

The Individuals With Disabilities Education Act and California's Proposition 227: Implications for English Language Learners With Special Needs

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Abstract

California's Proposition 227 (1998) has affected the education of many English language learners (ELLs). However, the extent of Proposition 227's influence on special education planning and practice is unclear. ELLs who have moderate to severe disabilities face major communication obstacles. The present qualitative study looked specifically at the impact of California's Proposition 227 and the Individuals with Disabilities Education Act (1990) on special education teachers' educational planning, assessments, and classroom practices for students identified as ELLs who have moderate to severe disabilities. Findings indicated teacher misinterpretation of Proposition 227, resource scarcity, a lack of administrative support, and the exclusion of parents from decisions regarding which language should be used to instruct ELLs with moderate to severe disabilities.

Introduction

This article examines special education teachers' experiences with Individualized Education Program (IEP) decision making, assessment, and classroom practices for English language learners (ELLs) who have moderate to severe disabilities. The decision concerning what language should be used for instruction is explored in relation to the effects of a California state law, "English for the Children" (Proposition 227, 1998), and federal law, the Individuals with Disabilities Education Act (IDEA) (1990).

California is a state that continues to grow increasingly more diverse. People of Hispanic or Latino origin make up 32.6% of the total population in California (U.S. Bureau of the Census, 2000). Foreign-born individuals in California make up 26.2% of the total population in the United States

(U.S. Bureau of the Census). Many of these people come to the United States knowing little, if any, English. The total number of Latino students in California's 2000–2001 classrooms was 2,613,480, totaling 43.2% of the student population in California (California Department of Education, 2001). These Latino children currently make up the largest minority group in today's California classrooms (California Department of Education). Additionally, 663,220 individuals, ranging from newborns to 21-year-olds, received special education services in California during the 2000–2001 school year (California Department of Education). Of that population, 281,263 (42.4%) Latino students were identified as receiving special education services (California Department of Education). The population of this study includes ELLs with moderate to severe disabilities, representing roughly 15,600 students during the 2001 academic year (California Department of Education, Special Education Division, 2001). According to the categories of disabilities under IDEA (1990), students covered under this federal law include children and youths who are diagnosed with one or more of the following conditions: autism, deaf-blindness, deafness, hearing impairments, mental retardation, traumatic brain injuries, multiple disabilities, orthopedic impairments, other health impairments, emotional disturbances, specific learning disabilities, speech or language impairments, and visual impairments, including blindness.

Children identified as having moderate or severe disabilities typically display many difficulties with communication and language acquisition. The majority of these students are diagnosed as having both receptive and expressive communication and language deficits as well as associated difficulties with social skills development (Downing, 1999; Hallahan & Kauffman, 2000). While language skills may be easily acquired for typically developing children through their daily activities, many children with moderate or severe disabilities do not acquire language through typical processes of social and linguistic interaction in early childhood. For typically developing ELL children, the choice of what language is used in the classroom is extremely important (Díaz-Rico & Weed, 1995). The importance is magnified when children face the possibility that they will not learn any language at all or develop it in small increments over a much longer period of time.

Individuals with moderate and severe disabilities who come from homes where languages other than English are spoken may face a major obstacle when taught to communicate via instruction in English. It is possible that, in addition to the difficulty of acquiring *any* communication that many of these children experience, early language acquisition may become even more difficult when a child is immersed in the home and school setting with two different languages simultaneously. It should be noted that there is no extant research on this issue. However, findings in neighboring research have led to our belief that ELL students who have not yet learned a symbolic communication system may have additional difficulties in acquiring any communication or language system. Research concerning the academic performance of typically

developing ELL students indicates that they are more likely to learn early academic skills if they are first taught in the language spoken at home prior to immersion in an English-only classroom (Cummins, 1991; Donovan & Cross, 2002).

Federal Law

The federal law governing special education under IDEA (1990) and Section 504 of the Vocational Rehabilitation Act of 1973 mandates that children who receive special education services are entitled to a free and appropriate education. IDEA defines a free and appropriate education as one that is: (a) funded and supervised through the public school system, (b) meets the state educational agency's standards, (c) includes an appropriate education, and (d) provides an agreement of an individualized education plan. An appropriate education can be defined as an educational program designed to meet the individual's special needs, thereby providing the child with educational services deemed to be beneficial (Yell, 1998).

