics mentors to ensure that the correct test or model was being used and to check for fit of the model. Thus, I was careful to emphasize these components to ensure reliability and validity of my research and methods.

The first step in processing the data was to ensure that the data was consistent and usable through data cleaning. I removed errors and checked for inconsistencies, removed

duplicates as necessary, identified missing data, and kept record of error trends. Much of the data cleaning process was done in STATA where I uploaded the district level data. Using the codebook function, I inspected the data for abnormalities, became familiar with the dataset, and familiarized myself with each variable. In addition, I created dot plots to visually view the data and check for outliers. I created a log based on the information from the STATA codebook, metadata provided by the district, and data labels from the Excel spreadsheet provided by the district. I followed the suggested procedures for managing the data provided by Long and Freese (2014) which included: (a) "ensuring replicability by using do-files and log files for everything" (p. 40); (b) documenting do-files allowed me to remember "what we did and why we did it (or for sharing our code with others)" (p. 40); (c) keeping a research diary that included every program I ran, research decisions, and files that were created; (d) developed a "system for naming files" (p. 40); (e) used "new names for new files" (p. 41); (f) used variables labels; (g) double checked each new variable I used; and (h) practiced "good archiving" (p. 40) that included using "an orderly set of directories and filenames" (p. 41); and backing up my files regularly, such as with use of One Drive. In doing these things, I increased the "reliability and replicability" (p. 41) of my analyses. I organized data labels and entered this information into a table to categorize the data by field letter, field name, definition, codes, and data requested. In this table I also identified the levels of measurement, for example, listing whether a variable is nominal, ordinal, or interval-ratio. Nominal measurements included data that does not "have an implicit or natural order, rank or value" (Gaciu, 2021, p. 6). Measurements that are ordinal indicated "the relative position of the individuals or objects concerning a specific attribute and a specific progression or ordering (increasing or decreasing)" (Gaciu, 2021, p. 7) and could be rank ordered, for example the

Likert scale. Interval/ratio scale included data that could be classified and ordered into categories with "equal intervals between the units of measurement" (Gaciu, 2021, p. 7). Ratio measurements included variables with a true zero, 0.0.

I recoded the data by assigning numerical codes for categories (Gaciu, 2021) for analysis using STATA and logged in a codebook created in Word and stored on my personal computer. For example, dichotomous variables such as gender were coded using the number 0 for female and 1 for male. I noted all coding and data management decisions in a codebook binder and tracked them by the date they were conducted. STATA logs and do-files were also saved as documents on my personal hard drive.

I used Stata17 with the upgrade, SPost 13, for my statistical analysis. I followed guidance provided by Long and Freese (2014) for use of commands and to address statistical issues. Commands and models were loaded in the program in do-files with the date they were completed. These do-files were reviewed in consultation with statistical procedures experts, such as my dissertation committee members, Sociology faculty members, and the UNM Math and Statistics Department Statistics Consulting Clinic, for cross-checking of my statistical measures.

I first analyzed the data by creating cross-tabulation and tables of descriptive statistics. In this way, I was able to "organize and describe the data collected" (Frankfort-Nachmias & Leon-Guerrero, 2015, p. 18). Next, I used more advanced cross-tabulation tables with Chi-square statistical test to determine relationships between variables. For example, I used bivariate tables, which is a "statistical method designed to detect and describe the relationship between two nominal or ordinal variables" (Frankfort-Nachmias & Leon-Guerrero, 2015, p. 304). A bivariate table "displays the distribution of one variable

across the categories of another variable" ((Frankfort-Nachmias & Leon-Guerrero, 2015, p. 307). For example, a student's disability/no-disability and administration of the WIDA ACCESS. I first created a table with the individual results and classified them according to joint scores. I then organized the results in a larger table. I converted the raw frequencies to percentages using STATA because percentages are "especially useful for comparing two or more groups that differ in size" (Frankfort-Nachmias and Leon-Guerrero, 2015, p. 308). I calculated the percentages within each category of the independent variables and then compared the percentage across different categories of the independent variable. According to the authors, cross-tabulation is "a technique for analyzing the relationships between two nominal or ordinal variables that have been organized in a table" (p. 304). For each of these tabulations, I determined what my independent and dependent variables were and created a bivariate table. For example, I created a table to understand the relationship between race/ethnicity and English language assistance program type. Next, I calculated and analyzed the data by "comparing the percentage point difference for different categories of the independent variable" (Frankfort-Nachmias & Leon-Guerrero, 2015, p. 308). The determination of which variables to compare and the distinction between dependent and independent variables was guided by my research questions and theoretical lens. The analyses I performed attempted to answer whether there was a relationship between variables, the strength of the relationship, and the direction of the relationship. For instance, Frankfort-Nachmias and Leon-Guerrero explained a positive relationship exists "between two variables measured at the ordinal level or higher in which the variables vary in the same direction" (p. 318) while in a negative relationship, the variables "vary in opposite directions" (p. 318). Additionally, the authors explained that use of elaboration allows the

researcher to further investigate the relationship between variables with the use of control variables, which "represents an alternative explanation for the bivariate relationship" (p. 319) and to test for non-spuriousness.

I used the p-value less than 0.01 ($p \leq .01$) to determine statistical significance and to reject the null hypothesis. Using this level of p-value aided me in avoiding Type 1 errors (de Valenzuela et al., 2006). Using a more stringent p-value decreased the chance that the correlation I found was just due to chance especially when running several statistical tests with a large dataset.

Chi square test was used to test statistical significance because it was more appropriate for large samples. This measure was used for hypothesis testing and statistical independence (Frankfort-Nachmias & Leon-Guerrero, 2015). The Chi-square test may also be "applied to the distribution of scores for a single variable" (p. 350) to test the goodness-of-fit (Frankfort-Nachmias & Leon-Guerrero, 2015).

The table below illustrates which statistical tests I used in relation to each research question.

Table 2

Statistical Tests Related to Research Questions

Research Question	**Statistical Test**
How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities? *Disproportionate identification*	Cross-tabulation; Chi-square; Frequency Tables

How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities? *Disproportionate access to educational services and educational setting*	Cross-tabulation; Chi-square; Frequency Tables
How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)? *Disproportionate access to educational setting by EL status, race/ethnicity and level of supports*	Cross-tabulation; Chi-square; Frequency Tables

Chapter 4

Results

The purpose of this study was to understand educational equity for culturally and linguistically diverse students with ASD, DD, ID, MD, or TBI in a large southwestern school district during the 2018-2019 school year by analyzing: (a) the identification of these students as English learners; (b) their access to Title III services; and (c) the instructional settings in which they are educated. The research questions that guided my analysis were:

1. How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?
2. How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?
3. How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)?

In the next section, I discuss the data I received from the district, issues with the data that I received, and the cleaning and screening process to prepare the data for analysis. Additionally, I present descriptive statistics for an overview of the demographics in the

district, languages spoken, and information on recoding to only include K-12 students. I then present the results related to my research questions including: (a) Question 1: Identification and enrollment in Title III services; (b) Question 2: Setting and Access; and (c) Question 3: Analysis of relationships between student characteristics.

Data Received

I received the requested data from the school district on November 10, 2021. According to the district, the data were gathered and compiled by the district's Strategic Analysis & Program Research department. The data was pulled from the Student Teacher Accountability Reporting System (STARS) state data reporting system, and according to the district, was analyzed for inclusion and accuracy of data between October 15th and November 2nd, 2021. In addition to the data gathered from STARS, the district provided Language Usage Survey data from the Student Information Systems for active students in the 2021-2022 school year. Upon reviewing data I received, I found some inconsistencies. In the following section, I discuss issues with the data and the decisions I made to reconcile these issues.

Issues with the Data Received

There were both expected and unexpected inconsistencies in the data, for a variety of reasons, such as missing data, incomplete data, and data that differed over time as data collection procedures changed. To explore missing data and reasons for missingness I first created a data codebook in STATA. To identify missing data, I asked questions suggested by Long and Freese (2014) which include: (a) "What percentage of cases are missing for each variable?" (p. 95), and (b) "What patterns of missing data are there among variables? For example, do missing values on one variable tend to occur when there are missing values on

some other variables?" (p. 95). I determined that the missing data was missing at random (MAR), meaning "that the data are missing in a way that unbiased predictions of missing values can be made from other variables in the dataset itself" (Long & Freese, 2014 p. 95). Additionally, some of the data may have been missing because of enrollment dates. For example, the district noted that in 2018-2019 there may not have been Language Usage Survey data for students who had graduated. The district also noted that before 2016, schools used a different survey in the district called the Home Language Survey. After 2016, the Language Usage Survey included "other questions" (questions 8 through 12) that provided additional information to the school district. However, the main questions, 1 through 7, were included in both surveys. Therefore, parents who enrolled their child in the district prior to 2016 would have answered fewer questions on their child's Home Language Survey, therefore those data were missing from the dataset for 30,011 students. Due to the inconsistencies in the Language Usage Survey data provided, I chose not to use these data when analyzing the identification of students as English learners for this research.

The English language proficiency assessment data provided by WIDA were also problematic. The district personnel specified that Alternate ACCESS Scores were drawn from scores sent to the district by WIDA. Additionally, they stated that data provided for the WIDA ACCESS Placement Test (W-APT), the WIDA screener, did not include students who were administered the alternate ACCESS. Although my primary analysis was originally focused on students with complex support needs. However, it was not possible to examine this population directly due to the data I received. Therefore, I chose to focus on the specific disability labels of ASD, DD, ID, MD, or TBI, although this cluster of disabilities is often associated with the term complex support needs, recognizing that a significant number of

students within these disability categories likely do *not* have complex support needs. This is especially true for students identified with ASD, DD, and ID. Additionally, I chose not to use Alternate ACCESS eligibility as a proxy for complex support needs due to insufficient data provided by the district. For example, I was unclear how students eligible for the Alternate ACCESS were screened. I did not have access to data that would have allowed for a comparison of those who took the Alternate ACCESS versus the non-Alternate ACCESS. I also did not have access to clear data on who took the Alternate ACCESS and who took the non-Alternate ACCESS. I was only provided language proficiency scores for students who took the Alternate ACCESS for the 2018-2019 school year. Additionally, data appeared to be missing on students' eligibility to take alternate assessments.

Cleaning and Screening

I identified additional inconsistencies in the data during the process of cleaning and screening the data. For example, I found that reading, speaking, listening, and writing scores from the non-Alternate English proficiency assessment were provided for only 53 students, which is much fewer than anticipated. In addition, that the data indicated that 108 students took the Alternate ACCESS that school year. Given that the number of students who took the Alternate ACCESS should be considerably lower than the number of students who took the non-Alternate test, this information provided by the district could not be considered accurate. These discrepancies have occurred because the data was provided from WIDA, which is an agency outside of the district. This may also have caused un-matched cases when the dataset was compiled. I contacted the district to address the inconsistencies, however due to a data breech, the data could not be accessed at that time. Due to the issues, I chose not to use the data from these variables for my analysis.

The district also provided descriptions and valid values for each variable by providing tables. I used this information during the cleaning and screening process and noted the information in my codebook. The cleaning and screening process also allowed me to become familiar with and understand how the variables were coded. I recoded variables as necessary to run statistical tests in STATA, the data analysis program I used, for example the variable for primary home language spoken by students contained 101 languages reported by the district. I left the first seven most spoken languages as is and combined the remaining 94 languages to create a group labeled "other" to create a new variable.

During the cleaning and screening process, I compiled a list of questions and sent them by email to the district contact for clarification. I met with the district contacts by Zoom to discuss the questions. Following this, the district agreed to provide an updated dataset, which I received on February 1, 2021. Those data were drawn from the 40-day count; thus, they were not comparable with the previous dataset I had cleaned and screened. The variables were the same except the dataset also included information about schools that had bilingual education programs. I decided not to use this variable for my analysis because I was not examining specific schools due to concerns about protecting student anonymity. Therefore, I used the original dataset provided by the district in November 2020 for the analyses I report below. District personnel also provided me with a document explaining the district's identification and placement process for English learners, which I used during the data analysis process to understand the district's policies for supporting English learners. This document clarified some of the questions I had, for example, the types of Title III services provided in the district. Title III services, Language Instruction for English Learners, and Immigrant Students program, are a part of ESSA that provides federal funding and grants to

state and local education agencies to support English language assistance programs, for example English Language Development (ELD). According to the district, ELD pull-out course and sheltered instruction in content areas provided English language instruction for a minimum of 45 minutes in a self-contained elementary based setting. Students received instruction and provided services based on the English language proficiency level of the student and provided sheltered instruction in content areas. Integrated ELD was provided to students at the secondary level during an English Language Arts (ELA) course and sheltered instruction in content areas. The district variable codebook explained that a student that is nearing proficiency in English received instruction in an integrated ELD-ELA course at the middle school and high school level and sheltered instruction in content areas. It is important to note that according to the district provided document, they made a shift from to English as a Second Language (ESL) instruction to ELD in 2018-2019. A district representative also stated that bilingual education is not part of the Title III services provided by the district but is separate from these services.

Additionally, because I was not able to get other data such as parent educational attainment to help identify socioeconomic status, I included participation in the national lunch program in my analysis. According to the United States Department of Agriculture (2017), families qualify for the lunch program if their household income is "at or below 130 percent of the Federal poverty level are eligible for free meals" (p. 2).

Statistical Analyses

Following the cleaning and screening process, I first used descriptive statistics to understand the general characteristics of the students in the district. Then, I used cross-tabulation comparisons related to each of my three research questions. In the next sections, I

first provide descriptive statistics of the demographics in the district, an overview of languages spoken by all students in the district that year, and the process of recoding to only include K-12 students. I then present the results related to each research question: (a) Question 1: Identification and enrollment in Title III services; (b) Question 2: Setting and access; and (c) Question 3: Analysis of relationships between student characteristics.

Descriptive Statistics.

The data provided by the school district included all students during the 2018-2019 school year with a total of 80,027 observations. Table 3 provides basic descriptive statistics of all students in the dataset, including their gender, race/ethnicity, participation in free and reduced lunch, English learner status, participation in special education, and gifted participation.

Table 3

Demographic Information, 2018-2019

Gender	Percent
Female	37,845 (48.7%)
Male	39,806 (51.2%)
Race/Ethnicity	
American Indian/Alaskan Native	3,625 (4.6%)
Asian	1,719 (2.2%)
Black/African American	1,974 (2.5%)
Hispanic	49,785 (64.1%)
Native Hawaiian or Other Pacific Islander	62 (0.08%)
White	15,845 (20.4%)
Two or more races	4,641 (5.9%)
Free and Reduced Lunch	
Free	51,434 (66.2%)
Reduced-Price	2,249 (2.9%)
Not Participating	23,968 (30.8%)
English Learner (EL) Status	
Current EL	13,442 (17.31%)
Not Current EL	64,209 (82.6%)
Special Education	
Students with Disabilities	14,530 (18.7%)
Regular Education and Gifted-only students	63,121 (81.2%)

Table 3, cont.

Gifted Participation	
In Program	4,711 (6.0%)
Not in Program	72,940 (93.9%)

Note: Data was presented similarly to how the district reports demographic information.

This overview of demographic information shows that there were slightly more male than female students in the population that school year. The three highest reported race/ethnicity groups were Hispanic (64.1%), White (20.4%), and American Indian/Alaskan Native (4.6%). Table 3 also shows that 66.2% of students participated in the free lunch program. Additionally, 17.3% of the student population were identified as English learners, 18.7% were identified as with a disability, and 6.0% were in the gifted program.

Languages Spoken in the District.

To explore what languages were spoken by district students, I created a table to list the seven most spoken languages as reported by the district that school year. Although there were 101 languages reported as spoken by student as their home language that year, I re-coded the remaining languages as other. Table 4 shows that the language reported as spoken by the largest number of students is English (77%), followed by Spanish (19.1%), Vietnamese (0.5%), and Navajo (Diné) (0.4%).

