

AVAILABILITY OF SPEECH-LANGUAGE PROGRAMS SERVING STUDENTS
FOUND INELIGIBLE FOR SPECIAL EDUCATION SERVICES UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

by

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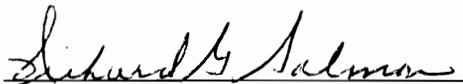
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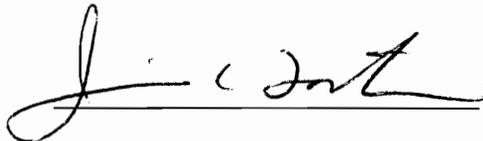
ADMINISTRATION AND SUPERVISION OF SPECIAL EDUCATION



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(ABSTRACT)

A review of the literature revealed a need for programs serving students with speech/language disorders that do not adversely affect their educational performance. This study sought to locate non-special education sponsored speech-language programs designed to serve students found ineligible for special education services under the Individuals with Disabilities Education Act (IDEA) (Public Law 101-476).

Eight states were identified as offering non-IDEA speech-language services in the regular education program for students found ineligible under special education law. State education agency personnel responsible for statewide public school speech-language programs were surveyed in these states to seek specific information about the non-IDEA programs offered. Speech-language pathologists employed in rural and urban public school settings in these

states were surveyed to note whether the non-IDEA services were offered in their school districts. Specific eligibility criteria were examined to determine how decisions are made regarding the enrollment of students with speech/language disorders in non-special education sponsored programs and special education sponsored programs. Guidelines for implementing and regulating speech-language programs were requested from each state education agency for the purpose of compiling best practices in the field.

The study revealed that non-IDEA speech-language programs were designed to serve students with minor or mild articulation, language, fluency, and voice disorders. Eligibility criteria used in placing students in these programs were similar to those used in placing students in special education sponsored speech-language programs. Formal regulations/guidelines were reported in one-half of the states but only one state had published guidelines available.

These results provide support for more states to offer alternate speech-language programs to meet the needs of students outside of special education. An in-depth study of eligibility criteria used in serving students in IDEA and non-IDEA speech-language programs is warranted.

DEDICATION

To my loving and loyal family,
Clyde, Kelly, Eugene
and
Puff,
who were there for me
from the beginning

And in loving memory
of my
dear Mother

ACKNOWLEDGMENTS

Give thanks to the LORD, for He is good; His love endures forever. ---- Psalm 107:1

I extend sincere "Thanks and Gratitude" to my committee members: Dr. McGrady, Dr. Salmon, Dr. Fortune, Dr. Cole Vaught, and Dr. Garn-Nunn for their assistance in the success of this research project. I especially thank Dr. McGrady who served as committee chair, advisor, and editor of this work. His devotion to the program and students makes this effort possible for me. His experiences in the field of speech-language pathology and special education administration weighed significantly in supporting this research study. Thanks to Dr. Salmon for editing this work, and for providing resources in defining urban and rural school districts used in locating participants for this study. I know now that nonmetropolitan can mean urban and metropolitan can mean rural. Thanks to Dr. Fortune who assisted in shaping the research design from the beginning. Because of his direction, I can conduct similar studies based on the assistance that he provided. Thanks to Dr. Cole Vaught who joined the committee following the death of my chairman, Dr. Jones. I am thankful for her support when I needed it

and for her interest in this research project. Thanks to Dr. Garn-Nunn for providing another perspective from the profession of speech-language pathology. Her background and expertise in the field were supportive and refreshing. Posthumously, I extend sincere appreciation to Dr. Phil Jones for his support just beyond the prospectus phase of this study. His unexpected death makes the completion of the program and this project bittersweet experiences.

A special "Thank-you" to Kathy and Darlene for their clerical support, encouragement, and kind ways. I will remember fondly my days as a Graduate Assistant in their office!

As I look back over the past three school years, I recall the support my family has given me in this effort to acquire the doctorate in education. Their love, patience, encouragement, and assistance have brought me to this point. "Thank-you" for everything! I promise my husband that I will not enroll in another course for credit. I will only enroll in fun courses designed to stretch my knowledge of some of life's basic skills: learning to play golf, becoming more computer literate, and maintaining repairs on my car. If I were to acquire any of these skills with any degree of success, I would be infringing upon my husband's past-time activities and interests. Of course, I would not want to do that.

And, lastly, to my extended family, "Thank-you" for your encouraging words of support!