In 1975, Public Law 94-142, the Education for All Handicapped Children Act, later amended and renamed IDEA in 1990, recognized the growing diversity of children with disabilities. In amending IDEA in 1990, Congress added a finding to the law regarding its concerns about the growing diversity of children with disabilities:

The limited English proficient population is the fastest growing in our nation, and the growth is occurring in many parts of our nation. In the nation's largest school districts, limited English students make up almost half of all students initially entering school at the Kindergarten level. Studies have documented apparent discrepancies in the levels of referrals and placement of limited English proficient children in special education. The Department of Education has found that services provided to limited English proficient students often do not respond primarily to the pupil's academic needs. These trends pose special challenges for special education in the referral, assessment and services for our nation's student from non-English language backgrounds. (§ 610[i],1)

The centerpiece of IDEA mandates that a child who receives special education services must have an IEP created by a team of teachers, related service personnel, parents, and the child, if appropriate (Turnbull & Turnbull, 2001; Yell, 1998). Under the IDEA provisions, teachers and administrators are required to include the child's parents in all educational decisions for the child, including the child's placement. IDEA places great emphasis on the importance of parental notification about IEP meetings, and requires parent participation in and joint team approval of the plan, although parents do not have an absolute veto over it. However, if parents do not approve, other due process procedures may be followed. The law also requires public schools to

provide translators for parents with limited English proficiency at IEP meetings. Because the decision about the appropriate language of instruction is a momentous one for children with disabilities, it seems self-evident that, at a minimum, it should be discussed by the IEP team. The law, however, is silent on this specific point. One purpose of this study was to examine the extent to which language decisions were referred to IEP teams among a small sample of teachers of ELL children with moderate to severe disabilities.

One of the first bilingual special education court cases after Public Law 94–142 (1975) took effect was *José P. v. Ambach* (1979). This class-action lawsuit involved ELL students with disabilities, between the ages of 5 and 21, who claimed they were not provided with an appropriate education because their school boards failed to evaluate them in a timely manner and place them in special programs. The court found that the district was negligent because it did not provide timely student evaluations and placements. As a result of this case, the court ordered the school district to create a detailed education plan, including bilingual education programs for the students. A court monitor was appointed to ensure implementation of a consent decree. Procedures for parent information dispersion through interpreters, bilingual evaluations, and English–Spanish booklets about students’ rights were mandated. Additionally, educational staff for these students were required to receive appropriate bilingual education training. A similar consent decree was issued by a federal district court in Florida in *Keyes v. School District No.1, Denver* (1983). Although these case findings required educational changes for ELL students and their parents, these rulings have not had a wide impact on special education case law in other courts. The consent decrees demonstrate that when educational practices for children with disabilities were carefully scrutinized in these two districts, significant concerns came to light about the appropriateness of special education for ELL students, and court-ordered remedies were required. The remedies acknowledged the need for bilingual special education practices.

California State Law: Proposition 227

On June 2, 1998, the state law Proposition 227 was approved in California with a 61% majority vote. Proposition 227 was written into the law through a public referendum that stirred strong passions and arguments on both sides. The debate focused on whether students should be allowed instruction in their primary language (L1). Supporters of Proposition 227 claimed that ELL children were not making educational gains in English acquisition due to L1 instruction. Meanwhile, many educators argued against the elimination of bilingual education, claiming the law was oppressive and an attempt to maintain social hierarchy. This reform effort was described by educational researchers as a top-down reform initiative (Schirling, Contreras, & Ayala, 2000; Stritikus & García, 2000). Children with disabilities were rarely mentioned in the debate.