Table 4

Number and Percent of Students and Home Language Spoken in the District in 2018-2019

Home Language	Number	Percent
English	60,496 (77.9%)	77.9%
Spanish	14,892 (19.1%)	19.1%
Vietnamese	420 (0.5%)	0.5%
Navajo (Diné)	382 (0.4%)	0.4%
Arabic	253 (0.3%)	0.3%
Farsi-Persian	121 (0.1%)	0.1%
Tongan	110 (0.1%)	0.1%
Other	772 (1.6%)	1.6%

Recoding to Include K-12 Students.

Because the analyses I conducted for this dissertation only included grades K-12, I removed all data for Pre-K students (see Table 5), which was 3.0% of the original dataset, leaving only K-12 students in the data that I analyzed.

Table 5

Grade Level 2018-2019

Current grade level	Number	Percent
PK	2,376	3.0%
KF	5,921	7.4%
1	6,060	7.6%
2	6,165	7.7%
3	6,266	7.8%
4	6,717	8.4%
5	6,988	8.7%
6	6,136	7.7%
7	5,765	7.2%
8	5,780	7.2%
9	5,955	7.4%
10	5,756	7.2%
11	5,037	6.3%
12	5,105	6.4%
Total	80,027	100.0%

Question 1: Identification and Enrollment in Title III Services

My first research question focused on the rate of identification of students as English learners and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI. These Title III services (e.g., ELD) are also referred to as Title III services. I also included a comparison to the rate of identification and enrollment of English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities. Other disability categories include: Deaf-Blindness (DB), Emotional Disturbance (ED), Hearing Impairment (HI), Other Health Impairment (OHI), Orthopedic Impairment (OI), Speech or Language Impairment (SLI), Specific Learning Disability (SLD), and Visual Impairment (VI). While students may be identified with more than one disability, for the purposes of this dissertation, I only considered the primary disability provided in the dataset, which the district stated is determined in the students' IEP or multidisciplinary team (MDT). I began this analysis by exploring identification of students as having a primary home language other than English. This analysis is important as it flags students as potential English learners and triggers the administration of English language proficiency screening. These analyses were followed analysis of (a) parent refusal of Title III services for their students with disabilities and (b) rates of students with disabilities exiting Title III.

Primary Home Language Other Than English.

I explored the group of students who were identified by the district as having a primary home language other than English, both overall and according to disability label. Table 6 shows that in 2018-2019, 17,651 students had a language other than English as their primary home language. This represents approximately 22% of the 77,651 students enrolled in the district. Table 7 shows the comparison of student status related to disability and

primary home language. The results suggests that a similar percentage of students are identified with a disability who come from primarily English-speaking homes (18.9%) and homes with a primary language other than English (17.8%). Table 8 shows a comparison between student's primary disability and primary home language. The percentage of students in each disability category with a primary home language other than English ranged from 0.0% to 73.5%. The group of students with the highest number of students with a primary home language other than English was SLD (73.5%). Of students with ASD, DD, ID, MD, or TBI, primary disabilities that often indicate more complex support needs, approximately 14.3% total students were also identified as having a primary home language other than English (see Table 8).

Table 6

Number and Percent of Students Identified as having a Primary Home Language Other Than English in 2018-2019

PHLOTE	Number	Percent
English is primary home language	60,496	77.9%
Primary home language other than English	17,155	22.0%

Note. PHLOTE = primary home language other than English.

Table 7

Number and Percent of Students Receiving Special Education Services from Primarily English Speaking and Non-Primary English-Speaking Homes in 2018-2019

PHLOTE Status	Special Education	
	No	Yes
English is primary home language	49,035 (81.0%)	11,461 (18.9%)
Primary home language other than English	14,086 (82.1%)	3,069 (17.8%)

Note. PHLOTE = primary home language other than English.

Table 8

Number and Percent of Students with Disabilities, With and Without a Primary Home Language Other than English, Across Disability Categories in 2018-2019

PHLOTE	Primary Disability												
	AU	DB	DD	ED	HI	ID	MD	OHI	OI	SL	SLD	TBI	VI
English is primary home language	963 8.4%	1 0.0%	436 3.8%	491 4.3%	73 0.6%	458 4.0%	182 1.6%	935 8.2%	53 0.4%	891 7.8%	6,837 60.0%	33 0.2%	40 0.3%
Primary home language other than English	137 4.4%	0 0.0%	96 3.1%	58 1.8%	17 0.5%	157 5.1%	40 1.3%	113 3.6%	7 0.2%	165 5.3%	2,255 73.5%	13 0.4%	9 0.2%

Note. PHLOTE = primary home language other than English. Primary disability as determined in the IEP or MDT. AU = Autism; DB = Deaf-Blindness; DD = Developmental Delay; ED = Emotional Disturbance; HI = Hearing Impairment; MD = Multiple Disabilities; OHI = Other Health Impairment; OI = Orthopedic Impairment; SL = Speech or Language Impairment; SLD = Specific Learning Disability; TBI = Traumatic Brain Injury; VI = Visual Impairment. Title III is a federal grant program which provides federal money to states for the education of English learners.

Parent Refusal of Title III Services.

In this section, I report the results of analyses related to parent refusal of Title III services. This variable included those students whose parents provided notice in writing, using a district provided opt-out form, that they did not want their child to receive Title III services. Using cross-tabulation tables and the Pearson Chi-squared statistical test for association, I compared parent refusal for students with and without identified disabilities followed by a comparison across all students' primary disability categories. I also examined the number of students with parents who did not opt out of Title III and the type of English language assistance services they participated in. The results of the comparison of the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners identified and not identified with disabilities (see Table 9), suggested that parents with a child with a disability were much more likely to opt out of Title III services (30.9%) than parents with a child who was an English learner with no disabilities (13.4%).

Table 9

Number and Percent of English Learners With and Without Disabilities Eligible for Title III Services and Program Type in 2018-2019

Title III	Special Education	
	No	Yes
Parent Refusal	1,308 (13.4%)	1,146 (30.9%)
ELD Block & Sheltered	6,112 (62.7%)	1,586 (42.7%)
Integrated ELD	2,314 (23.7%)	976 (26.3%)
Total	9,734 (100%)	3,708 (100%)

Table 9, cont.

Pearson chi2(2) = 643.8381 Pr = 0.000

Note. ELD = English Language Development Title III is a federal grant program which provides federal money to states for the education of English learners. Parent Refusal = received writing from parent (opt-out form ELD). Block & Sheltered Instruction for elementary grades only. Integrated ELD Instruction for secondary grades only.

The results of the comparison of parent refusal of Title III services across primary disability categories suggested there is a significant relationship ($p < .001$) between the type of disability a student is identified with and their identification as an English learner and subsequent enrollment in Title III services (see Table 10). The analyses revealed the following relationships. The percentage of parents who opted out of services for their child ranged from 8.5% to 85.7%. Overall, parents of students identified with SLI were least likely to opt out of Title III services (8.5%) and parents of students with VI were most likely to opt out of Title III services (85.7%). Parents were significantly more likely to opt out of English language assistance for their child if their child was identified with ASD, DD, ID, MD, or TBI. For example, 61.2% of parents of students identified as opted out of services for their child. Similarly, students identified with ASD (46.3%), MD (76.9%), and TBI (53.3%) had parents who were more likely to opt-out of these services. Students identified with DD (12.2%) were not as likely to have parents who opt-outed of services. Overall, parents of students identified with SL were least likely to opt out of Title III services (8.5%) and parents of students with VI were most likely to opt out of Title III services (85.7%).

Of those students with parents who did not opt out of Title III services, students identified with DD (87.7%) were the most likely to participate in Title III (i.e., ELD) during

elementary school as compared to all other disability categories (see Table 10). Of students identified as ASD, ID, MD, or TBI, students identified as MD (10.2%) were the least likely to have participated in English language development during elementary. In secondary school, students identified as SLD (32%) were the most likely of any disability category to participate in Title III, as compared to students identified with SL (6.7%).

Table 10

Number and Percent of English Learners Eligible for Title III Services and Program Type by Primary Disability in 2018-2019

Title III	Primary Disability											
	AU	DD	ED	HI	ID	MD	OHI	OI	SL	SLD	TBI	VI
Parent Refusal	82	17	42	13	76	30	66	4	19	783	8	6
	46.3%	12.2%	53.8%	50.0%	61.2%	76.9%	41.2%	36.3%	8.5%	28.9%	53.3%	85.7%
ELD Block & Sheltered	78	122	23	10	33	4	60	4	188	1,057	5	0
	44.0%	87.7%	29.4%	38.4%	26.6%	10.2%	37.5%	36.3%	84.6%	39.0%	33.3%	0.0%
Integrated ELD	17	0	13	3	15	5	34	3	15	868	2	2
	9.6%	0.0%	16.6%	11.5%	12.10%	12.8%	21.2%	27.2%	6.7%	32.0%	13.3%	14.2%

Pearson chi2(39) = 2.8e+03 Pr = 0.000

Note. Primary disability as determined in the IEP or MDT. AU = Autism; DD = Developmental Delay; ED = Emotional Disturbance; HI = Hearing Impairment; MD = Multiple Disabilities; OHI = Other Health Impairment; OI = Orthopedic Impairment; SL = Speech or Language Impairment; SLD = Specific Learning Disability; TBI = Traumatic Brain Injury; VI = Visual Impairment. ELD = English Language Development; Parent Refusal = received writing from parent (opt-out form). Title III is a federal grant program which provides federal money to states for the education of English learners. ELD Block & Sheltered for elementary grades only. Integrated ELD for secondary grades only.

Exiting Title III Services.

I next examined the number of students with and without disabilities by their English learner status in 2018 - 2019 (see Table 11), including: (a) students identified as Initially Fluent English Proficient (IFEP), those who either did not have a primary home language other than English or were identified as proficient in English based on their score on the W-APT; (b) students classified as English learners during 2018-2019; and (c) students who had exited Title III services, of students identified as IFEP, 82.8% were not identified with a disability, compared to 17.1% were identified as having a disability. In contrast, a much higher percentage of English learners were identified with a disability (27.9%), while 72% of English learners were not identified with a disability. Table 11 details the year that students were exited out of English learner status. For example, 89.9% of English learners who were redesignated as former English learners in year one did not have a disability. In comparison, 10.3% of those exited were identified with disabilities. Similarly, in year two 66.1% of English learners who exited did not have a disability while only 33.8% of those who existed were identified with a disability. The same is true for subsequent years in that a substantially higher percentage of students exited and identified as proficient in English did not have disabilities.

Table 11

Number and Percentage of Students With and Without Disabilities By English Learner Status in 2018-2019

English Proficiency	Special Education Services		
	N	Y	Total
IFEP	49,477 (82.8%)	10,250 (17.1%)	59,727
EL	10,157 (72.0%)	3,943 (27.9%)	14,100
Exited year 1	323 (89.9%)	36 (10.3%)	359
Exited year 2	90 (66.1%)	46 (33.8%)	136
Exited year 3	1,397 (91.0%)	138 (8.9%)	1,535
Exited year 4	927 (92.15%)	79 (7.85%)	1,006
Exited year 5+	750 (95.1 %)	38 (4.8%)	788
Total	63,121 (81.2%)	14,530 (18.7%)	77,651

Note. N = student does not have a current IEP and is not receiving services under IDEA 618, Part B or is gifted; Y = student does have a current IEP and is receiving services under IDEA 618, Part B and is not identified as gifted; IFEP = Initially Fluent English Proficient (IFEP); EL = Current English learner; Exited = Year reclassified fluent as English proficient.

Question 2: Setting and Access

To explore my second research question to examine setting, I first looked at participation in Title III. Then I compared the number of students in special education settings, followed by a comparison of special education settings by primary disability categories. For these analyses, I considered the three least restrictive educational settings: setting 1, 80% or more of the day in general education; setting 2, 40% to 79% of the day in general education; and setting 3, less than 40% of the day in general education. Lastly, I examined participation in Title III programs, special education setting, and primary disability.

Special Education Settings.

The analysis of the number and percent of students with disabilities and their special education instructional setting revealed that most students received instruction in setting 2 (45.4% of all students receiving special education services), followed by setting 3 (27.2%). Students with disabilities who spent 80% or more of the day inside a general education classroom totaled 24.9% of the population (see Table 12).

Table 12

Number and Percent of Students Receiving Instruction in Each Setting in 2018-2019

Special Education Setting	Number	Percent
Setting 1	3,610	24.9%
Setting 2	6,571	45.4%
Setting 3	4,020	27.2%
Correctional Facility	14	0.1%
Homebound/Hospital	37	0.2%
Private School	161	1.1%
Residential Facility	28	0.1%
Separate School	19	0.1%
Total	14,460	100%

Note. Setting 1 = general education 80% or more of the day; Setting 2 = general education 40% to 79% of the day; Setting 3 = general education less than 40% of the day.

To further understand special education setting by primary disability status, I used cross-tabulation with Pearson Chi-squared test (see Table 13). The relationship between disability status and instructional setting was statistically significant ($p < .001$), therefore I rejected the null hypothesis. Students with the following disabilities were more frequently educated in the most restrictive setting: ASD (59.8%), ED (51.5%), ID (80.3%), MD (86%), OI (46.6%), and VI (38.7%). Students identified with the following disabilities were most frequently educated in setting 2: DD (43.4%), HI (40%), OHI (43.1%), and TBI (41.3%). Only students identified with SLI (62.8%) most frequently received instruction in setting 1.

Table 13

Number and Percent of Students Receiving Instruction in Each Special Education Setting by Primary Disability in 2018-2019

Special Education Setting	Primary Disability											
	ASD	DD	ED	HI	ID	MD	OHI	OI	SLI	SLD	TBI	VI
Setting 1	167 15.1%	87 16.3%	70 12.7%	30 33.3%	57 9.2%	6 2.7%	238 22.7%	10 16.6%	664 62.8%	2,265 24.9%	8 17.3%	8 16.3%
Setting 2	259 23.55%	231 43.4%	171 31.1%	36 40.0%	54 8.7%	5 2.2%	452 43.1%	18 30.0%	233 22.0%	5,076 55.8%	19 41.3%	17 34.6%
Setting 3	658 59.8%	202 37.9%	283 51.5%	22 24.4%	494 80.3%	191 86.0%	327 31.2%	28 46.6%	106 10.0%	1,672 18.3%	17 36.9%	19 38.7%
Correctional Facility	1 0.0%	0 0.0%	5 0.9%	0 0.0%	0 0.0%	0 0.0%	1 0.1%	0 0.0%	1 0.0%	6 0.0%	0 0.0%	0 0.0%
Homebound/Hospital	3 0.0%	1 0.1%	3 0.5%	0 0.0%	2 0.3%	14 6.3%	9 0.8%	3 5.0%	1 0.0%	0 0.0%	1 2.1%	0 0.0%
Private School	10 0.9%	3 0.5%	2 0.3%	2 2.2%	5 0.8%	1 0.4%	20 1.9%	1 1.6%	50 4.7%	67 0.7%	0 0.0%	0 0.0%
Residential Facility	2 0.1%	6 1.1%	11 2.0%	0 0.0%	3 0.4%	0 0.0%	0 0.0%	0 0.0%	1 0.0%	5 0.0%	0 0.0%	0 0.0%

Table 13, cont.

Pearson chi2(84) = 4.7e+03 Pr = 0.000

Note. Setting 1 = general education 80% or more of the day; Setting 2 = general education 40% to 79% of the day; Setting 3 = general education less than 40% of the day. Primary disability as determined in the IEP or MDT. ASD = Autism; DD = Developmental Delay; ED = Emotional Disturbance; HI = Hearing Impairment; MD = Multiple Disabilities; OHI = Other Health Impairment; OI = Orthopedic Impairment; SLI = Speech or Language Impairment; SLD = Specific Learning Disability; TBI = Traumatic Brain Injury; VI = Visual Impairment.