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CHAPTER 1

THE PROBLEM

Introduction

Imagine your six-year old son or daughter presenting articulation errors of a developmental or dialectal nature such as a "th" for "s" substitution or an "f" for "th" substitution, respectively, and coming to the attention of the speech-language pathologist for possible speech therapy services in public school. Being knowledgeable about normal and deviant articulation development, the speech-language pathologist is pressured to enroll children with any type of deviation or difference even in the absence of a true communication disorder (Work, 1989). In order for speech/language services to be rendered, your child must be enrolled in special education or receive no services, because there is not a program in place serving children with communication disorders that present barriers to communication that do not "adversely affect their educational performance." The only mandated service is through special education and the Individuals with Disabilities Education Act (IDEA) (1990), which uses a classification of "Speech or Language Impairment" (SLI) for reporting purposes. Speech or Language Impairment is

defined as a "communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that *adversely affects a child's educational performance* [italics added], (Code of Federal Regulations (CFR), Volume 34, Regulation 300.7(b)(11), 1992).

As seen in the above scenario, determining the presence of an articulation error does not necessarily justify the need for direct educational intervention by a speech-language pathologist (Ginn, 1983). The presence of a disability alone does not lend sufficient justification for special education eligibility (Lockwood & Pistono, 1989; Individuals with Disabilities Education Law Report (IDELR) Trumann Public Schools, IDELR 18:790, 1992). To be eligible for services under the IDEA, a disabling condition must be established and "must result in an educational deficit and the corresponding need for specially designed instruction" (Trumann Public Schools, IDELR 18:790, 1992, p. 797).

Providing services to children with speech/language impairments is required by law with accompanying regulations for implementation for those found eligible. The Individuals with Disabilities Education Act (1990) mandates that eligible children receive a free appropriate public education in the least restrictive environment, have a specifically designed individualized education program

(IEP) written for them, and have their rights protected under this law. This mandate also requires assessment and evaluation procedures wherein no one procedure becomes the only criterion used in making placement decisions. Information from a variety of sources is necessary as well as a multidisciplinary team with persons knowledgeable about the meaning of evaluation data. These factors, taken from the regulations for implementing the IDEA, raise concerns about: (1) serving children who present minor or mild communication disorders when there is no adverse impact on educational performance; (2) the application of eligibility criteria; and (3) the lack of programs serving children whose minor or mild speech/language disorders present barriers to communication only, thus rendering them ineligible for services under the IDEA.

Part B of the IDEA states that "the term 'children with disabilities' means those children evaluated in accordance with Sections 300.530-300.534 as having...speech or language impairments...who because of those impairments need special education and related services" (34 CFR 300.7(a)(1), 1992, p. 5). This law further defines a speech or language impairment as a "communication disorder...that adversely affects a child's educational performance" (34 CFR 300.7(b)(11), 1992, p. 5). The latter part of this definition (adversely affects a child's

educational performance) often has been at issue in due process hearings over eligibility for special education services. This was particularly found in cases concerning speech/language services in California, New York, Arkansas, Georgia, and Massachusetts (West Orange County Consortium for Special Education, Education for the Handicapped Law Report (EHLR) 505:104, 1983; City School District of New York, EHLR 507:241, 1985; Trumann Public Schools, IDELR 18:790, 1992; Catoosa County Board of Education, IDELR 20:729, 1993; Weymouth Public Schools, IDELR 21:578, 1994), respectively. The adverse affects phrase has also been at issue in cases where the term is found in other categories of disabilities: California, California, California, Connecticut, California, Washington, Pennsylvania, and Virginia (Morgan Hill Unified School District, EHLR 502:144, 1980; East Side Union High School District, EHLR 502:328, 1981; Burton Valley School District, EHLR 503:256, 1982; In re E. F., EHLR 503:300, 1982; Capistrano Unified School District, EHLR 506:106, 1984; In re Kristopher H., EHLR 507:183, 1985; West Chester School District, IDELR 18:802, 1992; and, Fauquier County Public Schools, IDELR 20:579, 1993), respectively.

In the early years following the advent of the Education for All Handicapped Children Act (Public Law (PL) 94-142) there was considerable confusion as state and local

education agencies struggled with the interpretation of "educational performance" (Office of Special Education and Rehabilitative Services (OSERS) Policy Letter, EHLR 211:202, 1980). Most frequently, it was interpreted by state and local education agencies to mean "academic achievement in curriculum subjects" (OSERS Policy Letter, EHLR 211:202, 1980). As a result, children with communication disorders were being denied services if there were no concomitant problems in academic achievement. This raises the question of whether a child whose communication disorder does not adversely impact his or her academic performance in the classroom might still need some level of speech/language services (OSERS Policy Letter, EHLR 211:202, 1980).