Prior to the passing of this law, California provided bilingual education in its schools for 30 years under the Bilingual Education Act of 1968. Proposition 227 required:

All children in California public schools shall be taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. (Article 2, § 305)

However, Proposition 227 does allow parents to use waivers to request that their children receive instruction in their L1. Article 3, § 310 of Proposition 227 further defines this clause, stating: “The requirement of [§] 305 may be waived with the prior written informed consent, to be provided annually, of the child’s parents or legal guardian.” Furthermore, parents may request waivers if their children receive special education services. This circumstance is described in the law:

Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child’s overall educational development. (Article 3, § 311[c])

Therefore, ELL children who have moderate to severe disabilities are not required to receive English-only instruction under the state law guidelines if their parents obtain waivers. Further, Proposition 227 recognizes the priority of federal law, in this case, IDEA:

If any part or parts of this statute are found to be in conflict with the federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute. (Article 6, § 325)

Literature Review

Bilingual Education Support

Educators supporting bilingual education have cited specific second language (L2) acquisition theories in an attempt to maintain the importance of bilingual education. Perhaps the most prevalent of these theories is presented by Cummins (1991), who claims the relationship between L1 and L2 is

interdependent. Cummins demonstrates that language proficiency in L2 is dependent upon the proficiency level of L1. These studies have shown that children who come from non-English-speaking homes often develop difficulties in acquiring and excelling in L2 prior to becoming fluent in their L1 (Cummins, 1983, 1991). It should be noted that Cummins's research did not include students with moderate or severe disabilities.

Acquisition of L2 has been identified as an issue that requires much planning and proper language instruction (Cummins, 1983). Contrary to Proposition 227, which requires only 1 year of English-immersion instruction, studies have shown that L2 acquisition development cannot be predicted under a timeline of 1 year (Cummins, 1992). Additionally, teachers need to be properly trained and prepared to work with the ELL population.

California Special Education Classroom Dilemma

Many researchers have begun to study how California's Proposition 227 has affected regular education classrooms in that state (Gándara, 2000; Gutiérrez, Baquedano-López, & Asato, 2000; Maxwell-Jolly, 2000; Mora, 2000; Palmer & García, 2000; Schirling, Contreras, & Ayala, 2000; Stritikus & García, 2000). Gándara found one of the greatest impacts Proposition 227 had in these classrooms was on classroom instruction. Teachers were reportedly confused about the interpretation of the law; they had received little, if any, training and consequently felt "sorry" for their ELL students regarding the English-only instruction these students were receiving.

As a result of Proposition 227, many teachers placed in California classrooms do not hold the appropriate credentials required to work with the ELL population and do not feel prepared to serve them (Gándara, 2000; Mora, 2000; Palmer & García, 2000). Additionally, teachers have reported that they lack the resources needed to educate the ELL population (Gándara; Palmer & García; Maxwell-Jolly, 2000; Schirling, Contreras, & Ayala, 2000). Teachers say this lack of resources causes them confusion, anxiety, frustration, and job-related psychological strain (Gándara; Maxwell-Jolly, 2000; Mora; Palmer & García; Stritikus & García, 2000).

Educational reform studies describe California's Proposition 227 as a top-down reform initiative (Schirling, Contreras, & Ayala, 2000; Stritikus & García, 2000). Stritikus and García conducted a pilot study interviewing 32 teachers in eight districts across California about the influence of Proposition 227 on teachers and classrooms. Findings from this study showed that as a result of the top-down reform initiative, teachers were reportedly unhappy about and frustrated with the change. The teachers in their study firmly expressed their beliefs opposing the policy change. Teacher defiance and anxiety were other reported responses. Additionally, the study indicated that such a reform attempt was most likely to be successfully implemented if it were consistent with teacher beliefs.

A 1983 study cited in Baca (1990) focused on mainstreamed ELLs with disabilities. The purpose of the study was to investigate how bilingual educators from 21 school districts in a range of regions were addressing the needs of ELLs with disabilities mainstreamed into bilingual education programs. Findings from the study indicated that most bilingual teachers used regular education bilingual materials and adapted their instructions by simplifying, providing more repetition, and making curricula modifications. The study revealed a shortage of bilingual instructional personnel, as well as a need for in-service training. Results also indicated a lack of effective training for parent involvement in the education of their child.

Studies have shown that ambiguous policy regulations such as Proposition 227 result in inconsistent school practices. (Weatherley & Lipsky, 1977). This finding illustrates the dilemma that appears to be occurring in the state of California (Gándara, 2000; Gutiérrez, Baquedano-López, & Asato, 2000; Maxwell-Jolly, 2000; Mora, 2000; Palmer & García, 2000; Schirling, Contreras, & Ayala, 2000; Stritikus & García, 2000). Teacher confusion and frustration over Proposition 227 are issues that warrant further exploration. Because children with disabilities are so dependent upon appropriate language and communication programs, it is even more crucial that ELLs with disabilities are provided with well-thought-out and well-developed language instruction.