Access to Title III services.

I analyzed instructional setting further by investigating the special education setting for English learners by primary disability (see Table 14). English learners with the following disabilities were more frequently educated in the most restrictive setting: ASD (60%), ED (55.5%), ID (81.2%), MD (100%), OI (71.4%), and VI (100%). English learners identified with the following disabilities were most frequently educated in setting 2: DD (51.6%), HI (53.8%), OHI (51%), and TBI (42.8%). English learners with SLI (58.6%) and SLD (71.1%) most frequently received instruction in setting 1.

Table 14

Number and Percent of English Learners by Access to General Education, Type of Title III Services and Primary Disability in 2018-2019

Setting and Title III	Primary Disability											
	ASD	DD	ED	HI	ID	MD	OHI	OI	SLI	SLD	TBI	VI
Setting 1	9 9.4%	18 14.7%	5 13.8%	3 23.0%	0 0.0%	0 0.0%	10 10.6%	0 0.0%	119 58.6%	369 71.1%	1 14.2%	0 0.0%
Setting 2	29 30.5%	63 51.6%	11 30.5%	7 53.8%	9 18.7%	0 0.0%	48 51.0%	2 28.5%	57 28.0%	1,185 61.5%	3 42.8%	0 0.0%
Setting 3	57 60.0%	41 33.6%	20 55.5%	3 23.0%	39 81.2%	9 100%	36 38.3%	5 71.4%	27 13.3%	371 19.2%	3 42.8%	1 100%
Total	95 100%	122 100%	36 100%	13 100%	48 100%	9 100%	94 100%	7 100%	203 100%	1,925 100%	7 100%	1 100%

Note. Setting 1 = general education 80% or more of the day; Setting 2 = general education 40% to 79% of the day; Setting 3 = general education less than 40% of the day. Primary disability as determined in the IEP or MDT. ASD = Autism; DD = Developmental Delay; ED = Emotional Disturbance; HI = Hearing Impairment; MD = Multiple Disabilities; OHI = Other Health Impairment; OI = Orthopedic Impairment; SLI = Speech or Language Impairment; SLD = Specific Learning Disability; TBI = Traumatic Brain Injury; VI = Visual Impairment.

Question 3: Relationships Between Student Characteristics

To explore research question three, which focused on the analysis of relationships between student characteristics, I first explored the relationship between gender and setting. I then investigated race/ethnicity, socioeconomic status, and primary disability. I analyzed how those intersecting student characteristics were related to students' access to general education and the services they received.

Gender and Setting.

To explore gender and setting, I first compared the number and percentage of female and male students participating in Title III programs. Table 15 shows the number and percentage of students participating in Title III programs and their gender during the 2018-2019 school year. Of the students participating in Title III programs, 44.6% were female and 55.3% male. Therefore, slightly more male than female students participated in Title III services.

Next, I compared the relationship between gender and special education setting with a cross-tabulation and Pearson's Chi-squared test. The results showed evidence that a relationship existed ($p < .001$) between students' gender and their access to the general education classroom (see Table 16). A similar percentage of female (47.3%) as male (44.3%) students were educated in setting 2. However, male students (30.3%) had a higher likelihood to be educated in the most restrictive setting, setting 3, than female students (23.6%) and were less likely to have access to an inclusive placement (23.5%) than female students (27.3%).

Table 15

Number and Percent of Females and Males Participating and Not Participating in Title III Programs in 2018-2019

Title III	Gender	
	Females	Males
Yes	6,005 (44.6%)	7,437 (55.3%)
No	31,840 (49.5%)	32,369 (50.4%)

Table 16

Number and Percent of Females and Males at Each Special Education Instructional Setting in 2018-2019

Special Education Setting	Gender	
	Female	Male
Setting 1	1,492 (27.3%)	2,118 (23.5%)
Setting 2	2,585 (47.3%)	3,986 (44.3%)
Setting 3	1,291 (23.6%)	2,729 (30.3%)
Correctional Facility	1 (0.0%)	13 (0.1%)
Homebound/Hospital	15 (0.2%)	22 (0.2%)
Private School	67 (1.2%)	94 (1.0%)
Residential Facility	4 (0.0%)	24 (0.2%)
Separate School	9 (0.1%)	10 (0.1%)

Pearson chi2(7) = 95.0707 Pr = 0.000

Note. Setting 1 = general education 80% or more of the day; Setting 2 = general education 40% to 79% of the day; Setting 3 = general education less than 40% of the day.

Race/Ethnicity and Setting.

My analysis of race/ethnicity and setting included first an overview of student distribution across grade levels within each reported student race/ethnicity (see table 17), followed by an examination of English learner status for each race/ethnicity group (see Table 18). Lastly, I examined race/ethnicity with a cross-tabulation and Pearson's Chi-squared test to identify the relationship between race/ethnicity and special education setting (see Table 19). For all these analyses I used the same race/ethnicity identifiers reported by the district.

Most race/ethnicity groups had a similar percentage of students in each grade level, with some small fluctuations from grade level to grade level. Greater fluctuation was noted

for Native Hawaiian or other Pacific Islander students. However, as this population is quite small, changes of only a few students changed the percentages considerably. In general, the racial make-up of the district, appears rather stable. However, there appears to be a small increase of White students in lower grade levels.

The number of students identified as English learners within each racial/ethnic group varied considerably, with Asian (32.1%), Native American/Alaskan Native (24.1%), and Hispanic (22.9%) students most frequently identified as such. White students were the least frequently (3.8%) identified as English learners, from all racial/ethnic groups in the district.

Considering access to the general education classroom, the results revealed a statistically significant relationship ($p < .001$) between special education setting and students' racial/ethnic backgrounds. Only Asian students were most frequently educated in setting 1 (35.9%), as compared to setting 2 (33.3%) and setting 3 (26.3%). American Indian/Alaskan Native students had the least access to the general education classroom, with only 19.7% educated in setting 1. In contrast, all other groups were most frequently educated in setting 2, except for Native Hawaiian or other Pacific Islander students, who were equally frequently placed in settings 2 (33.3%) and setting 3 (33.3%). Their frequency in setting 2 ranged from 50.4% of American Indian/Alaskan Native identified with disabilities to 38.7% of White students identified with disabilities.

Table 17

Number and Percent of Students and Reported Race/Ethnicity by Grade Level in 2018-2019

Race/Ethnicity	Grade Level												
	K	1	2	3	4	5	6	7	8	9	10	11	12
Asian	138 8.0%	133 7.7%	122 7.7%	116 6.7%	121 7.0%	140 8.1%	132 7.6%	118 6.8%	124 7.2%	113 6.5%	145 8.4%	148 8.6%	169 9.8%
American Indian/Alaskan Native	286 7.8%	295 8.1%	307 8.4%	346 9.4%	347 9.5%	345 9.5%	279 7.7%	263 7.2%	233 6.4%	277 7.6%	266 7.3%	189 5.2%	192 0.2%
Black or African American	158 8.0%	158 8.0%	164 8.3%	165 8.3%	172 8.7%	176 8.9%	136 6.8%	149 7.5%	134 6.7%	153 7.7%	152 7.7%	136 6.8%	121 6.1%
Hispanic	3,673 7.3%	3,700 7.4%	3,867 7.7%	3,942 7.9%	4,336 8.7%	4,582 9.2%	4,069 8.1%	3,762 7.5%	3,800 7.6%	3,916 7.8%	3,699 7.4%	3,227 6.4%	3,212 6.4%
Native Hawaiian or other Pacific Islander	6 9.6%	0 0.0%	7 11.2%	7 11.2%	4 6.4%	7 11.2%	4 6.4%	9 14.5%	1 1.6%	3 4.8%	8 12.9%	2 3.3%	4 6.4%
Two or More Races	319 6.8%	378 8.4%	393 8.4%	391 8.4%	390 8.4%	443 9.5%	358 7.7%	355 7.6%	350 7.5%	335 7.2%	323 6.9%	310 6.6%	296 6.3%
White	1,341 8.4%	1,396 8.8%	1,305 8.2%	1,299 8.2%	1,347 8.5%	1,295 8.1%	1,158 7.3%	1,109 7.0%	1,138 7.1%	1,158 7.3%	1,163 7.3%	1,025 6.4%	1,111 7.0%

Table 18

Number and Percent of Students and Reported Race/Ethnicity by English Learner Status in 2018-2019

Race/Ethnicity	Exit Rates						
	IFEP	EL	Exited year 1	Exited year 2	Exited year 3	Exited year 4	Exited year 5+
Asian	891 51.8%	553 32.1%	37 2.1%	19 1.1%	104 6.0%	58 3.3%	57 3.3%
American Indian/Alaskan Native	2,578 71.1%	898 24.1%	15 0.4%	4 0.1%	69 1.9%	35 0.9%	26 0.7%
Black or African American	1,679 85.0%	270 13.6%	0 0.0%	1 0.0%	11 0.5%	9 0.4%	4 0.2%
Hispanic	35,251 70.8%	11,444 22.9%	252 0.5%	98 0.2%	1,245 2.5%	848 1.7%	647 1.3%
Native Hawaiian or other Pacific Islander	48 77.4%	10 16.3%	0 0.0%	0 0.0%	3 4.8%	1 0.6%	0 0.0%
Two or More Races	4,213 90.7%	310 6.6%	14 0.3%	7 0.1%	51 1.1%	21 0.4%	25 0.5%
White	15,067 95.0%	615 3.8%	41 0.2%	7 0.0%	52 0.3%	34 0.2%	29 0.1%

Table 18, cont.

Note. IFEP = Initially Fluent English Proficient; EL = Current English learner; Exited = Year reclassified fluent as English proficient.

Table 19

Number and Percent of Student in Each Special Education Setting by Race/Ethnicity in 2018-2019

SPCD Setting	Race/Ethnicity						
	Asian	Black or African American	White	Hispanic	American Indian/Alaskan Native	Native Hawaiian or other Pacific Islander	Two or More Races
Setting 1	41 35.9%	96 25.3%	678 28.8%	2,415 24.6%	179 19.7%	2 22.2%	199 22.0%
Setting 2	38 33.3%	152 40.1%	913 38.7%	4,583 46.8%	458 50.4%	3 33.3%	424 46.9%
Setting 3	30 26.3%	124 32.7%	659 27.2%	2,670 27.2%	266 29.3%	3 33.3%	268 29.6%
Correctional Facility	0 0.0%	1 0.2%	5 0.2%	7 0.0%	0 0.0%	0 0.0%	1 0.1%
Homebound/Hospital	0 0.0%	2 0.5%	7 0.3%	23 0.2%	 0.2%	1 11.1%	2 0.2%
Private School	5 4.3%	3 0.7%	66 2.8%	80 0.8%	1 0.11%	0 0.0%	6 0.6%
Residential Facility	0 0.0%	1 0.2%	16 0.6%	7 0.0%	2 0.2%	0 0.0%	2 0.2%
Separate School	0 0.0%	0 0.0%	10 0.4%	7 0.0%	0 0.0%	0 0.0%	2 0.2%

Table 19, cont.

Pearson chi2(42) = 273.8955 Pr = 0.000

Note. SPCD = special education setting. Setting 1 = general education 80% or more of the day; Setting 2 = general education 40% to 79% of the day; Setting 3 = general education less than 40% of the day.

Additional Analysis

To further investigate intersecting student characteristics, I examined socioeconomic status and disability status. In these comparisons, I included various comparisons across grade levels, participation in Title III, participation in the national school lunch program, race/ethnicity, and primary disability.

Socioeconomic Status.

To analyze socioeconomic status, I first examined the number and percentage of students who did and did not participate in the national school lunch program by grade level. I then compared the frequency of students participating in the national school lunch program and Title III services by grade level. Lastly, I compared participation in the national school lunch program by student race/ethnicity.

Table 20 shows the percentage of students participating in the lunch program by grade level in 2018-2019. The total number of students (N = 53,683) participating in free or reduced lunch was considerably higher than the number of students who were not participating (N = 23,968). In general, the frequency of students receiving free lunch decreased in high school from elementary and middle school grades, and the frequency of students not receiving free or reduced lunch increased in high school. Table 21 shows that of those students eligible for free lunch, 23.7% also participated in Title III programs, a slightly larger percentage than the overall percentage of English learners in the district (22.0%). In comparison, only 4.3% of students not eligible for free or reduced lunch also participated in Title III programs. Lastly, I compared participation in the national school lunch program by district reported race/ethnicity in 2018-2019 (see Table 22). Among Asian students, there was a higher percentage of students not participating in free or reduced lunch (55.4%) than participating (44.4%). There were

considerably more American Indian/Alaskan Native students participating in the free lunch program (82.7%) than not participating (13.6%). Similarly, there were a great deal more Black or African American (78.6%) and Hispanic students (76.1%) participating in free lunch than not participating. In contrast, among White students, there were fewer students (34.7%) participating in the school lunch program than not (62.3%).

Table 20

Number and Percentage of Students Participating and Not Participating in NSLP by Grade Level in 2018-2019

NSLP	Grade Level												
	K	1	2	3	4	5	6	7	8	9	10	11	12
Free lunch	4,176 8.1%	4,281 8.3%	4,399 8.5%	4,502 8.7%	4,766 9.2%	5,078 9.8%	4,277 8.3%	3,978 7.7%	3,951 7.6%	3,485 6.7%	3,240 6.3%	2,739 5.3%	2,562 4.9%
Reduced lunch	134 5.9%	150 0.1%	138 6.1%	139 6.1%	184 8.1%	171 7.6%	202 8.9%	151 6.7%	179 7.9%	223 9.9%	229 10.1%	195 8.6%	154 6.8%
Not free or reduced	1,611 6.7%	1,629 6.7%	1,628 6.7%	1,625 6.7%	1,767 7.3%	1,739 7.2%	1,657 6.9%	1,636 6.8%	1,650 6.8%	2,247 9.3%	2,287 9.5%	2,103 8.7%	2,389 9.9%

Note. The National School Lunch Program (NSLP) is a meal program in public, nonprofit private schools, and residential childcare institutions which is federally funded. K = kindergarten.

Table 21

Number and Percent of Students Participating in NSLP and Title III Programs 2018-2019

NSLP	Title III		
	Yes	No	Total
Free	12,196 (23.7%)	39,238 (76.2%)	51,434 (100%)
Reduced	216 (9.6%)	2,033 (90.4%)	2,249 (100%)
Not free or reduced	1,030 (4.3%)	22,938 (95.7%)	23,968 (100%)

Note. The National School Lunch Program (NSLP) is a meal program in public, nonprofit private schools, and residential childcare institutions which is federally funded. Title III is a federal grant program which provides federal money to states for the education of English learners.

Table 22

Number and Percent of Students Participating and Not Participating in NSLP by Reported Race in 2018-2019

Race/Ethnicity	NSLP		
	Free	Not Participating	Reduced
Asian	663	953	103
	38.5%	55.4%	5.9%
American Indian/Alaskan Native	3,000	496	129
	82.7%	13.6%	3.5%
Black or African American	1,552	372	50
	78.6%	18.8%	2.5%
Hispanic	37,925	10,539	1,321
	76.1%	21.1%	2.6%
Native Hawaiian or other Pacific Islander	33	25	4
	53.2%	40.3%	6.4%
Two or more races	2,760	1,701	180
	59.4%	36.6%	3.8%
White	5,501	9,882	462
	34.7%	62.3%	2.9%

Note. NSLP = National School Lunch Program.

Primary Disability and Race/Ethnicity.