During these formative years following the implementation of PL 94-142, variations surfaced in the theme of who should be eligible for speech-language pathology services as local, state, and national special education leaders attempted to interpret special education regulations (Work, 1989). Regulations for implementing the IDEA do not specifically define educational performance. Hence, an interpretation of the term adversely affects educational performance as related to speech or language impairment was sought from OSERS by the American Speech-Language-Hearing Association (ASHA) (OSERS Policy Letter,

EHLR 211:202, 1980). In response to letters of inquiry to federal administrators in OSERS and the Office of Special Education Programs (OSEP) from ASHA, the Delaware State Department of Education, and Georgia State University, policy statements were issued for the purpose of clarifying the term adversely affects educational performance as it relates to eligibility for speech/language services (OSERS Policy Letter, EHLR 211:202, 1980; OSEP Policy Letter, EHLR 16:82, 1989; and OSERS Policy Letter, IDELR 18:538, 1991), respectively. In the response from OSERS (OSERS Policy Letter, EHLR 211:202, 1980), the following statement was issued:

In the event that the speech-language pathologist establishes through appropriate appraisal procedures the existence of a speech/language impairment, the determination of the child's status as a 'handicapped child' cannot be conditioned on a requirement that there must be a concurrent deficiency in academic performance. (p. 204)

And, in still another response, OSEP (OSEP Policy Letter, EHLR 16:82, 1989) made the following statement:

In sum, it is the position of the Office of Special Education Programs that a child with a speech impairment that does not affect his/her academic achievement can still be identified as an eligible 'handicapped child' under EHA-B. (p. 83)

Subsequently, OSERS (OSERS Policy Letter, IDELR 18:538, 1991) rendered the following policy statement:

Decisions about whether a speech problem adversely affects a child's educational performance must be made on a case-by-case basis, and school districts may not follow a general policy of denying speech services to children with articulation difficulties until they have reached the maximum developmental age for a particular sound. (p. 538-539)

Despite these interpretations, decisions of hearing officers in due process hearings concerning communication disorders in California, Arkansas, New York, Georgia, and Massachusetts found that the display of a student's speech problem alone does not qualify as a handicapping condition which adversely affects educational performance. This was true even after applying both federal and state standards of eligibility that require considerations of evaluation data from many sources: social, educational, speech-language, and medical (West Orange County Consortium for Special Education, EHLR 505:104, 1983; City School District of the City of New York, EHLR 507:241, 1985; Trumann Public Schools, IDELR 18:790, 1992; Catoosa County Board of Education, IDELR 20:729, 1993; and Weymouth Public Schools, IDELR 21:578, 1994), respectively.

ASHA's membership reported that some state education departments and local education agencies were equating educational performance with academic performance, thereby denying speech-language services to students unless there were concomitant academic problems (OSERS Policy Letter, EHLR 211:202, 1980). It was ASHA's position that students could experience social and emotional problems because of

their communication disorders. Despite the narrow definition that states were using, ASHA developed its own position by stating that the term educational performance should include the child's social interactions within the classroom, emotional development within the school setting, communication behavior as well as academic achievement (OSERS Policy Letter, EHLR 211:202, 1980,).

The interpretation of policy by OSERS (OSERS Policy Letter, EHLR 211:202, 1980) states that denying services to children with speech-language impairments where there were no adverse impacts on educational performance was applying unreasonably strict standards in interpreting the IDEA and its Part B regulations. Although state education departments and local education agencies have some discretion in matters pertaining to the definition of speech/language impairment, decisions about whether a communication disorder is adversely affecting a child's educational performance must be made on a case-by-case basis (OSERS Policy Letter, IDELR 18:538, 1991). Additionally, it was found that when local education agencies limit academic performance to achievement tests, class work, and report cards, they are applying standards that are restrictive (Long Beach Unified School District, EHLR 506:274, 1984). Instead, according to the ruling in this case, educational performance should include both

academic and nonacademic areas and should spell out how the disability affects everyday functioning.