This study sought to explore the potential impact of both Proposition 227 and IDEA on ELL children with moderate to severe disabilities who are being served in today's special education classrooms. Because there was such opposition to Proposition 227 due to its implications for typically developing ELL children, we wanted to look into a population of students who face an even greater communication obstacle. We focused on four research questions in this study:

1. How has state law and/or federal law affected special education classroom practices for ELL students with moderate to severe disabilities in California?
2. What are special education teachers' understandings of what IDEA and Proposition 227 mean for their work with ELL students who have moderate to severe intellectual disabilities?
3. What role does the local administration (i.e., the principals at the teachers' schools) play in decisions concerning the language of instruction and classroom language practice for ELL students who have moderate to severe disabilities?
4. Who makes decisions regarding the language of instruction, and what role do parents play in the process?

Methodology

Participants

For this study, we sought to recruit southern California teachers who were working in special education classrooms for ELL students with moderate to severe disabilities, or who had recently worked with these students. We recruited participants according to a qualitative research sampling process known as snowballing or chaining (Marshall & Rossman, 1999). Participants were identified through recommendations from special education administrators and other teachers or educators in the field. In all, 15 special education teachers from urban southern California classrooms participated in the study. The first author provided participants with an oral explanation of the research study, and we obtained written human subjects consent forms from each participant.

Eleven of the 15 participating teachers came from school districts serving students ranging from high to low socioeconomic status (SES). Four of the teachers came from a school district that primarily served students from low-SES backgrounds. All of the participants identified their school districts as having a large number of ELL children, and all of the teachers provided special education services to students with moderate to severe disabilities. Three of the teachers provided early-intervention services for children ranging from newborns to 5-year-olds. Three other teachers were trained as speech language pathologists but functioned as classroom teachers in special education classrooms for students in kindergarten and first grade. Five of the teachers taught students with severe disabilities in special day class settings serving students in Grades K–6. One teacher served as an inclusion specialist for the district at the time of the interview; however, she also shared her previous experiences teaching students with severe disabilities at the elementary level. Two of the teachers instructed students labeled as having emotional disturbances and also shared their previous experiences working with students with severe cognitive disabilities. One participant was a resource specialist for Grades 3–6 who also spoke from experience teaching students with moderate to severe disabilities.

The ages of the teachers ranged from 25 to 54 years, with a mean age of 40. The years of teaching experience ranged from 2 to 33 years, with a mean of 14 years. The years of experience working with ELL students with moderate to severe disabilities ranged from 2 to 27 years, with a mean of 10 years. All of the teachers held California credentials that allowed them to work with special education students with moderate to severe disabilities. A description of the teachers' demographic information is provided in Table 1.

Procedure

The first author interviewed each of the 15 special education teachers individually, in person, for about 1 hour. The interviews took place in the teachers' classrooms or classroom offices at their school sites. The

Table 1

Participants' Demographics

Teacher description	Grade/age level	Years of experience	Education level	Spanish knowledge
Resource specialist	3–6	30+	–	basic
Special day class	K–5	6	–	minimal
Early intervention	0–3	30+	BA+	basic
Preschool specialist	3–5	9	BA+	conversational
Special day class	K	3	MA	conversational
Special day class	K	5	MA	conversational
Inclusion specialist	K–6	6	BA+	basic
Special day class	1	2	MA	none
Special day class	4–6	5	MA	minimal
Special day class	4–6	16	BA+	minimal
Special day class	1–3	14	BA+	minimal
Special day class	K–4	27	MA+	none
Special day class	3–5	23	BA+	none
Special day class	4–6	11	BA+	basic
Special day class	K–6	13	BA+	none

Note. BA = Bachelor of arts degree; BA+ = Bachelor of arts degree plus additional credits; MA = Master of arts degree; MA+ = Master of arts degree plus additional credits. Dashes indicate missing data.

interviews were audiotaped and labeled anonymously by a number system to ensure confidentiality. The interviews took place over a 1-year period during 2000–2001.