To gain a deeper understanding of the intersecting characteristics of students and primary disability, I examined the percentage of students identified with a disability within each racial/ethnic group (see Table 23). This table shows widely varying rates of identification of students from different racial/ethnic groups, with Asian students the least frequently identified with a disability (6.7%) and America Indian/Alaskan native students the most frequently identified with a disability (25%). Table 24 shows how frequently students with disabilities from different racial/ethnic groups were identified with specific disabilities. This analysis shows that ASD was the most common disability with which Asian (25.5%) and Native Hawaiian or other Pacific Islander (44.4%) students were identified. Students from all other racial/ethnic groups were most identified with SLD.

Table 23

Number and Percent of Students in each Reported Race/Ethnicity Category and Special Education Status in 2018-2019

Race/Ethnicity	SPCD	
	No	Yes
Asian	1,603 (93.2%)	116 (6.7%)
American Indian/Alaskan Native	2,717 (74.9%)	908 (25.0%)
Black or African American	1,594 (80.7%)	380 (19.2%)
Hispanic	39,975 (80.3%)	9,810 (19.7%)
Native Hawaiian or other Pacific Islander	53 (85.4%)	9 (14.5%)
Two or more races	3,733 (80.4%)	908 (19.5%)
White	13,446 (84.8%)	2,399 (15.1%)

Pearson chi2(6) = 425.8947 Pr = 0.000

Note. SPCD = special education.

Table 24

Number and Percent of Students in each Reported Race/Ethnicity Category and Their Primary Disability in 2018-2019

Race/Ethnicity	Primary Disability												
	ASD	DB	DD	ED	HI	ID	MD	OHI	OI	SLI	SLD	TBI	VI
Asian	29	0	3	3	5	1	2	8	2	17	44	0	0
	25.4%	0.0%	2.6%	2.6%	4.3%	1.8%	1.7%	7.0%	1.7%	14.9%	38.6%	0.0%	0.0%
American Indian/Alaskan Native	45	0	51	23	7	40	10	27	0	108	587	6	4
	4.9%	0.0%	5.6%	2.5%	0.7%	4.4%	1.1%	2.9%	0.0%	11.8%	64.6%	0.6%	0.4%
Black or African American	34	0	9	23	6	16	3	41	0	28	218	0	1
	8.9%	0.0%	2.3%	6.0%	1.5%	4.2%	0.7%	10.8%	0.0%	7.3%	57.5%	0.0%	0.2%
Hispanic	547	1	339	317	52	434	129	627	31	600	6,656	27	32
	5.5%	0.0%	3.4%	3.2%	0.5%	4.4%	1.3%	6.4%	0.3%	6.1%	67.9%	0.2%	0.3%
Native Hawaiian or other Pacific Islander	4	0	0	0	0	0	0	1	0	1	3	0	0
	44.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	11.1%	0.0%	11.1%	33.3%	0.0%	0.0%
Two or More Races	90	0	39	50	4	38	16	87	4	70	497	0	0
	9.9%	0.0%	4.3%	5.5%	0.4%	4.2%	1.7%	9.6%	4.4%	7.7%	54.9%	0.0%	0.0%
White	351	0	91	133	16	86	62	257	23	232	1,087	6	10
	14.9%	0.0%	3.8%	5.6%	0.6%	3.6%	2.6%	10.9%	0.9%	9.8%	46.1%	0.2%	0.4%

Pearson chi2(72) = 799.9342 Pr = 0.000

Table 24, cont.

Note. Primary disability as determined in the IEP or MDT. ASD = Autism; DD = Developmental Delay; ED = Emotional Disturbance; HI = Hearing Impairment; MD = Multiple Disabilities; OHI = Other Health Impairment; OI = Orthopedic Impairment; SLI = Speech or Language Impairment; SLD = Specific Learning Disability; TBI = Traumatic Brain Injury; VI = Visual Impairment.

Chapter 5

Discussion

The purpose of this study is to investigate issues of educational equity for culturally and linguistically diverse students with ASD, DD, ID, MD, or TBI in a large southwestern school district during the 2018-2019 school year by analyzing: (a) the identification of these students as English learners; (b) their access to Title III services; and (c) the instructional settings in which they are educated. The following research questions guided my research:

1. How did the rate of identification and enrollment (number/percentage of students enrolled) in Title III services for English learners who were identified with ASD, DD, ID, MD, or TBI compare to the rate of identification and enrollment of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?
2. How did the rate of access to different education settings for students who were identified with ASD, DD, ID, MD, or TBI compare to rate of access of other English learners in these programs who were (a) identified with other disabilities and (b) not identified with disabilities?
3. How did the rate of access to different education settings compare for students with disabilities according to different student characteristics (e.g., English learner status, race/ethnicity, identified disabilities, eligibility for alternate assessment, gender, and socioeconomic status)?

In chapter one I asserted that teachers, administrators, and district personnel must recognize that educational equity is paramount for students who are culturally and linguistically diverse with ASD, DD, ID, MD, or TBI. In this research, I investigated access to Title III services for this group of students who are often overlooked when it comes to

receiving these services in addition to special education services (de Valenzuela et al., 2016; de Valenzuela et al., 2021; Kangas, 2014; Lopes-Murphy, 2020). In chapter four, I sought to understand access to Title III services by comparing services received by students identified with ASD, DD, ID, MD or TBI as compared to students identified with other disabilities and those not identified with disabilities. To do this, I explored identification and enrollment in Title III services, setting and access, and comparisons between student characteristics. As I discussed in chapter one, I employed both DisCrit and the lens of intersectionality to guide my analysis. Although this analysis is not fully intersectional, I did use the lens in a general sense in the interpretation of results. Further analyses drawn from this dissertation research will, however, include a more in-depth intersectional analysis. Using the theoretical perspective of DisCrit allowed me to analyze issues of educational equity to identify school policies and practices that may be attributing to injustice for students who are culturally and linguistically diverse who may need more complex supports. Furthermore, although this analysis did not include in-depth components of intersectionality, this lens allowed me to reflect on intersecting social categorizations and the relationship between services to which these students might be entitled. Future analyses drawn from this dissertation research, will more fully include the tenets of intersectionality, however. In addition, it is important that though I intended on using alternate assessment as a proxy for students with complex support needs, I was not able to do so because of discrepancies in alternate assessment data. Because terms are ever-changing and complicated, in this chapter I refer to the specific disability labels as well as the cluster of disabilities, ASD, DD, ID, MD or TBI, who likely include those who have complex support needs. In the next section, I discuss the results related to my research questions as well as minimal federal requirements, implications for policy and

practice at the state, district, school level, and reform in this chapter. I also discuss limitations of this study and implications for future research.

Summary of Results

The results overall suggest that in the 2018-2019 school year students in the district identified with ID and MD may have been less frequently identified as English learners, parents of children identified with ASD, DD, ID, MD, or TBI were more likely to opt out of Title III services, and English learners with a disability were less likely to be re-designated as fluent in English. Additionally, English learners identified with ASD, ID, and MD, which may indicate the need for more complex supports, were placed in the most segregated special education setting at a high rate. Students with other disabilities, such as ED, OI, and VI were also placed in the most segregated setting. Furthermore, slightly more male students were placed in the most segregated setting; Asian students were mostly placed in the least segregated setting; overall there were more students participating in Title III services and free and reduced lunch than not participating; and American Indian/Alaskan Native, Black or African American, and students identified as Two or more races had the highest percentage of students identified with a disability than other race/ethnicity groups. In the next sections, I will discuss these results further.

Question 1: Identification and Enrollment in Title III Services

The purpose of Title III federal funding is to provide states resources to support programs for English learners. The use of this funding is tracked through district and state reporting of the number of English learners in each state and whether those students are reaching proficiency in English. When a student reaches proficiency in English, ideally, they are redesignated and exit Title III programs. The first step in supporting these students is

identifying who needs assistance by assessing their level of English proficiency. However, my analyses in conjunction with published literature suggest that gaps may exist in the identification process for some students with disabilities. In addition, parents have the legal right to opt out or opt out of Title III services. The results of this study suggest that parents of children identified with ASD, DD, ID, MD, or TBI in this school district were more likely to opt out of Title III services for their child, raising the question as to why this might be the case. The extant literature suggests that special education services often take precedence over Title III services especially for students who may need more complex supports (de Valenzuela et al., 2016; Kangas, 2014, 2017). Furthermore, de Valenzuela et al. (2016) found it is often left up to parents to ensure that their child receives English language assistance. Additionally, the results reported in this dissertation suggest that students who were both identified as English learners and with a primary disability that often indicates more complex support needs may be less likely to exit out of Title III services. In the next section, I discuss my findings further regarding: (a) primary home language other than English, (b) parent refusal, and (c) exiting Title III services.

Primary Home Language Other Than English.

My analysis revealed that 22% of students in the district were identified as having a primary home language that was not English. It is important to note that there appeared to be discrepancies in the data when I analyzed the number and percentage of students with and without a primary home language other than English and those participating and not participating in Title III services across disability categories. Review of the results suggested that number of students participating in Title III was higher for students identified as ASD, DD, ED, HI, OHI, OI, SL, SLD, and TBI than the number of students identified as having

another primary home language other than English. These numbers should not differ in this way but should be either equal or less and not more, however further analysis is needed to identify whether these differences observed are significant. For example, of students identified with ASD, there were 177 students who participated in Title III as compared to only 137 native English speakers. It was also interesting that the data suggested there were less students identified as participating in Title III than students identified with a primary home language other than English for students identified with ID and MD, however, this may be due to the way the data was compiled in the dataset I received from the district. For example, there were 124 students identified as participating in Title III as compared to 157 students with a primary home language other than English identified with ID. The reason for these discrepancies in the data are unknown. Possible reasons may be that the data for primary home language other than English was incorrect possibly due to changes in the Home Language Usage Survey throughout the years. It may also have been that the IEP team during the IEP process decided it was warranted to have students assessed for language proficiency for the groups that were overidentified as participating in Title III. Additionally, it may also be that some students were wrongly identified as receiving Title III services.

The results of this research also suggest that doing analysis at this granular level is paramount because it uncovers inconsistencies in the data that may otherwise go unnoticed, which also reveals the importance of using disaggregated district level data. Moreover, it calls into question the validity of federal data which relies on the accuracy of district level data.

The results also suggest that students identified with ID and MD, labels that may indicate some students within this category needed more complex supports, may have been

less frequently identified as English learners than students with other disabilities thus suggesting a difference between students' disability and the services they receive. This is consistent with prior research that found students' disability status impacted their participation in Title III services. For instance, Romero (2015) found that students not identified with a disability had more access to Title III services, such as ESL and bilingual education, than students not identified with a disability. Romero's study identified a key breakdown in the identification process; while there was not a significant difference in the frequency of students whose parents reported a non-English primary home language between students identified with disabilities and those who did not have an identified disability, there was a higher percentage of students without disabilities identified as English learners than those who were not identified with a disability. Furthermore, Romero found evidence that students identified with some disability labels, especially ID, were significantly less likely to have access to Title III services than students with other disabilities, such as SLD and SLI.

Parent Refusal of Title III Services.

An internal document provided by district personnel identified legal regulations that specified English learners must be provided Title III services as well as special education services for English learners with disabilities. The document also stated parents have the right to decline Title III services for their child. The document contained the following text in bold and highlighted wording: "LEAs may not recommend that a parent opt a child out of EL programs or services for any reason." Yet, results of this research suggested that English learners identified with all disabilities were more likely to have parents who opt out than English learners without an identified disability. Furthermore, parents of students identified with ASD, DD, ID, MD, or TBI were more likely to opt-out of Title III services for their

child as compared to parents of students with other disabilities. These results suggest that, despite this clear district guidance, schools within this district may not be following these guidelines, especially for English learners who may have complex support needs. Additionally, overall English learners identified with a disability were more likely to have parents who opted-out of Title III services than English learners without an identified disability. The guidance provided to schools by the district stated that although parents may choose to opt out of Title III services for their child, the child must be assessed each year for proficiency in English until they reach minimum required score. This expectation reveals that although parents may have opted-out from Title III services, school personnel were still responsible for assessing and supporting English proficiency for these students.

The finding that more parents of students with ASD, DD, ID, MD or TBI opted-out of Title III services for their child is especially troubling for several reasons and is consistent with previous research. First the results may suggest that parents of students who are identified as English learners may also be less than fully proficient in English and therefore, may have experienced barriers in communication with school personnel (Rosetti et al., 2020). For example, parents who spoke a home language other than English may have failed to receive translated copies of documents or may have had limited access to staff who spoke their language (Rosetti et al., 2020). Furthermore, parents may have been encouraged to opt-out of English language assistance services for their child (Romero, 2015) possibly due to scheduling difficulties or the assumption that disability-based needs are more educationally salient than special education services (de Valenzuela et al., 2016; Kangas, 2014, 2017). This may also reveal the assumption that special education services duplicate or sufficiently address students' English language development needs.

Exiting English Language Assistance.

Review of the district document were used for my understanding of policies and practices for exiting English learners from English language assistance in relation to my results. For example, according to the district-provided document, if a potential English learner is administered the language proficiency screening test and scores above the specified qualifying range, the student is designated as initially fluent English proficient and does not require Title III services. However, if potential English learners are identified as English learners based on the screener, they must be assessed annually to determine what services should be provided. Additionally, according to district guidance, when English learners meet a composite score of 5.0 or higher, the student is re-designated and exit Title III services. These students are reclassified as fluent English proficient.

These results suggest that English learners identified with a disability were less likely to be re-designated as fluent in English as compared to English learners without an identified disability. For example, 89.9% of English learners redesignated as proficient in English after the first year of Title III services did not have a disability. It appeared that fewer English learners identified with a disability were shown as achieving English proficiency and the percentage of students exiting drastically decreased as years progressed for this group, while the percentage of students redesignated increased for English learners not identified with a disability. However, further analyses needs be conducted to determine whether this observed trend was like comparisons documented in the provided district document. For example, a comparison of historical data for detailing district exiting rates from 2016 to 2020 may be warranted. The district document noted that an increased number of students had exited each year since 2016. Although exit comparisons provided in the document showed that there was

an increase in redesignations, which may or may not be considered an improvement, it is important to recognize this study suggests that there was a difference between the proportion of students who exit who are not identified with a disability as compared to those identified with a disability. This comparison was not provided in district document, however, and in my view, is needed to uncover whether exit rates for these students is of concern. Furthermore, comparisons provided in the district document, charts, and guidance information only referenced non-alternate English language proficiency assessment data. It appeared the document contained no information about accommodation supports for students identified with a disability when taking the English language proficiency assessment, nor guidance or comparison of data for the alternate version of the test. Research has shown that a lack of alignment of policies and inconsistencies may be an issue nationwide. For instance, de Valenzuela et al. (2022) found that inconsistencies and lack of publicly available guidance from state public of education departments on alternate language proficiency assessment requirements and redesignation policies was an issue throughout the United States and cannot be ignored.

Question 2: Setting and Access

Laws such as IDEA set parameters for instructional setting and student placement. For example, the individual needs of students should be considered and must be in the least restrictive environment. The Office of Civil Rights provide detailed guidelines in memorandums such as the memo in 1970 that clearly states English learners must be supported and included in classroom instruction. Additionally, the United States Supreme Court case Lau V. Nichols (1974) upheld the 1970 memorandum guidance that children who do not speak English are entitled to a meaningful education and should have an equal

opportunity to access instruction. Despite this guidance, research has shown that some groups of students, especially students identified with a disability or those who are culturally and linguistically diverse, have been educated in the most restrictive instructional settings (Agran et al., 2020; de Valenzuela et al., 2016; Gee et al., 2020; Kangas, 2014; Kurth et al., 2014; Ryndak et al., 2014; Stockard, 2020; White et al., 2019). I discuss findings in this section by addressing: (a) special education settings and primary disability and (b) access to Title III services.

Special Education Settings.