The phrase adversely affects educational performance is also applied to other categories of disabilities: autism, deafness, hearing impairment, serious emotional disturbance, traumatic brain injury, and visual impairment (Long Beach Unified School District, EHLR 506:274, 1984). It is important to understand that a speech-language impairment does adversely affect educational performance when the communication disorder is judged *sufficiently severe* [italics added] to require the provision of speech pathology services (OSERS Policy Letter, EHLR 211:202, 1980). This stipulation then raises the question: Is the judgment based on qualitative criteria, quantitative criteria, or a combination of both? However, given the fact that Part B of the IDEA does not define educational performance, the standard for determining a child's category of disability listed in the regulations is that the impairment adversely affects educational performance (OSERS Policy Letter, EHLR 211:202, 1980).

Thus, it appears necessary that states develop guidelines outlining criteria to be used in determining which speech/language impaired students should be served under the special education umbrella and which should be served in other programs. In a report of speech/language

services for the Michigan State Department of Education, Lockwood and Pistono (1989) made the distinction between an "impairment of functioning" and a "handicapping condition" as being critical to appropriately identifying students as eligible for services. Critical concepts of cause, impairment, disability, and handicap were used in this distinction in the following way: the cause creates the condition or impairment; the impairment creates the disability which, in turn, creates the handicap by impacting the student's ability to function in school. Lockwood and Pistono (1989) further explained that the presence of a speech/language impairment does not constitute a handicap; that it becomes a handicap when it limits or prevents the student from participating as an active communicator in the educational process. Furthermore, a deviation in speech/language skills does not constitute an adverse affect on the student's ability to function in the educational environment any more than poor eyesight interferes with educational functioning (Lockwood & Pistono, 1989). A student wearing eyeglasses is not classified as visually impaired, so why should a student with a minor deviation in communication skills be classified as having a handicapping condition? In either case, the deviation must be shown to interfere with the student's ability to perform in the educational setting in

order to be eligible for services (In re E. F., EHLR 503:300, 1982; Lockwood & Pistono, 1989).

Statement of Purposes

The purposes of this study are to: (1) identify states that offer speech/language services for non-disabled students with speech/language needs, and (2) identify eligibility criteria used in enrolling students for speech/language services. A review of the literature reveals a state and national concern with caseload selection for services (Binney, 1984). Consistency in eligibility criteria is warranted on both local and state levels in order to explain adverse affect on educational performance in serving students with communication disorders.

Research Questions

The following research questions are addressed in this study:

1. What programs are available for students with speech/language impairments who are found ineligible for special education services because their communication disorders do not adversely affect their educational performance?
2. What criteria are used to determine eligibility for speech/language services in special education

sponsored programs, and non-special education sponsored programs?

3. What formal regulations and guidelines are used in providing speech/language services in special education sponsored programs and non-special education sponsored programs?

Significance of Study

Currently, few states offer programs separate from special education for students who present minor or mild communication disorders that do not affect their educational performance. This study addresses the need for speech/language services for students in public schools who exhibit communication disorders that present barriers to communication without adversely affecting educational performance. Special education programs are available for students who present communication disorders that do adversely affect educational performance, but what programs or services exist for those students found ineligible for special education? Are non-disabled students with speech/language needs distinguishable from disabled speech/language students? This study will identify states that offer non-special education sponsored speech-language services for students with speech/language needs, the reasons why these programs are available, the types of speech-language needs that are more likely to be serviced

in these programs, and the eligibility criteria used to determine whether a deviation in speech-language skills adversely affects educational performance.

CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

Students who have been evaluated as having speech/language impairments are considered as "children with disabilities" according to the IDEA (34 CFR 300.7(a)(1), 1992). The IDEA's definition of "speech or language impairment," along with nine other categories of disabilities, includes the phrase "adversely affects a child's educational performance" in defining those who need special education and related services. This chapter focuses on the application of this phrase and its affect on servicing students with speech/language impairments, the application of eligibility criteria, and the availability of alternate programs serving students who are found ineligible for speech-language services under the IDEA.

Consideration and attention in this chapter is also given to (a) the number of students identified under the IDEA who present deficiencies in speech/language skills; (b) what happens to students who are in need of speech/language services when there is no adverse affect on educational performance; and, (c) the need for developing eligibility criteria that are consistent within each state

and within each local education agency. The challenge for states is to develop eligibility and diagnostic assessment policies that will yield accurate identification of those needing speech/language services without either overidentifying or underidentifying students.