Instruments

Prior to the interviews, we developed a semistructured interview protocol with defined subject areas (see Appendix). We established the interview protocol according to the main research categories identified in this study. These categories included teacher demographic information; school site

demographics; classroom information; teacher legal knowledge; classroom practice information; teacher opinion information; teacher–parent communication information; and IEP planning information.

The interviewer followed the protocol as a guide, but the interviews were open ended. The interviewer encouraged teachers to share their experiences and thoughts beyond what the interview protocol called for. Each interview was conducted much like a conversation between the interviewer and participant (Marshall & Rossman, 1999), and participants were encouraged to share their opinions and views (Kvale, 1996).

Data Analysis

Each audiotaped interview was transcribed verbatim by the first author. The authors then coded the interviews and established the initial interview code list (Patton, 1990). The purpose of coding the interviews was to look for any patterns or theories that could emerge (Coffey & Atkinson, 1996). We coded interviews according to main categorical themes based on the interview protocol (e.g., demographics, language law description, IEP information). These categories were then coded into smaller segments describing more detail (e.g., language law description—don't know; administration—no direct input). Four of the 15 interviews were coded by the first author and a coauthor. When disagreements occurred, each code was discussed and the definition agreed upon by both coders. This process is referred to as peer review.

We then sorted and organized the data into smaller codes with separate meaningful categories and themes (Coffey & Atkinson, 1996). This process required several iterations until the authors agreed on the clearest formulation of the findings. We also did member checking to test the credibility of the themes and provided one of the participants with a copy of the Findings section of this paper (Patton, 1990). We asked the participant to read the themes and provide input concerning the findings. The participant agreed with the themes and offered additional information to further support the findings.

Findings

After conducting the interviews and analyzing the data, four major categories emerged: confusion over the laws in regard to Proposition 227 and IDEA, resource scarcity, little administration input, and teacher requests.

Law Confusion

When the teachers were asked, “What do you know about the law regarding language of instruction?” the majority of the teachers referred to Proposition 227. However, many teachers sounded unsure of exactly what Proposition 227 stated. The majority of the teachers believed that Proposition 227 requires that all instruction be in English. For example, one teacher said:

I know that a state law passed maybe a year and a half ago stating that the primary instruction in schools now needed to be English. So, now you've got a problem. You know the child needs to be instructed in English, the [teacher] speaks English, you know [instruction is] in English and then you've got the kiddo who goes home to the Spanish-speaking family and can't communicate with them. It's a dilemma, it really is.

As a result of teachers' incomplete understanding of Proposition 227, many teachers said that they did not involve parents in deciding what language should be used as the language of instruction because the teachers believed that due to Proposition 227, there was no language decision to be made:

We do everything at an IEP. I don't remember anyplace asking, "What language do you want your child taught?" I don't think there is that on the IEP, and if I were to ask that because it isn't on the IEP, we might be opening a can of worms that didn't need to be opened. We might be starting something that we didn't need to start.

During the course of the interviews, only three teachers were aware that waivers were an option. Only three of the teachers mentioned IDEA when asked about language laws for ELL students. These teachers correctly referred to the language decision as being IEP driven, stating that the language of instruction was to be decided by the IEP team, including the child's parents. These teachers appeared to have a firm understanding that the IEP was the major source of influence for their students' educational planning and instruction. For example, one teacher said:

The child's needs basically drive the educational team into developing goals and objectives that are pertinent and applicable. So if the child is of a language other than English then we would need to address that as part of the IEP if the child was Spanish speaking or Vietnamese speaking or was deaf and using sign language.

Resource Scarcity

Almost all of the teachers identified resource scarcity as a major issue in their classrooms. These teachers often described the certificated teacher shortage in California, scarcity of bilingually trained assistants and teachers, and a lack of bilingual resource materials, including L1 assessments. One teacher described her frustration with the lack of L1 assessments:

I usually conduct the [IEP] assessments for my English learners with one of my aides acting as a translator. I don't have any Spanish assessments. They are very difficult to obtain because apparently this district only has one or two copies, and they are all being used or one is missing. I'm kind of left to improvise on my own.