I analyzed the relationship between the type of disability and special education settings. Setting 1 corresponds to placement in general education classrooms for at least 80%, setting 2 to student educated in general education classroom for 40% to 79% of the day, and setting 3, the most segregated placement within neighborhood schools corresponds to students educated apart from their general education peers for 60% or more of the day. Results from this dissertation research suggest that of the disability groups I focused on in this research, students identified with ASD (59.8%), ID (80.3%), and MD (86%) received instruction in the most segregated special education setting, spending less than 40% of the day in the general education classroom. Of students with other disabilities, results suggested that students identified with ED (51.5%), OI (46.6%), and VI (38.7%) were mostly placed in this setting as well. However, 55.8% of students identified with SLD were educated in setting 2 and most students identified with SLI (62.8%) received instruction in setting 1. These findings align with research about special education placement which suggest that some groups of students are disproportionately educated in segregated settings (Agran et al., 2020; de Valenzuela et al., 2016; Gee et al., 2020; Kangas, 2014; Kurth et al., 2014; Ryndak et al.,

2014; Stockard, 2020; White et al., 2019). Additionally, Williamson et al. (2020) studied placement rates from 1990 to 2015 and found that some groups of students, such as students identified with ID, were placed in more segregated settings at a higher rate than other students identified with other disabilities.

Access to Title III services.

My comparison of the number of students who were English learners with primary disability and the type of special education setting where they received instruction revealed there may be differences in the special education setting students are placed in based on the type of disability they are identified with. For example, English learners identified with ASD (60%), ID (81.2%), and MD (100%), appeared to be most frequently placed in setting 3, which is the most segregated setting. However, English learners with DD (51.6%) and TBI (42.8%) appeared to be mostly placed in setting 2, which was not as restrictive. Students with other disabilities who also appeared to be placed in the most segregated setting included students with ED (55.5%), OI (71.4%), and VI (100%). While English learners identified with HI (53.8%) and OHI (51%) were mostly placed in setting 2. In comparison, the group of English learners identified with SLI (58.6%) and SLD (71.1%) were mostly placed in setting 1, which is the least restrictive setting. This again revealed that students identified with some disabilities received instruction in the most segregated setting, although they were identified as English learners and were participating in Title III. It is important to note that although the district document highlighted guidance from the Office of Civil Rights (1970, 2015) and the fact sheet from the U.S. Department of Justice and U.S. Department of Education (2015) that contains guidelines for including all English learners in education programs equally, these analyses suggest that there may still be inequities for some students.

These results also suggest that there may not be alignment with district guidance and what is happening in schools in the district. For example, the document provided by the district used the terms “separate and apart” to explain that English language development instruction for English learners should receive English language development instruction unique from instruction received by their peers not identified as English learners. Additionally, the guidance included, in underlined letters, that students identified as English learners should not be “physically segregated” from their peers to receive English language development instruction. However, the district guidance seemed to encourage that students receiving “level D” funding for special education would be better served in the most segregated educational setting for English language assistance while in contrast students in from funding levels A, B, and C should receive these services in less restrictive environments. Thus, the district personnel may need to re-visit this guidance to support all English learners in a meaningful and inclusive way. In addition, further analysis should be conducted to understand the significance of the difference.

Question 3: Analysis of Relationships Between Student Characteristics

In this next section, I discuss the access to different education settings and how settings may differ based on student characteristics. First, I explored (a) gender and setting, (b) race/ethnicity and setting, (c) socioeconomic status, and (d) primary disability.

Gender and Setting.

I analyzed the relationship between gender and type of special education setting. There appeared to be very little difference between the percentage of males and females placed in special education settings 1 and 2. The largest difference between males and females was in the most segregated setting. Slightly more males than females were

instruction in the setting 3, males (30.3%) and females (23.6%). This finding is consistent with prior research. For example, López (2002) found that a gender gap may exist between male and female students in education. Similarly, many studies (e.g., Blanchett, 2006; Chinn & Hughes, 1987; de Valenzuela et al, 2006; Harry & Anderson, 1994; Sacks, 2019) found that African American males were overrepresented in special education.

Race/Ethnicity and Setting.

The analyses of race/ethnicity and setting suggest that racial/ethnic background is an important factor to look at in trying to understand placement in special education setting. I compared special education settings by race/ethnicity. Asian students (35.9%) identified with a disability appeared to be most frequently placed in setting 1, as compared to setting 2 (33.3%) and setting 3 (26.3%). In contrast, Black or African American (40.1%), Hispanic (46.8%), White (38.7%), and American Indian/Alaskan Native (50.4%) students identified with a disability seemed to be mostly placed in setting 2. These data suggest that there may have been some improvement in disproportionality since the de Valenzuala et al. (2006) study. For example, those authors found that students from minoritized groups, including English learners, were overrepresented in the most segregated special education setting. Despite these advancements, results from this analysis suggest that students from some race/ethnicities may still be overrepresented in more segregated placements. This also aligns with findings from Skiba et al., (2006a) that suggest students from minoritized populations, such as African American students, are disproportionately underrepresented in less restrictive special education settings. Therefore, perhaps it would be important to conduct further analysis to clarify findings from this dissertation research and determine the extent of disproportionality.

Socioeconomic Status.

As explained in previous chapters, I used participation in the National School Lunch Program to investigate socioeconomic status, though this is not and ideal proxy for this comparison. I compared participation in the school lunch program and Title III to understand the relationship of student participation in these two programs. It appeared that a much higher number of students (N = 53,683) in Title III services participated in in free and reduced lunch than those not participating (N = 23,968). The number of students participating in free and reduced lunch seemed to be the highest in the elementary years and lowest in the middle school and high school years. Overall, these data suggest that a high number of English learners may be at or below the Federal poverty level because of their participation in the free lunch program. Additionally, comparisons by race/ethnicity suggest that American Indian/Alaskan Native (82.7%), Black or African American (78.6%), and Hispanic (76.1%) participated in the free and reduced lunch program at a higher rate than students from other race/ethnicity groups. For example, there were less Asian (44.4%) and White (34.7%) students participating in the free and reduced lunch program than not participating. These findings appear to be consistent with current research. For example, White et al. (2019) examined the intersections of race, student placement, socioeconomic status, and disability labels in a school district. Their spatial analysis showed that students from diverse racial backgrounds, low-income households, from some disability categories were placed in the most segregated settings. They connected this finding to historical redlining in which financial services were restricted due to race/ethnicity.

Primary Disability/Race Ethnicity.

Analysis of race/ethnicity suggest that American Indian/Alaskan Native (25%) were most frequently identified with a disability (25%) as compared to Asian students (6.7%). Similarly, extant research suggests that some groups of students have been disproportionately represented in special education (Artiles et al., 2005; de Valenzuela et al., 2006; Dyson & Gallannaugh, 2008; Harry et al., 2005; Hosp & Reschly, 2004; Klingner et al., 2005; Skiba et al. 2008). Comparisons of race/ethnicity across primary disability categories suggest that there were a high number of Hispanics in each of these primary disability groups, except for ASD. Students identified with ASD had a higher number of students with a reported race of White and a much higher percentage of Asian students. The higher number of Hispanic students found is consistent with the demographic make-up of the district student population, however it raises other questions such as whether certain minority groups may be disproportionately overrepresented or under-represented in special education.

Discussion of Results

The results of this study suggest that there is much more work that should be done to more fully promote equitable access to Title III services and more inclusive placements for students who are culturally and linguistically diverse who may have complex support needs. It is important to consider these results in the purview of systematically putting theory into practice. In the next section, I tackle the implications for policy and practice at all levels from the national to school level. I also offer ideas for reform and change to address challenges.

Implications for Policy and Practice

Results from this study have implications for policies regarding identification and enrollment, placement, and ultimately the English language assistance services that English learners receive, especially for students who are culturally and linguistically diverse

identified with those disabilities most likely to include students with complex support needs. In the next section, I discuss minimal legal requirements at the (a) national level; (b) state, district, and school levels; and (c) reform.

Federal and State Minimal Legal Requirements

Federal law such as IDEA (2015), provide guidance that districts, states, and schools must follow. For example, the right for students with disabilities to have a free and appropriate education in the least restrictive environment. ESSA (2015) placed more opportunities for decision making to states for serving English learners, for instance language proficiency assessment and tracking English proficiency progress. Additionally, the English Language Acquisition, Language Enhancement, and Academic Achievement Act (2001) set parameters for Title III funding states must follow. For example, assuring English learners reach English proficiency, succeed academically, reach state standards, that assistance is provided for teachers and school administration in implementing effective Title III services in all English instructional settings, and including parents and community in these programs. Furthermore, the Office of Civil Rights is vested with the task of overseeing that these laws and regulations are met, for example guidance in the 1970 and 2015 memorandums for serving English learners. The Office of Civil Rights (1970) memo specifies that special education services should not replace Title III services and students should have access to instruction with their peers. The 2015 memo stated that qualified teachers should provide meaningful educational instruction of English in inclusive settings with the goal of guiding students to reach proficiency in English.

The results of this study also suggest that some federal requirements are may not be met and recognized by the district. For example, there is a process for identifying and

enrolling students in Title III services as described in the internal document the district provided. However, there is evidence in the data that students identified with ASD, DD, ID, MD, or TBI may not have been provided the same access to Title III services as students identified with other disabilities or not identified with a disability in 2018-2019 due to the high rate of parents opting out of services. Additionally, the settings where these students received instruction were less inclusive. These findings appear to align with current research. For example, in a study by de Valenzuela et al. (2022), the authors identified that there is a disconnect between federal regulations and state practices, especially for students with a non-English home language and who would require administration of an alternate language proficiency assessment. Kangas (2018) stated that

> although the federal government has documented that schools are instating policies of providing only one set of services, such as special education or EL supports, there is little understanding as to why this practice persists in spite of educational laws and policies (p. 877).

Additionally, despite the research on the positive impacts of educating all students in less restrictive environments (Kurth et al., 2014; Gee et al. 2020, Ryndak et al., 2014), results from this study suggest that students with more complex support needs may not be receiving the benefits of less restrictive classroom settings.

There have been recommendations in research about how to remedy for more full compliance of federal regulations. For example, Kurth et al. (2014) recommended that states set clear goals to reduce restrictive environments to change district policies and practice that have remained unchanged. Gill and Nanayakkara (2020) contended that issues such as disproportionality have shown that the problem of underserving English learners is not

getting better. Which, according to the authors, may be due to the lack of compliance with federal laws or that data is not closely scrutinized to show if laws are being followed by states and districts.

This research has brought to light that making comparisons in disaggregated data, may uncover issues that should be addressed. In the next section, I will discuss the results further in relation to district and school level policies and practices to more critically probe areas of inequity.

District and School Level Policies and Practices

The findings of this study suggest that students who are culturally and linguistically diverse with ASD, DD, ID, ID, MD, or TBI may be falling through the cracks and not receiving the equitable educational services, especially access to Title III services. This study also showed there may be problems with processes used to identify if some students, especially students identified with ASD, DD, ID, MD, or TBI, may need Title III services. For example, there may have been no English language proficiency screener used for students who qualified to take alternate assessments due to the lack of an alternate screener for this population. According to district representatives, all students, including students eligible for alternate assessments, took the regular WIDA ACCESS screener. Because of this, some students, especially those who may have complex support needs, may have been over or under identified as English learners (de Valenzuela, et al., 2022). Further analysis may be needed to further clarify results. The results from this research also suggest there may be differences of identification rates between students identified with ASD, DD, ID, MD, or TBI, other disabilities, and students not identified with a disability especially in recognizing potential English learners. There was also evidence that there was a difference in access to

Title III services between these groups. Furthermore, the results also suggest that parents of students with ASD, DD, ID, MD, or TBI may be more likely to opt out of Title III services for their child even though they may have been identified as a potential English learner by the district. District policies to serve English learners and students who are culturally and linguistically diverse appeared to be inconsistent with the federal regulation cited in the district policy document. For instance, policies for serving students who are culturally and linguistically diverse who may have complex support needs were absent from the guidance document provided by the district, such as policies for identifying potential English learners with alternate English proficiency assessments, tracking English language proficiency, accommodations and modifications for English language proficiency assessments, guidelines for implementing and screening alternative language proficiency assessments, and policies for exiting students from Title III services. Furthermore, the guidance that was provided appeared problematic because it supported providing Title III services in more segregated settings, for example referring to students as "D – level".

Results from statistical analysis suggested that some students who may have complex support needs may not have the same access to the less segregated special education settings as students identified with other disabilities or their typically developing peers. Furthermore, English learners identified with ASD and MD appear to have been educated in the most restrictive setting. Furthermore, intersecting student characteristics explored in this research such as gender, race/ethnicity, and socioeconomic status seem to have impacted student access to less restrictive education settings and Title III services as suggested by the results. For example, more males than females were educated in more restrictive special education settings across all grade levels. American Indian/Alaskan Native students were mostly

educated in setting 1, which is the most segregated setting. Additionally, American Indian/Alaskan native students were most frequently identified with a disability as compared to other race/ethnicity groups which suggests students from this racial/ethnic group may be disproportionately identified as having a disability in the district. Further analysis of this finding should be explored to understand reasons this group may have been overidentified as having a disability. Furthermore, results of this study also suggested that a considerably higher percentage of students receiving Title III services also participated in free or reduced lunch. Thus, a high percentage of English learners may have also experienced inequities in access to financial resources to support their learning.

Reform

There are many reasons for reform at all levels from the federal to the school level to support educational equity for these students. For example, less access to Title III services and instruction to more segregated settings may have been due to broad guidance at both the state and federal level. Broad directives at the state level may make it difficult for districts and schools to serve these students (de Valenzuela et al., 2021; Grassi & Barker, 2010). Personnel from schools may have difficulty communicating with families from diverse backgrounds (Rossetti et al., 2020). Lack of translated copies of documents, lack of interpreters, or difficulty coordinating schedules and IEP collaboration (Hoover & Patton, 2017) with diverse families may cause school personnel to encourage parents to opt out of Title III services for their child (Romero, 2015; Rossetti et al., 2020). Misinformed perceptions and deficit perspectives about what students who may have complex support needs can and cannot do may have driven educational decisions and more restrictive placements (Agran et al., 2020). Negative views about cultural, communication, and

language experiences for students may also compound the problem (Orlando & de Valenzuela, 2018). Laws and regulations may also have been implemented by in a way that did not support inclusive practices (Ryndak et al., 2014). Lack of understanding of the power of inclusion and research that has shown students make great strides academically and socially when they are in less segregated settings (Gee et al., 2020; Kurth et al., 2014; Ruppar et al., 2020) may be influencing placement and English learner identification decisions and processes. Additionally, inadequate teacher and administrator training may have been a part of the problem in serving all students equitably (Wang & Woolf, 2015). These and other issues, such as monolingual and ableist bias perspectives (Kangas, 2021), may have also been underlying factors which has caused these students to be over-looked. Although the task of reform may seem daunting, I am hopeful that this study has uncovered areas of growth and reform to guide districts to better serve this group of students as well as areas for further exploration and analysis. Therefore, it may be useful for districts to probe policies and procedures for English learner identification processes and special education placement decisions for students who are culturally and linguistically diverse who may have complex support needs. District policy documents should include clear guidance for how to serve these students in schools. Professional development should also include ways to better serve all students. Aggressive reform to tackle placement decisions and policies should be revamped to ensure at least minimal legal requirements are met by districts and schools. The idea that because students who are culturally and linguistically diverse with complex support needs is such a small percentage of students in the district should not be used as an argument for keeping the status quo.

Limitations of the Study

Because Language Usage Survey data provided by the district had discrepancies, analysis of identification procedures for the district was limited. Data that represented primary home language other than English was inconsistent with the number of students receiving Title III services. The reason for these discrepancies may have been due to a transition from the previous survey to the current version. Because I was only using data provided by the district, I was not able to fully understand the identification process for students who are culturally and linguistically diverse who may have complex support needs. Interviews, observations, and information from student IEP documents may have helped to fill that gap. Additionally, historical Language Usage Survey data may have clarified missing data. Because all data for the English language proficiency assessment used by the district, WIDA ACCESS and Alternate ACCESS, was not included, I was not able to analyze assessment data. Although I was provided exit rates for students, the comparison of exit rates would have been more meaningful with the complete data from WIDA. Additionally, the process for allocating students to take alternate assessments is also a limitation of this study. Due to inconsistencies, it was very difficult to clearly understand district policy for allocating students to take alternate assessments, especially alternate English language proficiency assessments. Lastly, a more complex statistical analysis is warranted to more fully understand the inequities that may exist.