The theme of preserving the special education system for the truly disabled has been stated by top administrators in the U.S. Department of Education: Secretary, Richard Riley; Assistant Secretary for Special Education and Rehabilitative Services, Judith Heumann; and Director of Special Education Programs, Thomas Hehir (Shapiro, 1993). According to Director Hehir (cited in Shapiro, 1993, p. 60) "We are concerned about the misidentification of students and the overidentification of students."

The practice of dispensing speech/language services under the banner of special education for students whose impairments do not adversely affect their educational performance, but rather, present barriers to communication is being questioned in this study. It is believed that students so identified should be serviced as part of their regular education program under a type of speech/language improvement service in order to remediate their disorders in speech/language skills. Students with speech/language impairments under the IDEA are serviced mostly in the

regular education classroom instead of in the traditional pull-out service delivery model (U. S. Department of Education, 1992). However, those who are found ineligible for special education have become the underserved and receive no speech/language services as part of their regular education program.

According to the Fourteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (U. S. Department of Education, 1992), the speech/language impairment category of disability is the most highly integrated category of disabilities. Fully, 76.8% of its students were served in regular education classrooms, and 17.7% were served in resource rooms during the 1989-90 school year. However, service in the regular education classroom is not at issue here because this disability group under the IDEA is already receiving assistance in the regular education classroom under the service delivery model of inclusion. Rather, the issue here is serving students with speech/language needs in regular education programs when they are found ineligible for special education services under the IDEA. These students generally remain unserved, or they are improperly labeled as disabled in order to receive services that generate Part B dollars. It becomes apparent that guidelines which reflect state and national concerns are

needed for determining speech/language eligibility (Binney, 1984).

Data on Students Served

In an audit of the use of PL 94-142 funds by the Government Accounting Office in 1981 (cited in Brush, 1987), it was reported that the largest and most obvious category of handicapped children is the "speech impaired."

The report stated that:

1. Speech impaired children generated PL 94-142 funds in excess of the amount actually needed to provide services.
2. Most speech impairments do not affect educational development, and states do not apply an adverse effects [sic] test as required by PL 94-142.
3. Children classified as speech impaired are typically under 10 years old, served in grades one through three, receive only small amounts of service, and do not have major modifications made in their regular education programs.
4. Most speech impairments are of minor severity, do not adversely affect educational performance, and therefore are not important. (p.5)

A review of the literature revealed that in 1960, the typical public school caseload for speech-language pathologists averaged 111 students per week with 81% of these students exhibiting articulation disorders, 5.5% displaying fluency disorders, and 4.5% presenting language disorders (Peters-Johnson, 1992). Additionally, some 76% of these students were in second grade, and 94% were in grades lower than fifth.

Caseload size is of particular importance to SLPs employed in public schools because this setting generates a

larger average clientele for SLPs than any other employment setting (Shewan & Slater, 1993). It is defined as "the number of different individuals evaluated or treated in a typical month" (Shewan, 1989, p. 56).

In 1981, a decrease in public school caseloads was observed and averaged 43 students (Peters-Johnson, 1992). Articulation and language cases were equal and accounted for 94% of caseloads; voice disorders remained constant at 2.3%; and, the percentage of fluency disorders decreased. Students in grades five and above comprised 33% of caseloads while a decrease was shown in the percentage of students served in kindergarten through second grade according to the Peters-Johnson (1992) report.

In 1982, a shift was observed in the average public school caseloads of speech-language pathologists that resulted in more language impaired students being served instead of articulation impaired students (Peters-Johnson, 1992). Caseloads grew from an average of 44 students to 51 students with language impaired students comprising 52.4% of caseloads, and articulation cases comprising 33% of the caseload. These changes continued to be observed according to ASHA's 1992 Omnibus Survey (cited in Peters-Johnson, 1992). In the study, the average caseload was 52 students and the median 50; 68% of caseloads consisted of students in the 6-17 year old range while 26% were in the 3-5 year

old range; 26% of caseloads showed mild impairments, 51% moderate impairments, and 23% severe impairments. Some of the reasons for the differences in data over the years include the following according to Peters-Johnson (1992): some children formerly identified as having speech-language disorders were later identified with other primary disabilities; there were changes in service delivery models; services were provided in the regular education classroom; some schools used revised eligibility criteria; and, there were economic constraints and budgetary cuts.

The Fourteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (U. S. Department of Education, 1992) gives an account of the number of speech-language impaired students served under Part B and Chapter I for the 1990-91 school year as 990,186 with 98.8% of this number served under Part B. However, since 1976-77, the number of students serviced with speech-language impairments has decreased by more than 192,000 or 16.4% when compared to the number of students served with specific learning disabilities. During that particular year, speech/language impaired students comprised 35.6% of all students with disabilities but this disability group showed a decrease in numbers for the 1990-91 school year that totaled only 23.4%. For the two years preceding the 1990-91 school

year, however, increases were reported for this group that amounted to over 26,298 new students identified with speech/language impairments. Despite the 16.4% decrease since 1976-77, these reported recent increases can be found mostly in the elementary school population of 8-11 year old students.

The overall drop in numbers from 1976-77 to 1990-91 can be explained according to the Fourteenth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act (U.S. Department of Education, 1992). The crossover between language disorders and specific learning disabilities is one factor where language disordered students were being identified as specific learning disabled and served in a different program as opposed to being identified as speech-language impaired and served in a speech-language program. Another factor accounting for the decrease has to do with the availability of speech-language remedial services as part of or within the regular education program. A third causal factor is related to more accurate and discriminating identification procedures being utilized for speech-language disordered students.

The issue of concern in this research centers around eligibility criteria supporting, or not supporting, the speech/language impairment's adverse affect on educational

performance and the kind of services warranted as a result. On the basis of the aforementioned information, concerns are raised regarding how formal regulations and guidelines are used in determining whether a speech/language impairment adversely affect a child's educational performance, criteria to be used in determining eligibility for speech/language services, and the availability of speech/language services for children with deviations in communication skills who are found ineligible for services under the IDEA.

Legal Basis for Adverse Affect on Educational Performance

In addressing the first concern of when a speech/language impairment adversely affects a child's educational performance, a report by the Committee on Language, Speech, and Hearing Services in the Schools (ASHA, 1984), lists several factors that influence the decision to serve a particular student in this disability group. Of prime consideration are the severity of the disability, the influence of the communication disorder on the student's ability to function in an academic setting, the relationship of the disorder to other disabilities, and the stage of development of the communication disorder. For the purpose of this study, essential features are the severity, the influence on the student's ability to function in an academic setting, and the stage of

development of the communication disorder. The student who presents other disabilities concomitant with a speech/language impairment is eligible for related services under the IDEA, and should rightfully be included in a program of speech/language therapy.

The issue of educational need and its application to speech/language services was formally addressed in an interpretation of policy by OSERS in May 1980 (OSERS Policy Letter, EHLR 211:202), and subsequently was upheld in another statement of policy by OSEP in October 1989 (OSEP Policy Letter, EHLR 16:82). Consequently, the phrase adversely affects a child's educational performance is the standard by which the determination is made for a child to receive special education sponsored speech/language services or any of the other nine categories of disabilities employing this phrase (OSERS Policy Letter, EHLR 211:202, 1980). In the years following the implementation of the Education of the Handicapped Act, PL 94-142, confusion was present as state and local education agencies interpreted the phrase to mean that the student had to present a concomitant problem in academic achievement in order to receive speech/language services (OSERS, EHLR 211:202, 1980). Here the term "educational performance" was construed to mean "academic achievement or academic performance." Thus, OSERS issued the following

statement: "In the event that the speech-language pathologist establishes through appropriate appraisal procedures the existence of a speech/language impairment, the determination of the child's status as a 'handicapped child' cannot be conditioned on a requirement that there must be a concurrent deficiency in academic performance" (OSERS Policy Letter, EHLR 211:202, 1980, p. 203).

During these early years, state and local education agencies were not providing speech/language services to students unless there were concomitant problems in academic achievement. However, this was not the intent of the Education of the Handicapped Act. Students who presented communication disorders in the areas of articulation, language, voice, and fluency were denied speech/language services even when they presented these difficulties in the classroom (OSERS Policy Letter, EHLR 211:202. 1980).

Further, OSERS maintained that to deny services to a child when there are no discrepancies in age and grade performances in academic areas is applying unreasonably restrictive standards which are inconsistent with the intent of special education statutes and regulations (OSERS Policy Letter, EHLR 211:202, 1980). And, in another statement: "It is the position of the Office of Special Education Programs that a child with a speech impairment that does not affect his/her academic achievement can still

be identified as an eligible 'handicapped child' under EHA-B" (OSEP Policy Letter, EHLR 16:82, 1989, p. 83). However, given the positions of OSERS and OSEP, the phrase - adversely affects a child's educational performance - appears to be an avenue by which state and local education agencies leniently include students with speech/language needs in special education sponsored speech-language programs. Because state and federal laws require that a handicapping condition be established, is the adverse affects phrase being obscured (when it should not be) to afford many students with minor speech/language deviations the opportunity to receive speech/language services under the special education umbrella thereby creating an overidentification of students being served?