Several teachers reported there was no option other than English-only instruction due to their lack of Spanish knowledge and overall resources. Resource availability was identified as having a major influence on the type of language instruction teachers provided. For example, teachers who spoke some Spanish or had a bilingual assistant would provide some instruction in L1 if needed. Teachers who did not have such resources were unable to provide Spanish support.

Teachers reported that because of the special education teacher shortage and difficulty obtaining a teacher assistant, it is even more difficult to find a bilingual teacher. The teachers stated that a bilingual teacher, or a bilingual assistant or related service personnel, would be very helpful for working with their population. However, many of the teachers stated that they did not feel their district had the opportunity to be so selective at the time:

We have [teaching] positions that are still open. It seems that you have to hire whatever is out there. If there happens to be a bilingual person, that's wonderful. However, if they are not bilingual and they have a credential, then you have to hire that person. There just aren't enough bilingual people out there.

When asked about communication between the teachers and their ELL students' parents, many teachers reported that it was often difficult to obtain an interpreter:

I use translators when communicating with my students' parents who speak another language. It is difficult because I have to run out and beg people to translate. I have to ask school secretaries and other teachers. I recently spoke with an administrator and requested a bilingual aide for next year.

Teachers reported using classroom assistants, school administrators, school secretaries, and even students' siblings as interpreters during meetings or conversations. One teacher spoke about a situation in which she was asked to interpret for parents during an IEP meeting. This teacher rated her Spanish-language proficiency at a conversational level; however, she described the situation as very frustrating and asked her administrator not to put her in that position again.

Several teachers reported that they did not feel as if they had been adequately trained to work with ELL students. Only 2 of the 15 teachers held the Cross-Cultural Language and Academic Development (CLAD) credential. The CLAD credential is required in California for teachers of general education ELL children. Some of the teachers did report having had a college or university course during their training that addressed the needs of ELL students. Most of these teachers, however, could recall little in terms of the material or strategies they had learned. Almost all of the teachers stated that their school administration did not request that they pursue the CLAD credential. The majority of these teachers stated that their lack of training resulted partly in

their students receiving instruction in English with only minimal Spanish support, if available. Some of these teachers made comments such as, “I don’t know if I’m breaking the law” or “I hope I’m not doing the child a disservice.” These teachers stated that if they had been more prepared, they would have provided their students with instruction that differed from what they were doing in their classroom at the time of the study.

Although none of the teachers reported being able to speak Spanish fluently, four of the teachers reported they spoke minimal Spanish (i.e., defined by the authors, based on teacher reports, as knowing a few words in Spanish), four other teachers reported they had a basic working knowledge of Spanish (i.e., knowing functional words but not having the ability to have a conversation with another person in Spanish), and three of the teachers said they had a conversational level of Spanish. These teachers reported they had the skills to hold conversations in Spanish but did not consider themselves to be fluent in the language. Four of the teachers did not know any Spanish.

Little Input From Administration

Many of the teachers explained there was no direct input from their administration with regard to decisions about the language of instruction or classroom practices for ELL students with disabilities. These teachers reported that their administration did not provide the teachers with guidance regarding planning, assessment, or instructional practices for the ELL students in their classrooms. The teachers hypothesized that their administration was unable to provide teachers with explicit information about the availability of waivers due to the lack of bilingual resources (i.e., translators, assessments, instructional materials, knowledge of Spanish).

The comments of three teachers illustrate this point:

In my case with the more severe students, my administrators really aren’t that involved in the classroom. I don’t want to say they just let me do what I want . . . [but] they do.

I have some confusion because I have students in my class who are regarded as English language learners, but I do not provide any Spanish instruction. I do provide some Spanish for support if necessary. . . . I’m not really sure of the process and no one can really explain it to me. They just show me a huge book of guidelines telling me that this is what we need to follow, but nobody can really tell me where it goes and whether I am giving this child a disservice by not administering their education in their primary language.

When I started to receive a lot of English language learner paperwork I said, “What is this? What am I doing with these kids?” Nobody could really tell me outright that this is what you’re supposed to be doing with these kids.