Implications for Future Research

Future research should include a deeper analysis of Language Usage Survey data at the district level to delve further into the identification process of students who are culturally and linguistically diverse who may have complex support needs. Additionally, analysis of the English learner identification process from potential English learner status to the language

proficiency screener assessment for potential English learners eligible to take alternate assessments is also warranted. Interviews with parents and staff about the identification process would also help to clarify issues with processes and procedures for these students. Additionally, detailed information on IEPs, alternative services, and comprehensive diagnostic testing results, for example, assessment of English language proficiency assessment data for all English learners should be studied. Future research should also include an assessment of instructional practices used with students who are culturally and linguistically diverse with complex support needs. This dissertation research has the potential of expanding to a much larger granular analysis of disaggregated data from districts with the highest English learner populations in the United States.

Appendices A

CLD – culturally and linguistically diverse

EEOA – Equal Education Opportunities Act of 1974

ELD – English Language Development

EL – English Learner

ESEA – Elementary and Secondary Education Act of 1965

ESL – English as a Second Language

ESSA – Every Student Succeeds Act

FEP – Fully English Proficient

IDEA – Individual with Disabilities Education Act

IEP – Individualized Education Program

IFEP – Initial Fluent English Proficient

LEP – Limited English Proficient

LOTE – Language Other Than English

NSLP – National School Lunch Program

OCR – Office of Civil Rights

PHLOTE – Primary Home Language Other Than English

RFEP – Reclassified Fluent English Proficient

SPED – Special education

STARS – Student Teacher Accountability Reporting System

TESOL – Teaching English Speakers of Other Languages

W-APT – WIDA English language proficiency screening test

WIDA – World – class Instructional Design Assessment

References

Abulela, M. A. A., & Harwell, M. (2020). Data analysis: Strengthening inferences in quantitative education studies conducted by novice researchers. *Educational Sciences: Theory & Practice*, *20*(1), 59–78. https://doi.org/10.12738/jestp.2020.1.005

Acker, J. (2006). Inequality regimes: Gender, class, and race in organizations. *Gender & Society*, *20*(4), 441–464. https://doi.org/10.1177/0891243206289499

Agran, M., Jackson, L., Kurth, J. A., Ryndak, D., Burnette, K., Jameson, M., Zagona, A., Fitzpatrick, H., & Wehmeyer, M. (2020). Why aren't students with severe disabilities being placed in general education classrooms: Examining the relations among classroom placement, learner outcomes, and other factors. *Research and Practice for Persons with Severe Disabilities*, *45*(1), 4–13. https://doi.org/10.1177/1540796919878134

Albuquerque Public Schools. (2021). Student information systems (SIS). Retrieved on July 10, 2021, from https://www.aps.edu/student-information-systems-sis

Alison, C., Root, J. R., Browder, D. M., & Wood, L. (2017). Technology-based shared story reading for students with autism who are English-language learners. *Journal of Special Education Technology*, *32*(2), 91–101.

American Association on Intellectual and Developmental Disabilities. (Ed.). (2010). *Intellectual disability: Definition, classification, and systems of supports* (11th ed). American Association on Intellectual and Developmental Disabilities.

Anfara, Jr., V. A., & Mertz, N. T. (2006). Introduction. In V. A. Anfara, Jr. & N. T. Mertz (Eds.), *Theoretical frameworks in qualitative research* (pp. xiii-xxxii). Sage.

Annamma, S. A., Ferri, B. A., & Connor, D. J. (2018). Disability critical race theory: Exploring the intersectional lineage, emergence, and potential futures of DisCrit in education. *Review of Research in Education*, p. 46-71.

Ares, N., Buendía, E., & Helfenbein, R. (Eds.). (2017). *Deterritorializing/reterritorializing*. Sense Publishers. https://doi.org/10.1007/978-94-6300-977-5

Artiles, A. J., Rueda, R., Salazar, J. J., & Higareda, I. (2005). Within-Group diversity in minority disproportionate representation: English language learners in urban school districts. *Exceptional Children*, *71*(3), 283–300. https://doi-org.libproxy.unm.edu/10.1177/001440290507100305

Artiles, A. J. (2011). Toward an interdisciplinary understanding of educational equity and difference: The case of the racialization of ability. *Educational Researcher*, *40*(9), 431–445. https://doi.org/10.3102/0013189X11429391

Artiles, A. J., Kozleski, E. B., Trent, S. C., Osher, D., & Ortiz, A. (2010). Justifying and explaining disproportionality, 1968–2008: A critique of underlying views of culture. *Exceptional Children*, *76*(3), 279–299. https://doi.org/10.1177/001440291007600303

Artiles, A. J. & Zamora- Durán, G. (1997). Reducing disproportionate representation of culturally diverse students in special and gifted education. *Council for Exceptional Children.*

Baca, B., & Baca, E. (2004). Bilingual special education: A judicial perspective. In L. Baca & H. Cervantes (Eds.), *The bilingual special education interface* (pp 77-99). Pearson.

Baca, L., & Cervantes, H. T. (1998). *The bilingual special education interface* (3rd ed.). Merrill.

Baca, L., & Bransford, J. (1982). *An appropriate education for handicapped children of limited English proficiency.* ERIC Clearninghouse on Handicapped and Gifted Children.

Baca, L., & Council for Exceptional Children, R. V. (1980). *Policy options for insuring the delivery of an appropriate education to handicapped children who are of limited English proficiency*.

Bal, A., Betters-Bubon, J., & Fish, R. E. (2019). A multilevel analysis of statewide disproportionality in exclusionary discipline and the identification of emotional disturbance. *Education and Urban Society*, *51*(2), 247–268. https://doi.org/10.1177/0013124517716260

Ballard, S. L., & Dymond, S. K. (2017). Addressing the general education curriculum in general education settings with students with severe disabilities. *Research and Practice for Persons with Severe Disabilities*, *42*(3), 155–170. https://doi.org/10.1177/1540796917698832

Barrett, C. A., Stevenson, N. A., & Burns, M. D. (2020). Relationship between disability category, time spent in general education and academic achievement. *Educational Studies, 46*(4), 497-512.

Bernal, E. M. (1983). Trends in bilingual special education. *Learning Disability Quarterly*, *6*(4), 424–431. https://doi.org/10.2307/1510529

Bevan-Brown, J. (2001). Evaluating special education services for learners from ethnically diverse groups: Getting it right. *JASH, 26*(3), 138-147.

Bischoff, K. (2008). School district fragmentation and racial residential segregation: How do boundaries matter? *Urban Affairs Review*, *44*(2), 182–217. https://doi.org/10.1177/1078087408320651

Blanchett, W. J. (2006). Disproportionate representation of African American students in special education: Acknowledging the Role of White Privilege and Racism. *Educational Researcher, 35*(6), 24–28.

Brock, M. E., & Schaefer, J. M. (2015). Location matters: Geographic location and educational placement of students with developmental disabilities. *Research and Practice for Persons with Severe Disabilities*, *40*(2), 154–164. https://doi.org/10.1177/1540796915591988

Bronner, S. E. (2011). *Critical theory: A very short introduction*. Oxford University Press.

Browder, D. M., Root, J. R., Wood, L., & Allison, C. (2017). Effects of a story-mapping procedure using the iPad on the comprehension of narrative texts by students with autism spectrum disorder. *Focus on Autism and Other Developmental Disabilities*, *32*(4), 243–255.

Buchanan, I. (2010). *A dictionary of critical theory*. Oxford University Press.

Cavendish, W., Connor, D., Gonzalez, T., Jean-Pierre, P., & Card, K. (2020). Troubling "The Problem" of racial overrepresentation in special education: A commentary and call to rethink research. *Educational Review, 72*(5), 567–582. https://doi.org/10.1080/00131911.2018.1550055

Cavendish, W., & Samson, J. F. (2021). *Intersectionality in education*: *Toward more equitable policy, research, and practice.* Teachers College Press.

Chinn, P. C., & Hughes, S. (1987). Representation of minority students in special education classes. *RASE*, *8*(4), 41-46.

Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq (1964).

Cloud, N. (1994). Special education needs of second language students. In F. Genesee (Ed.), *Educating second language children: The whole child, the whole curriculum, the whole community* (pp. 243-277). Cambridge.

Collins, P. H. (2009). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment.* Routledge.

Collins, P. H. (2019). *Intersectionality as critical social theory*. Duke University Press.

Connor, D. J., Ferri B. A., & Annamma S. A. (2016). *DisCrit: Disability studies and critical race theory in education.* Teachers College Press.

Copeland, S. R., Keefe, E. B., & Luckasson, R. (2018). Literacy for all. In S. R. Copeland & E. B. Keefe (Eds.), *Effective literacy instruction for learners with complex support needs* (2nd ed., pp. 3-19). Paul H. Brooks Publishing Company.

Corp, A. (2017). Using culturally responsive stories in mathematics: Responses from the target audience. *School Science and Mathematics*, *117*(7–8), 295–306.

Cosier, M., Causton-Theoharis, J., & Theoharis, G. (2013). Does access matter? Time in general education and achievement for students with disabilities. *Remedial and Special Education*, *34*(6), 323–332. https://doi.org/10.1177/0741932513485448

Crawford, J. (2004). No Child Left Behind: Misguided approach to school accountability for English language learners. Retrieved from http://users.rcn.com/crawj/langpol/Crawford_NCLB_Misguided_Approach_for_ELLs.pdf

Cruz, R. A., & Rodl, J. E. (2018). An integrative synthesis of literature on disproportionality in special education. *The Journal of Special Education*, *52*(1), 50–63. https://doi.org/10.1177/0022466918758707

Cummins, J. (1989). A theoretical framework for bilingual special education. *Exceptional Children*, *56*(2), 111-119.

Curry, M. W. (2016). Will you stand for me? Authentic cariño and transformative rites of passage in an urban high school. *American Educational Research Journal*, *53*(4), 883.

Delgado, R., & Stefancic, J. (2001). *Critical race theory: An introduction*. New York University Press.

de Valenzuela, J. S. (2014). Sociocultural views of learning. In L. Florian (Ed.), *The SAGE handbook of special education* (2nd ed., pp. 299-314). Sage.

de Valenzuela, J. S. (2018). Addressing cultural and linguistic diversity in language and literacy instruction. In S. R. Copeland & E. B. Keefe (Eds.), *Effective literacy instruction for learners with complex support needs* (2nd ed., pp. 43-65). Paul H. Brooks Publishing Company.

de Valenzuela, J. S., & Copeland, S. R. (2018). *Parent perspectives on the importance of being bilingual for individuals with complex support needs*. Soleado. https://www.dlenm.org/wp-content/uploads/2019/11/Soleado_Winter_2018.pdf

de Valenzuela, J. S., Copeland, S. R., Qi, C. H., & Park, M. (2006). Examining educational equity: Revisiting the disproportionate representation of minority students in special education. *Exceptional Children, 72*(4), 425-441.

de Valenzuela, J. S., Kay-Raining Bird, E., Parkington, K., Mirenda, P., Cain, K., MacLeod, A. N., & Segers, E. (2016). Access to opportunities for bilingualism for individuals with developmental disabilities. *Journal of Communication Disorders, 63*, 32-46. http://dx.doi.org/10.1016/j.jcomdis.2016.05.005

de Valenzuela, J. S., Pacheco, R., Shenoy, S. (2022). Current practices and challenges in language proficiency assessment for English learners with complex support needs. *Research and Practice for Persons with Severe Disabilities*. https://doi.org/10.1177/15407969221075848

Dunn, L. M. (1968). Special education for the mildly retarded—Is much of it justifiable? *Exceptional Children*, *35*(1), 5–22. https://doi.org/10.1177/001440296803500101

Duranti, A., Ochs, E., & Schieffelin, B. B. (2012). *The handbook of language socialization*. Wiley-Blackwell.

Dyson, A., & Gallannaugh, F. (2008). Disproportionality in special needs education in England. *The Journal of Special Education, 42*(1), 36-46. doi: 10.1177/0022466907313607

Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1701 et seq (1974).

Edupoint. (2020). Retrieved on July 9, 2021, from https://edupoint.com/Products/Student-Information-Management

Ehlers-Zavala, F. (2011). History of bilingual special education. In A. F. Rotatori (Ed.), *History of Special Education*. (pp.343-361). Emerald Publishing Limited.

English Language Acquisition, Language Enhancement, And Academic Achievement Act, 20 U.S.C §6812 et seq (2001).

Every Student Succeeds Act, 20 U.S.C. §6301 et seq (2015).

Felluga, D. F. (2015). *Critical theory: The key concepts.* Routledge.

Ferri, B. A., & Connor, D. J. (2005). Tools of exclusion: Race, disability, and (re)segregated education. *Teachers College Record*, *107*(3), 453–474. https://doi.org/10.1111/j.1467-9620.2005.00483.x

Fetters, M. D., Curry, L. A., & Creswell, J. W. (2013). Achieving integration in mixed methods designs – principles and practices. *Health Services Research*, *48*(6pt2), 2134-2156. https://doi.org/10.1111/1475-6773.12117

Figueroa, R. A. (1999). Special education for Latino students in the United States: A metaphor for what is wrong. In T. V. Fletcher & C. S. Bos (Eds.), *Helping individuals with disabilities and their families: Mexican and U.S. perspectives* (pp. 147-159). Bilingual Review/Press.

Frankfort-Nachmias, C., & Leon-Guerro, A. (2015). *Social statistics for a diverse society*. (7th ed). SAGE.

Fritzgerald, A. (2020). *Antiracism and universal design for learning*. CAST.

Gaciu, N. (2021). Understanding quantitative data in educational research. Sage.

Gage, N. A., Pico, D. L., & Evanovich, L. (2020). National trends and school-level predictors of restraint and seclusion for students with disabilities. *Exceptionality*, 1–13. https://doi.org/10.1080/09362835.2020.1727327

Gándara, P., & Escamilla, K. (2017). Bilingual education in the United States. In O. García, A. M. Y. Lin & S. May (Eds.), *Bilingual and Multilingual Education* (3rd ed.). New York.

García, O. (2009). *Bilingual education in the 21st century: A global perspective*. Wiley-Blackwell.

García, O., & Kleifgen, J. A. (2018). *Educating emergent bilinguals: Policies, programs, and practices for English learners.* Teachers College Press.

Garcia, N. M., López, N., & Vélez, V. N. (2018). QuantCrit: Rectifying quantitative methods through critical race theory. *Race Ethnicity and Education*, *21*(2), 149–157. https://doi.org/10.1080/13613324.2017.1377675

Gay, G. (2002). Culturally responsive teaching in special education for ethnically diverse students: Setting the stage. *International Journal of Qualitative Studies in Education, 15*(6), 613-629

Gee, K., Gonzalez, M., & Cooper, C. (2020). Outcomes of inclusive versus separate placements: A matched pairs comparison study. *Research and Practice for Persons with Severe Disabilities*, *45*(4), 223–240. https://doi.org/10.1177/1540796920943469

Geist, L., Erickson, K., Greer, C., & Hatch, P. (2020). Enhancing classroom-based communication instruction for students with significant disabilities and limited language. *Exceptionality Education International*, *30*(1), 42–54. https://doi.org/10.5206/eei.v30i1.10914

Gill, S. & Nanayakkara, U. (2020). *The ELL critical data process: Distinguishing between disability and language acquisition*. (2nd ed). Steve Gill, Ushani Nanayakkara.