A free appropriate public education includes special education and related services which meet state education standards and Part B requirements. But, do states weaken the meaning of the adverse affects phrase when students with minor or mild speech/language deviations are served under the IDEA that generates Part B funds, rather than serving these students in a regular education speech/language program? In other words, do states operate under the belief that regardless of the adverse affect on educational performance, students with speech/language

impairments must be identified under the IDEA so that Part B funds can be used to cover the cost of educating them?

From the onset of the implementation of federal special education law (PL 94-142), ASHA's position on serving the speech-language impaired appears based on meeting their needs in special education programs regardless of the severity. Students with speech/language impairments can not be considered for related services only, that is, receive speech-pathology services without special education because they would not be eligible for funding according to Dublinske and Healey (1978). With this emphasis on funding, ASHA stressed the importance of being classified as special education rather than related service by stating the following:

In PL 94-142, children can be classified as handicapped only if they require those services defined as "specialeducation." If a child receives a "related service" and does not need special education, then the child is not considered handicapped and is ineligible to receive PL 94-142 funding. (p. 191) And further,

Theoretically, states and local districts would lose thousands of dollars because they cannot count such children as handicapped or receive PL 94-142 monies to provide needed services. At present, it appears most states and local districts are ignoring or are accommodating for these semantics and are reporting all communicatively handicapped children receiving services when their primary handicap is speech, language, or hearing impairment. (p. 192)

The issue of Part B funds being used to overidentify students for services was raised in 1995 by the U.S. Department of Education as it sought to rewrite eligibility rules and funding formulas for special education: "The current funding formula - based on an annual head count of disabled children - creates a perverse incentive to overidentify children to generate funds and a disincentive to place children in regular classrooms" (Staff, 1995, p.2). Is there no other way to provide services to students with speech/language needs other than through the speech impaired classification in special education? Those who are in the position of determining a student's eligibility for services should realize that not every student who presents a communication disorder needs to be classified as speech impaired under special education.

Too often, an excessive number of students are being labeled inappropriately by well-meaning professionals operating in a system that attempts to meet the needs of students who present communication disorders in regular education classrooms. The requirement, therefore, is that "a speech-language impairment necessarily adversely affects educational performance when the communication disorder is judged sufficiently severe to require the provision of speech pathology services to the child" (OSERS Policy Letter, EHLR 211:202, 1980, p. 203). When interpretations

of the adverse affects phrase are weakened to include all speech/language impaired students in special education sponsored speech/language programs, conflicts between federal and state policies occur. This results in local education agencies providing these services to students regardless of the presence of a disabling condition.

Examples of Special Education Services Denied

In a 1983 due process hearing in California, the parents of a seven-year old girl requested a hearing to determine their child's eligibility for special education services based on the presence of an articulation deficit (West Orange County Consortium for Special Education, EHLR 505:104, 1983). It was the parents' position that their child's articulation disorder affected her educational performance. The district's assessment of the child found her to be ineligible for special education services but agreed to continue providing her with a cross-age tutor in her regular education class. The following ruling was provided:

Hearing officer agreed with district that student is not eligible for special education, finding that student does not qualify for special education under either Federal or state regulations. Hearing officer stated that student's pronunciation difficulties are not so significant that it [sic] adversely affects her educational performance. Nor do student's articulation errors attract adverse attention from her peers. Also, student's articulation sounds are not below that expected for her chronological age or developmental level. Hearing officer ruled that minor

misarticulation sounds that student makes are appropriately remediated with modification of her regular school program such as cross-age tutor. (p. 104)

The student in this case did not meet the state's definition for an articulation disorder that stated the following: "(t)he pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention" (West Orange County Consortium for Special Education, EHLR 505:104, 1983, p. 105). It was further felt that the slight distortions in the student's articulation skills were directly related to the fact that she lacked front teeth.