Teacher Requests

When the teachers were asked if there were any aspects of working with the ELL population they would like to change, many teachers said they would like more access to resources and training so they would have better overall preparation to work with this population of children. Teachers reported feelings of frustration and an overall dissatisfaction due to their inability to provide their students with bilingual resources, including assessments. Three teachers stated:

There are a few things I would do differently. If it was my program and I had unlimited resources, time and space, there would be plenty of things I'd do differently.

I would like to have a bilingual aide who could help me translate. They could help translate the students' work, parent-teacher letters, and IEPs. I think it would really help bridge the rapport between the school and the home.

It would be nice to have someone on site who was bilingual and who we could use as a resource. Sometimes it works if you hire an aide who is bilingual, sometimes it doesn't work. Right now it is nice because I have someone who is bilingual and can question my student further and helps us understand what he is trying to tell us when he uses his Spanish.

Several of the teachers stated they would like to learn Spanish so that they could communicate with their students and their families. These teachers stated that knowing the language would allow them opportunities to use Spanish during assessments, classroom instruction, and daily communication with their students. One teacher stated, "I would personally like to know more Spanish so that I could be able to help my students." Another said, "I think it would be nicer if I was totally bilingual and I really knew Spanish. I always want my students to feel that their culture is respected and that I value where they came from."

Discussion

The purpose of this study was to explore special education teachers' perceptions of mandates set forth by IDEA and Proposition 227 concerning ELL students with moderate to severe disabilities, and the effects these laws may have on teachers' classroom practices and development of ELL students' IEPs. The implementation of Proposition 227 reflects characteristics of top-down educational reform. The English-only law functioned to eliminate what was formerly a bilingual option. This reform initiative was enforced by political supporters and a bureaucratic system. Such a hierarchy of educational control often results in a lack of information filtration to those people who

must implement policy, in this case, the teachers (Schirling, Contreras, & Ayala, 2000; Weatherley & Lipsky, 1977). Proposition 227 research studies in regular education classes indicate that this top-down education reform strategy has resulted in inconsistent classroom practices, teacher frustration, lack of preparation, and an overall lack of policy implementation (Gándara, 2000; Gutiérrez, Baquedano-López, & Asato, 2000; Maxwell-Jolly, 2000; Schirling, Contreras, & Ayala; Stritikus & García, 2000). The majority of the inconsistent classroom practices are due to a lack of understanding surrounding the law. The people most affected by the top-down policy, the teachers, appear to have the least understanding of it. When asked about the language law, the teachers in this study often demonstrated their own confusion concerning the new California Proposition 227 state law and its impact in their classrooms. Some teachers in this study also expressed extremely strict interpretations of Proposition 227, stating that there was to be no L1 instruction for their students at all. Gutiérrez, Baquedano-López, and Asato (2000) similarly found that the teachers in their study showed a “hyper-interpretation” of the law by saying that there was to be total exclusion of L1 instruction.

Interestingly, only a few teachers actually mentioned the federal IDEA law. These interviews illustrate the precedence that the state law appeared to have over the federal law in these particular classrooms. This finding is disturbing due to the importance of IDEA. Because the needs of students who have disabilities are not addressed via regular education curricula, IDEA has mandated the IEPs for these children. Thus, special education teachers should be well versed in the importance and precedence of IEP team planning and educational decisions. Blanket policy statements, such as Proposition 227, should not be applied directly to a child’s educational planning without first considering the child’s IEP (i.e., making team decisions on issues such as the child’s language).

Contrary to the federal IDEA educational planning mandates, we found that the majority of teachers made decisions regarding language instruction based upon their interpretations of Proposition 227 and the resources available to them. Findings indicated that the teachers, without input from their administration and the children’s parents, are the ones who make the decisions regarding language of instruction. The majority of the teachers reported there was no allotted time during their IEP meetings in which the team would discuss the language of instruction for an ELL child. Many of the teachers stated that although they would be open to such a discussion if it occurred, it did not occur explicitly. Teachers felt the parents left the instruction up to their discretion. It should also be noted that all of the teachers expressed their own theories about what language should be used as the language of instruction based on their own beliefs. These theories referenced their own justification behind the language decisions they made for their students. However, these theories were overshadowed by misunderstandings of the law and by resource scarcity.