Glesne, C. (1999). *Becoming qualitative researchers: An introduction*. Longman.

Grassi, E., & Barker, H. B. (2010). *Culturally and linguistically diverse exceptional students: Strategies for teaching and assessment*. Sage Publishing.

Harry, B, & Anderson, M. G., (1994). The disproportionate placement of African American males in special education programs: A critique of the process. The Journal of Negro Education. *63*(4), 602-619.

Harry, B., Arnaiz, P., Klingner, J., Sturges, K. (2008). Schooling and the construction of identity among minority students in Spain and the United States. *The Journal of Special Education, 42*(1), 15-25. doi: 10.1177/0022466907313605

Harry, B., Klingner, J. K., & Hart, J. (2005). African American families under fire: Ethnographic views of family strengths. *Remedial and Special Education, 26(*2), 101-112.

Harry, B. & Klingner, J. K. (2014). *Why are so many minority students in special education?* (2nd ed). Teachers College Press.

Harwell, M., & LeBeau, B. (2010). Student eligibility for a free lunch as an SES measure in education research. *Educational Researcher, 39*(2), 120–131. https://doi.org/10.3102/0013189X10362578

Hollie, S. (2018). *Culturally and linguistically responsive teaching and learning*. Shell Education.

Hosp, J. L., & Reschly, D. J. (2004). Disproportionate representation of minority students in special education: Academic, demographic, and economic predictors. *Exceptional children, 70*(2), 185-199.

Hoover, J. J., Klingner, J. K., Baca, L. M., & Patton, J. M. (2008). *Methods for teaching culturally and linguistically diverse exceptional learners*. Pearson.

Hoover J. J., & Patton, J. R. (2017). *IEPs for ELs and other diverse learners*. Corwin.

Hu, Y., & Plonsky, L. (2021). Statistical assumptions in L2 research: A systematic review. *Second Language Research, 37*(1), 171–184. https://doi.org/10.1177/0267658319877433

Hunt, P., Kozleski, E., Lee, J., Mortier, K., Fleming, D., Hicks, T., Balasubramanian, L., Leu, G., Bross, L. A., Munandar, V., Dunlap, K., Stepaniuk, I., Aramburo, C., & Oh, Y. (2020). Implementing comprehensive literacy instruction for students with severe disabilities in general education classrooms. *Exceptional Children*, *86*(3), 330–347. https://doi.org/10.1177/0014402919880156

Individuals with Disabilities Education Act, 20 U.S.C. § 1412 (2004).

Individuals with Disabilities Education Act, §300.114 (a) (2) (2004).

Individuals with Disabilities Education Act, §300.39 (2004).

Individuals with Disabilities Act, §300.160 (2015).

Johnson, B., & Christensen, L. B. (2020). *Educational research: Quantitative, qualitative, and mixed approaches* (7th ed.). SAGE Publications.

Kangas, S. E. N. (2014). When special education trumps ESL: An investigation of service delivery for ELLs with disabilities. *Critical Inquiry in Language Studies*, *11*(4), 273–306. https://doi.org/10.1080/15427587.2014.968070

Kangas, S.E.N. (2018). Breaking one law to uphold another: How schools provide services to English learners with disabilities. *TESOL Quarterly*, *52*(4), 877–910. https://doi-org.libproxy.unm.edu/10.1002/tesq.431

Kangas S. E. N. (2019). English learners with disabilities: Linguistic development and educational equity in jeopardy. In X. Gao (Ed.), *Second Handbook of English Language Teaching*. Springer International Handbooks of Education.

Kangas, S. E. N. (2021). "Is it language or disability?": An ableist and monolingual filter for English learners with disabilities. *TESOL Quarterly: A Journal for Teachers of*

English to Speakers of Other Languages and of Standard English as a Second Dialect, *55*(3), 673-683. https://doi.org/10.1002/tesq.3029

Karvonen, M., & Clark, A. K. (2019). Students with the most significant cognitive disabilities who are also English learners. *Research and Practice for Persons with Severe Disabilities*, *2*, 71.

Kay-Raining Bird E., Trudeau, N., Sutton, A. (2016). Pulling it all together: The road to lasting bilingualism for children with developmental disabilities. *Journal of Communication Disorders*, *63*, 63–78.

Kelley, H. M., Siwatu, K. O., Tost, J. R., & Martinez, J. (2015). Culturally familiar tasks on reading performance and self-efficacy of culturally and linguistically diverse students. *Educational Psychology in Practice*, *31*(3), 293–313. https://doi-org.libproxy.unm.edu/10.1080/02667363.2015.1033616

Klang, N., Göransson, K., Lindqvist, G., Nilholm, C., Hansson, S., & Bengtsson, K. (2020). Instructional practices for pupils with an intellectual disability in mainstream and special educational settings. *International Journal of Disability, Development and Education*, *67*(2), 151–166. https://doi.org/10.1080/1034912X.2019.1679724

Kleinert, H. L. (2020). Students with the most significant disabilities, communicative competence, and the full extent of their exclusion. *Research and Practice for Persons with Severe Disabilities*, *45*(1), 34–38. https://doi.org/10.1177/1540796919892740

Kleinert, H., Towles-Reeves, E., Quenemoen, R., Thurlow, M., Fluegge, L., Weseman, L., & Kerbel, A. (2015). Where students with the most significant cognitive disabilities are taught: Implications for general curriculum access. *Exceptional Children*, *81*(3), 312–328. https://doi.org/10.1177/0014402914563697

Klingner, J. K., Artiles, A. J., Kozleski, E., Harry, B., Zion, S., Tate, W., Duran, G. Z., & Riley, D. (2005). Addressing the disproportionate representation of culturally and linguistically diverse students in special education through culturally responsive educational systems. *Educational Policy Analysis Archives 13*(38).

Knight, V. F., Wood, C. L., Spooner, F., Browder, D. M., & O'Brien, C. P. (2015). An exploratory study using science eTexts with students with autism spectrum disorder. *Focus on Autism and Other Developmental Disabilities*, *30*(2), 86–99.

Kurth, J. A., Born, K., & Love, H. (2016). Ecobehavioral characteristics of self-contained high school classrooms for students with severe cognitive disability. *Research and Practice for Persons with Severe Disabilities*, *41*(4), 227–243. https://doi.org/10.1177/1540796916661492

Kurth, J. A., Lyon, K. J., & Shogren, K. A. (2015). Supporting students with severe disabilities in inclusive schools: A descriptive account from schools implementing inclusive practices. *Research and Practice for Persons with Severe Disabilities*, *40*(4), 261–274. https://doi.org/10.1177/1540796915594160

Kurth, J. A., Morningstar, M. E., & Kozleski, E. B. (2014). The persistence of highly restrictive special education placements for students with low-incidence disabilities. *Research and Practice for Persons with Severe Disabilities*, *39*(3), 227–239. https://doi.org/10.1177/1540796914555580

Ladson-Billings, G. (1995). Toward a theory of culturally relevant pedagogy. *American Educational Research Journal*, *32*(3), 465–491. https://doi.org/10.3102/00028312032003465

Ledford, J. R., & Gast, D. L. (2018). *Single case research methodology*. Routledge.

Lewis, M. A., & Zisselsberger, M. G. (2019). Scaffolding and inequitable participation in linguistically diverse book clubs. *Reading Research Quarterly*, *54*(2), 167–186. https://doi-org.libproxy.unm.edu/10.1002/rrq.234

Lister, K., Coughlan, T., & Owen, N. (2020). Disability' or 'additional study needs'? Identifying students' language preferences in disability-related communications. *European Journal of Special Needs Education*, *35*(5), 620–635. https://doi.org/10.1080/08856257.2020.1743409

Long, J. S., & Freese, J. (2014). *Regression models for categorical dependent variables using Stata* (3rd ed.). Stata Press.

López, N (2002). Race-gender experiences and schooling: Second generation Dominican, West Indian and Haitian youth in New York City, *Race Ethnicity & Education*, *5*(1), 67-89. doi: 10.1080/13613320120117207

López, N., Chavez, M. J., Erwin, C., & Binder, M. (2018). Making the invisible visible: Advancing quantitative methods in higher education using critical race theory and intersectionality. *Race, Ethnicity & Education*, *21*(2), 180–207. https://doi-org.libproxy.unm.edu/10.1080/13613324.2017.1375185

Lopes-Murphy, S. A. (2020). Contention between English as a second language and special education services for emergent bilinguals with disabilities. *Latin American Journal of Content & Language Integrated Learning*, *13*(1), 43–56. https://doi.org/10.5294/laclil.2020.13.1.3

Losen, D. J., & Orfield, G. (2013). *Racial inequity in special education*. Harvard Education Press.

Marland Jr, S. P. (1972, June-5). Completing the Revolution. New Mexico Highlands University, Las Vegas, New Mexico, United States. https://files.eric.ed.gov/fulltext/ED066288.pdf

Matthews, J. S., & Lopez, F. (2019). Speaking their language: The role of cultural content integration and heritage language for academic achievement among Latino children. *Contemporary Educational Psychology*. *57*, 72-86.

McCall, L. (2005). The complexity of intersectionality. *Signs*, *30*(3), 1771-1800.

McDermott, R. P. (1987). The explanation of minority school failure, again. *Anthropology & Education Quarterly*, *18*(4), 361-354.

McDermott, K. A., Frankenberg, E., & Diem, S. (2015). The "post-racial" politics of race: Changing student assignment policy in three school districts. *Educational Policy*, *29*(3), 504–554. https://doi.org/10.1177/0895904813510775

McLeskey, J. (2020). Reflections on future directions for including students with severe disabilities. *Research and Practice for Persons with Severe Disabilities*, *45*(1), 45–50. https://doi.org/10.1177/1540796919890924

McLeskey, J., Landers, E., Williamson, P., & Hoppey, D. (2012). Are we moving toward educating students with disabilities in less restrictive settings? *The Journal of Special Education*, *46*(3), 131–140. https://doi.org/10.1177/0022466910376670

McLeskey, J., Rosenberg, M. S., & Westling, D. L. (2013). *Inclusion: Effective practices for all students*. Pearson.

McMillan, J. H., & Wergin, J. F. (2010). *Understanding and evaluating educational research* (4th ed). Pearson.

Mercer, J. (1974). A policy statement on assessment procedures and the rights of children. *Harvard Educational Review*, *44*(1), 125–141. https://doi.org/10.17763/haer.44.1.l282527u575n5151

Morgan, P. L., Farkas, G., Hillemeier, M. M., Mattison, R., Maczuga, S., Li, H., & Cook, M. (2015). Minorities are disproportionately underrepresented in special education: Longitudinal evidence across five disability conditions. *Educational Researcher*, *44*, 278–292

Morningstar, M. E., Kurth, J. A., & Johnson, P. E. (2017). Examining national trends in educational placements for students with significant disabilities. *Remedial and Special Education*, *38*(1), 3–12. https://doi.org/10.1177/0741932516678327

Mueller, T. G., Singer, G. H. S., Carranza, F. D. (2006). A national survey of the educational planning and language instruction practices for students with moderate to severe disabilities who are English language learners. *Research and Practice for Persons with Severe Disabilities*. *31*(3), 242-254. doi:10.1177/154079690603100304

National Center for Education Statistics. (2016). Students with disabilities. Retrieved from https://nces.ed.gov/programs/coe/indicator_cgg.asp

National Center for Education Statistics. (2021). *English learners in public schools*. Retrieved from https://nces.ed.gov/programs/coe/indicator/cgf

New Mexico Public Education Department. (2018). New Mexico language usage survey: Tools for identifying potential English learners. Retrieved from https://webnew.ped.state.nm.us/wp-content/uploads/2018/04/ADA-NMLUS_Guidance_Handbook_Revised_4.10.2018.pdf

New Mexico Public Education Department. (2021a). *Alternate assessment participation FAQ.* Retrieved from https://webnew.ped.state.nm.us/wp-content/uploads/2021/07/Alt-Assessment-FAQ-2021-2022.pdf

New Mexico Public Education Department. (2021b). *Screening and assessing English learners (ELS).* Retrieved from https://webnew.ped.state.nm.us/bureaus/languageandculture/english-learners/assessing-english-learners/

New Mexico Public Education Department, Bilingual and Multicultural Education Bureau. (2016). *Serving English learners.* Santa Fe, NM: Bilingual Multicultural Education Bureau, Student Success Division. http://ped.state.nm.us/ped/BilingualIndex.html.

New Mexico Public Education Department, Bilingual and Multicultural Education Bureau. (2017). *New Mexico bilingual multicultural education programs technical assistance manual.* Santa Fe, NM: Bilingual Multicultural Education Bureau, Student Success Division. Retrieved from https://webnew.ped.state.nm.us/wp-content/uploads/2017/12/BMEP_TAM_2016_05.11.17.pdf.

Nieto, D. (2009). A brief history of bilingual education in the United States. *Penn GSE Perspectives on Urban Education, 6*(1), 61-72.

Norton, B. (2000). *Identity and language learning: Gender, ethnicity and educational change.* Longman.

Ochs, E., & Schieffelin, B. (2011). The theory of language socialization. In A. Duranti, E. Ochs, B. B. Schieffelin (Eds.), *The handbook of language socialization* (pp. 1-21). Malden-MA: Wiley-Blackwell.

Odom, S. L., Brantlinger, E., Gersten, R., Horner, R. H., Thompson, B., & Harris, K. R. (2005). Research in special education: Scientific methods and evidence-based practices. *Exceptional Children*, *71*(2), 137–148. https://doi.org/10.1177/001440290507100201

Office of the Institution Review Board (n.d). *UNM IRB researcher handbook.* Retrieved on July 10, 2021, from https://irb.unm.edu/library/documents/guidance/unm-irb-researcher-handbook.pdf

Office of Special Education and Rehabilitative Services. (Ed) (2016). *Racial and ethnic disparities in special education: A multi-year disproportionality analysis by state, analysis category and race/ethnicity.* Office of Special Education and Rehabilitative Services, U.S. Department of Education.

Oh-Young, C., Filler, J., & Buchter, J. (2020). The meta-analysis review: A valuable resource for special educators. *Intervention in School and Clinic*, *55*(3), 139–144. https://doi.org/10.1177/1053451219842222

Orlando, A., & de Valenzuela, J. S. (2018). Developing language and communication. In S. R. Copeland & E. B. Keefe (Eds.), *Effective literacy instruction for learners with complex support needs* (2nd ed., pp. 21-42). Paul H. Brooks Publishing Company.

Pennington, R. C., Foreman, L. H., & Gurney, B. N. (2018). An evaluation of procedures for teaching students with moderate to severe disabilities to write sentences. *Remedial and Special Education*, *39*(1), 27–38.

Pennington, R., & Koehler, M. (2017). Effects of modeling, story templates, and self-graphing in the use of story elements by students with moderate intellectual disability. *Education and Training in Autism and Developmental Disabilities*, *3*, 280.

Pirbhai-Illich, F., Pete, S, & Martin, F. (2017). *Culturally responsive pedagogy: Working towards decolonization, indigeneity, and interculturalism.* Palgrave Macmillan.

Pothier, D., & Devlin R. (2006). *Critical disability theory: Essays in philosophy, politics, and law.* UBC Press.

Price, J. H., Daek, J. A., Murnan, J., Dimmig, J., & Akpanudo, S. (2005). Power analysis in survey research: Importance and use for health educators. *American Journal of Health Education*, *36*(4), 202–209. https://doi.org/10.1080/19325037.2005.10608185

Potter, G. (2017). *Critical theory: The Frankfurt school*. Retrieved from http://fod.infobase.com.libproxy.unm.edu/p_ViewVideo.aspx?xtid=145549.

Ravitch, S., M., & Riggan, M. (2017). *Reason and Rigor* (2nd ed.). Sage.

Raygoza, M. C. (2016). Striving toward transformational resistance: Youth participatory action research in the mathematics classroom. *Journal of Urban Mathematics Education*, *9*(2), 122–152.

Reid, C., Greaves, L., & Kirby, S. (2016) *Experience research social change: Critical methods* (3rd ed). University of Toronto Press.

Rich, J. (2007). *An introduction to critical theory*. Humanities-Ebooks, LLP.

Rioux, M. & Valentine, F. (2006). Does theory matter: Exploring the nexus between disability, human rights, and public policy. In R. F. Devlin & D. Pothier (Eds.), *Critical disability theory: Essays in philosophy, politics, policy, and law*. Vancouver, BC: UBS Press.

Rivera, C.J., Baker, J., Tucktuck, M.N., Rudenauer, H., & Atwell, N. (2019). Research-based practices for emergent bilinguals with moderate intellectual disability: A review of

literature. *Journal of Latinos in Education*. https://doi.org/10.1080/15348431.2019.1609478

Rodríguez, C. (2019). Achievement, politics, and policy shifts: Expert report on achievement for Martinez/Yazzie v. New Mexico. *Association of Mexican American Educators Journal, 13*(3), 116-138. http://doi.org/10.24974/ame.13.3.455

Romero, C. (2015). *An investigation of alternative language services (ALS) received by English language learners (ELLS) identified with a disability* (Unpublished doctoral dissertation). University of New Mexico, Albuquerque New Mexico.

Rossetti, Z., Redash, A., Sauer, J. S., Bui, O., Wen, Y., & Regensburger, D. (2020). Access, accountability, and advocacy: Culturally and linguistically diverse families' participation in IEP meetings. *Exceptionality*, *28*(4), 243–258. https://doi.org/10.1080/09362835.2018.1480948

Rumbaut, R. G., & Massey, D. S. (2013). Immigration & Language Diversity in the United States. *Daedalus*, *142*(3), 141–154. https://doi.org/10.1162/DAED_a_0022

Ruppar, A. L., Knight, V. F., McQueston, J. A., & Jeglum, S. R. (2020). Involvement and progress in the general curriculum: A grounded theory of the process. *Remedial and Special Education*, *41*(3), 152–164. https://doi.org/10.1177/0741932518806045

Ryndak, D. L., Taub, D., Jorgensen, C. M., Gonsier-Gerdin, J., Arndt, K., Sauer, J., Ruppar, A. L., Morningstar, M. E., & Allcock, H. (2014). Policy and the impact on placement, involvement, and progress in general education: Critical issues that require rectification. *Research and Practice for Persons with Severe Disabilities*, *39*(1), 65–74. https://doi.org/10.1177/1540796914533942

Sacks L. (2019) The school-to-prison pipeline: The plight of African American males in special education. In: S. Halder, V. Argyropoulos (eds) *Inclusion, Equity and Access for Individuals with Disabilities*. Palgrave Macmillan, Singapore. https://doi.org/10.1007/978-981-13-5962-0_4

Sánchez, G. I. (1934). *Bilingualism* and mental measures. A word of caution. *Journal of Applied Psychology*, *18*(6), 765–772. https://doi-org.libproxy.unm.edu/10.1037/h0072798

Sánchez, S. Y. (1999). Learning from the stories of culturally and linguistically diverse families and communities: A sociohistorical lens. *Remedial and Special Education, 20*(6), 351-359.

SAPRHub. (2019a). *APS dashboard*. Retrieved on July 9, 2021, from https://sites.google.com/aps.edu/sapr/aps-dashboard

SAPRHub. (2019b). *Enrollment and demographic information.* Retrieved on July 9, 2021, from https://public.tableau.com/views/EnrollmentandDemographicInformation/Overall?:showVizHome=no&:display_count=y&publish=yes&:origin=viz_share_link#2

Sawchuck, S. (2021, May 18). What is critical race theory, and why is it under attack? Education Week. https://www.edweek.org/leadership/what-is-critical-race-theory-and-why-is-it-under-attack/2021/05

Schalock, R. L., Borthwick-Duffy, S. A., Bradley, V. J., Buntinx, W. H., Coulter, D. L., Craig, E. M., Gomez, S. C., Lachapelle, Y, Luckasson, R., Reeve, A., Shogren, K. A., Snell, M. E., Spreat, S., Tasse, M. J., Thompson, J. R., Verdugo-Alonzo, M. A., Wehmeyer, M., & Yeager, M. H. (2010). *Intellectual disability: Definition,*

classification, and systems of supports. American Association on Intellectual and Developmental Disabilities.

Schalock, R. L., Luckasson, R., Tassé, M. J., & Verdugo, M. A. (2018). A holistic theoretical approach to intellectual disability: Going beyond the four current perspectives. *Intellectual and Developmental Disabilities*, *56*(2), 79–89. https://doi.org/10.1352/1934-9556-56.2.79

Shogren, K. A., Luckasson, R., & Schalock, R. L. (2020). Using a multidimensional model to analyze context and enhance personal outcomes. *Intellectual and Developmental Disabilities*, *58*(2), 95–110. https://doi.org/10.1352/1934-9556-58.2.95

Siegel-Hawley, G., Bridges, K., & Shields, T. J. (2017). Solidifying segregation or promoting diversity?: School closure and rezoning in an urban district. *Educational Administration Quarterly*, *53*(1), 107–141. https://doi.org/10.1177/0013161X16659346

Skiba, R. J., Artiles, A. J., Kozleski, E. B., Losen, D. J., & Harry, E. G. (2016). Risks and consequences of oversimplifying educational inequities: A response to Morgan et al. (2015). *Educational Researcher*, *45*(3), 221–225. https://doi.org/10.3102/0013189X16644606

Skiba, R. J., Poloni-Staudinger, L., Gallini, S., Simmons, A. B., & Feggins-Azziz, R. (2006a). Disparate access: The disproportionality of African American students with disabilities across educational environments. *Exceptional Children*, *72*(4), 411–424. https://doi.org/10.1177/001440290607200402

Skiba, R., Simmons, A., Ritter, S., Kohler, K., Henderson, M., & Wu, T. (2006b). The context of minority disproportionality: Practitioner perspectives on special education referral. *Teachers College Record, 108*(7), 1424-1459.

Skiba, R. J., Simmons, A. B., Ritter, S., Gibb, A. C., Rausch, M. K., Cuadrado, J., & Choong-Geun Chung. (2008). Achieving equity in special education: History, status, and current challenges. *Exceptional Children, 74*(3), 264-288. https://doi.org/10.1177/001440290807400301

Skinner, R. (2019). *The Every Student Succeeds Act (ESSA) and ESEA reauthorization: Summary of selected key issues*. Congressional Research Service.

Snider, L. A., Talapatra, D., Miller, G., & Zhang, D. (2020). Expanding best practices in assessment for students with intellectual and developmental disabilities. *Contemporary School Psychology*, *24*(4), 429–444. https://doi.org/10.1007/s40688-020-00294-w

Snyder and Musu-Gillette (2015). *Free or reduced price lunch: A proxy for poverty?* Retrieved from: https://nces.ed.gov/blogs/nces/post/free-or-reduced-price-lunch-a-proxy-for-poverty

Solórzano, D. G., & Yosso, T. J. (2002). Critical race methodology: Counter-storytelling as an analytical framework for education research. *Qualitative Inquiry*, *8*(1), 23–44. https://doi.org/10.1177/107780040200800103

Soltero, S. W. (2004). *Dual language: Teaching and learning in two languages.* Pearson.

Soukup, J. H., Wehmeyer, M. L., Bashinski, S. M., & Bovaird, J. A. (2007). Classroom variables and access to the general curriculum for students with disabilities. *Exceptional Children*, *74*(1), 101–120. https://doi.org/10.1177/001440290707400106

Spooner, F., Kemp-Inman, A., Ahlgrim-Delzell, L., Wood, L., & Ley Davis, L. (2015). Generalization of literacy skills through portable technology for students with severe disabilities. *Research and Practice for Persons with Severe Disabilities*, *40*(1), 52–70.

Stewner-Manzanares, G. (1988). The bilingual education act: Twenty years later. *New Focus, Occasional Papers in Bilingual Education* 6:2–8.

Stockard, J. (2020). The impact of administrative decisions on implementation fidelity of direct instruction and student achievement. *Learning Disability Quarterly*, *43*(1), 18–28. https://doi.org/10.1177/0731948719830346

Schwartz, S. (2021, July 19). Who's really driving critical race theory legislation? An investigation. Education Week. https://www.edweek.org/policy-politics/whos-really-driving-critical-race-theory-legislation-an-investigation/2021/07

Stubbs, M. (2002). Some basic sociolinguistic concepts. In L. Delpit & J. K. Dowdy (Eds.), *The skin that we speak: Thoughts on language and culture in the classroom* (pp. 71-85). The New Press.

Taub, D., Apgar, J., Foster, M., Ryndak, D. L., Burdge, M. D., & Letson, S. (2020). Investigating the alignment between English language arts curricula developed for students with significant intellectual disability and the CCSS. *Remedial and Special Education*, *41*(5), 284–295. https://doi.org/10.1177/0741932519843184

Taub, McCord, & Ryndak (2017). Opportunities to learn for students with extensive support needs: A context of research-supported practices for all in general education classes. The Journal of Special Education 51(3), 127-137.

Tefera, A. A., Aguilar, C. R., Artiles, A. J., Voulgarides, C. K., Velez, V. (2017). Developing a critical space perspective in the examination of the racialization of disabilities. In

N.Ares, E. Buendía, & R. Helfenbein, (Eds.). *Deterritorializing/reterritorializing*. (pp. 197-207). Sense Publishers. https://doi.org/10.1007/978-94-6300-977-5

Tolar, T. D., Francis, D. J., Kulesz, P. A., and Stuebing, K. K. (2021). A latent class IRT approach to defining and measuring language proficiency. *Chinese/English Journal of Educational Measurement and Evaluation*, *2*(1).

Trainor, A. A., & Robertson, P. M. (2020). Culturally and linguistically diverse students with learning disabilities: Building a framework for addressing equity through empirical research. *Learning Disability Quarterly*, 073194872092900. https://doi.org/10.1177/0731948720929001

U. S. Census Bureau American Community Survey. (n.d.) *2015-2019 ACS 5-year narrative profile: The United States.* Retrieved on August 3, 2021, from https://www.census.gov/acs/www/data/data-tables-and-tools/narrative-profiles/2019/report.php?geotype=nation&usVal=us

U. S. Census Bureau. (n.d.). *Disability characteristics*. Retrieved on July 9, 2021, from https://data.census.gov/cedsci/table?q=disability&tid=ACSST1Y2019.S1810&hidePreview=false

U. S. Census Bureau. (n.d). *Language spoken at home*. Retrieved on July 9, 2021, from https://data.census.gov/cedsci/table?q=languages%20Albuquerque%20New%20Mexico&tid=ACSST1Y2019.S1601

U. S. Department of Agriculture (2017). *The national school lunch program.* Retrieved on January 19, 2022, from https://fns-prod.azureedge.net/sites/default/files/resource-files/NSLPFactSheet.pdf

U.S. Department of Education. (1970). *Identification of discrimination and denial of services on the basis of national origin.* Retrieved from https://www2.ed.gov/about/offices/list/ocr/docs/lau1970.html

U.S. Department of Education. (1995). *To assure the free appropriate public education of all children with disabilities: Educational placements of students with disabilities.* https://www2.ed.gov/pubs/OSEP95AnlRpt/ch1c.html

U.S. Department of Education (2016). *Tools and resources for addressing English learners with disabilities.* Retrieved from https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap6.pdf

U.S. Department of Education. (2017a). *ESSA assessment summary fact sheet for final regulations.* Retrieved from: https://www2.ed.gov/policy/elsec/leg/essa/essaassessmentfactsheet1207.pdf

U.S. Department of Education. (2017b). *Equity of opportunity.* Retrieved from: https://www.ed.gov/equity

U.S. Department of Education. (2020a). *2020 Annual report to congress on the individuals with disabilities education act (IDEA).* https://sites.ed.gov/idea/2020-annual-report-congress-idea/

U.S. Department of Education. (2020b). *42nd annual report to congress on the implementation of the individuals with disabilities education act, 2020*. Retrieved on 7/23/21. https://www.sattlerpublisher.com/42ndIDEA.pdf

U.S. Department of Education (2021). *Office of English Language Acquisition: Profile of English Learners in the United States.* Retrieved on 7/23/21.

https://ncela.ed.gov/sites/default/files/fast_facts/DEL4.4_ELProfile_508_1.4.2021_OELA.pdf

U.S. Department of Education. (2021). *OSERS' Office of Special Education Programs* https://www2.ed.gov/about/offices/list/osers/osep/index.html

U.S. Department of Education. (n.d.). *Our nation's English learners*. https://www2.ed.gov/datastory/el-characteristics/index.html#one

U.S. Department of Justice and U.S. Department of Education. (2015). *Ensuring English learner students can participate meaningfully and equally in educational programs* (Fact Sheet). http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf

Wang, P., & Woolf, S. B. (2015). Trends and issues in bilingual special education teacher preparation: A literature review. *Journal of Multilingual Education Research*, *6*, 35–59.

Wehmeyer, M. L., Shogren, K. A., & Kurth, J. (2020). The state of inclusion with students with intellectual and developmental disabilities in the United States. *Journal of Policy and Practice in Intellectual Disabilities*, jppi.12332. https://doi.org/10.1111/jppi.12332

Weiss, M. P., & Glaser, H. (2021). Instruction in co-teaching in the age of *Endrew F*. *Behavior Modification*, *45*(1), 39–65. https://doi.org/10.1177/0145445519836071

White, J. M., Cosier, M., & Wang, Q. (2020a). Exploring factors related to access to general education contexts for students with intellectual disability: A survey of district special education administrators in one state. *International Journal of Inclusive Education*, 1–19. https://doi.org/10.1080/13603116.2020.1818140

White, J. M., Ferri, B., Ashby, C. E., Bern, P. H., & Ashby, L. (2020b). Mapping access and opportunity for students with disabilities: Urban K–8 schools as pockets of privilege. *The Educational Forum*, *84*(4), 356–376. https://doi.org/10.1080/00131725.2020.1801051

White, J. M., Li, S., Ashby, C. E., Ferri, B., Wang, Q., Bern, P., & Cosier, M. (2019). Same as it ever was: The nexus of race, ability, and place in one urban school district.

WIDA. (2021). Alternate access for ELLs: Interpretive guide for score reports grades 1-12. Retrieved from https://wida.wisc.edu/sites/default/files/resource/Alt-Interpretive-Guide.pdf

Williamson, P., Hoppey, D., McLeskey, J., Bergmann, E., & Moore, H. (2020). Trends in LRE placement rates over the past 25 years. *The Journal of Special Education*, *53*(4), 236–244. https://doi.org/10.1177/0022466919855052

Winzer, M. (2014). A brief history of special education. In L. Florian (Ed), *The SAGE Handbook of Special Education* (2nd ed., pp. 23-37). SAGE.

Wright, P. W. D., Wright, P. D. (2017). *Special Education Law.* (2nd ed.). Harbor House Law Press.

Yell, M. L., Katsiyannis, A., Ennis, R. P., Losinski, M., & Bateman, D. (2020). Making legally sound placement decisions. *TEACHING Exceptional Children*, *52*(5), 291–303. https://doi.org/10.1177/0040059920906537

Yuval-Davis, N. (2011). *The politics of belonging: Intersectional contestations*. SAGE.

Zhang, C., & Choh, S.J. (2010). The development of the bilingual special education field: Major issues, accomplishments, future directions, and recommendations. *Journal of Multilingual Education Research*, *1*(1), 45–62.

Zinn, M. B., & Zambrana, R. E. (2019). Chicanas/Latinas advance intersectional thought and practice. *Gender & Society*, *33*(5), 677–701. https://doi-org.libproxy.unm.edu/10.1177/0891243219853753