The majority of the teachers faced a scarcity of resources within their school sites or districts. Many teachers reported that bilingual resources and bilingual assistants for the classroom were difficult to find. Teachers described their own lack of Spanish knowledge as a resource scarcity. There were no fluent Spanish speakers out of the 15 teachers interviewed. Only 2 of the teachers had a CLAD credential, which is the California credential geared toward working with regular education students who come from homes where a language other than English is spoken. This finding that there is a lack of bilingual resources and qualified personnel to work with ELLs is consistent with other, regular education Proposition 227 study findings (Gándara, 2000; Maxwell-Jolly, 2000; Schirling, Contreras, & Ayala, 2000). These other studies indicated that a lack of resources, support, and training prohibited the teachers from providing adequate instruction to their ELL students or presented major obstacles to such instruction.

Conclusion

When taken in total, the findings of this study raise important concerns about whether or not ELL children with moderate to severe disabilities are receiving instruction that is calculated to achieve educational benefit that is not trivial, the *Rowley* standard (*Rowley v. Hendrick Hudson School District*, 1982). If the practices reported here are widespread, there may also be reason for concern about de facto denial of parents' rights under IDEA. Researchers have indicated the importance of parental participation as active educational team members (Turnbull & Turnbull, 2001). Although IDEA is silent concerning the process of making a decision about the language of instruction, this decision appears to be one that should clearly be at the forefront of the child's educational planning given the dire importance of communication and language acquisition.

This study is important to the field of special education, bilingual education, and educational reform, given the growing trend of reform initiatives that are continually implemented into today's classrooms. Proposition 227 began a trend of English-only instruction, with the recent Arizona English-only law, Proposition 203, following closely on its heels. Research indicates that the state and federal governments continue to implement various reform initiatives that do not take into account theoretical and practical implications they have for students (Gutiérrez, Asato, Pacheco, Moll, Olson, Horng, Ruiz, et al., 2002). Gutiérrez et al. describe the effects of such reforms by saying that "teachers were expected to implement each new reform without the time and support to make sense of the reform in their own local context, or to understand the new reform in relation to previous reforms and practices" (p. 333).

A major limitation of this study is that it should be considered a small foray into an almost completely unexplored area: special education for ELL students with moderate to severe disabilities. The small number of participants

and the limited geographical range of the study preclude generalization of these findings. There is a need for more research on special education teachers' planning, assessments, and classroom practices for ELL students. More generally, there is a need for research on the language acquisition of ELLs with special needs and whether or not language of instruction makes a major difference in how these children acquire language.

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Appendix

Interview Protocol

1. Tell us about yourself. What is your age?
2. What is the highest level of education you have received?
3. How long have you been teaching?
4. Do you have a teaching credential? In what area?
5. Did your training in your college/university program include study of multicultural education or ESL [English as a Second Language]?
6. Do you have your CLAD [Cross-Cultural Language and Academic Development] credential?
7. How many years have you worked in classrooms with students whose families speak another language?
8. Do you speak other languages? Which one(s)?
9. What do you know about the law regarding language of instruction?
10. What is your opinion about what the language of instruction should be for children in your classroom with moderate to severe disabilities who come from non-English-speaking homes?
11. Tell me about your classroom. Do you have any students this year whose families speak a different language at home?
12. Could you tell me about those students?
13. How do you interact with their parents?
14. Tell me about your school. How many students are in your school?
15. What SES class does your school primarily serve?
16. Tell me about how you work with students whose families speak a different language. What do you do that's different with them than with the other students in your class?
17. How did you decide to use this method?
18. Were the parents involved in this teaching-method decision?
19. Tell me about the assessment process with these students.
20. Who does the assessing?
21. In what language are the students assessed?

Appendix, cont.,

22. How do you assess the student's communication level: expressive? Receptive? Other communication methods?
23. Do you observe the student as part of the assessment process? In what settings?
24. Tell me about the IEP [Individualized Education Program](planning and instruction) process for these students.
25. Is there a part of the IEP process where the team considers what language should be used for instruction?
26. Do the parents have any input?
27. Are you content with the way things are done with these [ELLs with moderate to severe disabilities] students?
28. Are there things you might improve with the decision-making process?
29. How does the administration affect these issues?