In a 1985 due process hearing in New York State, the parents of a first grade student sought special education services for their son who they felt should be classified as speech impaired by the committee on the handicapped (City School District of the City of New York, EHLR 507:241, 1985). The committee did not find that the student's educational performance was adversely affected by his articulation errors and hoarse voice quality. However, the hearing officer ruled that "classification as speech impaired does not require adverse impact on educational performance because oral communication is an integral part of the educational process" (City School District of the City of New York, EHLR 507:241, 1985, p. 241). The school

district appealed this decision at a higher level wherein the Commissioner of Education annulled the hearing officer's decision with the following ruling:

Mere deficiency in oral communication skills is not evidence of educationally handicapping condition. Federal and state regulations defining speech impairment require that communication disorder have some adverse impact on child's educational performance. It must impair his ability to benefit from regular education without special assistance. There must be a relationship between communication disorder and student's ability to acquire knowledge, maintain satisfactory interpersonal relationships and have sound emotional development. Evidence in this case does not indicate such a relationship. (p. 241)

And, further:

The record before me indicates that the student's speech is understandable, and that his academic, emotional and social development are at or above grade level. There is no basis in the record for me to conclude that the student's articulation difficulties have had any adverse effect [sic] upon his educational performance, and I must therefore find that he may not appropriately be classified speech impaired. Consequently, the decision of the hearing officer must be annulled. (p. 243)

This case presents a good example of how students are classified as speech impaired when they are technically ineligible. The position of the hearing officer appears to be shared by other professionals serving on multidisciplinary teams that determine students' eligibility for special education services. "The hearing officer reasoned that it was not necessary to demonstrate that the student's speech difficulties had an adverse impact upon his educational performance in order for him to

be appropriately classified as speech impaired, because oral communication is an integral part of the educational process" (City School District of the City of New York, EHLR 507:241, 1985, p. 242). In this case, the federal definition of a speech impaired student was identical to that which the state used, but the hearing officer circumvented the adverse affects phrase to rationalize labeling the student as speech impaired and providing him with special education sponsored speech/language services. It took an appeal by the school district and the Commissioner of Education's overriding opinion for the adverse affects phrase to be applied.

In an Arkansas due process hearing held in 1992, the parents of a kindergarten student disputed the school district's determination that their son was not eligible for special education services when he had received speech therapy services as a preschooler (Trumann Public Schools, IDELR 18:790, 1992). The results of the hearing officer's decision were as follows:

The hearing officer found sufficient evidence to indicate that the student did, indeed, display a speech problem, particularly with the articulation of the "r" sound. However, under the applicable federal and state standards, the evidence was not sufficient to indicate that the student had a communication disorder which adversely affected his educational performance. Accordingly, the hearing officer affirmed the decision that the student was presently ineligible for special education, but reminded the district that it might need to conduct further testing of the student in the future. (p. 790)

And, evidence presented revealed that:

(s)imply because a child misarticulates the word 'water' is not enough to establish an adverse effect [sic] on communication.... In analyzing communicative abilities, the examiner should be aware of factors which represent communication differences rather than disorders, and that those differences refer to maturational, regional, social and/or cultural ethnic speech and/or language variations that are not considered communication disorders (p. 795).

Another example where services were denied occurred in Georgia in 1993. The parents of a 15-year old student requested a due process hearing to initiate speech/language services for their son based on the results of an independent evaluation (Catoosa County Board of Education, IDELR 20:729, 1993). The regional hearing officer found no evidence to establish the student eligible for special education and the parents appealed the decision. The results were as follows:

The state hearing officer sustained the regional hearing officer's decision, specifically finding that the results of the independent evaluation actually showed the student to be functioning in school at the level of his expected ability. Thus, even if the student had a disabling condition, such a disability did not impair his ability to learn and, therefore, the student would not qualify for eligibility under the IDEA. The state hearing officer also found no evidence to indicate that the district had violated any of the student's rights or denied him any services under Section 504. (p. 730)

In order for special education services to be rendered according to Part B regulations of the IDEA (34 CFR 300.7(a)(1), 1992), a student must have a qualifying

disability and that disability has to cause a need for special education services. The student in this example did not display a disability and, therefore, was ineligible for services under the IDEA and Section 504 of the Rehabilitation Act of 1973.

Services were denied in a 1994 Massachusetts case wherein a school district and the parents of a 10-year old boy were in agreement that the student had a lisp and was in need of speech therapy, but they disagreed over whether this impairment rendered him ineligible for special education under the IDEA and Section 504 (Weymouth Public Schools, IDELR 21:578, 1994). The hearing officer found in favor of the district in the following ruling:

The student's speech impediment was not the result of a physiological problem and witnesses, including the student's own parents, testified that the student was capable of expressing himself orally and communicating effectively. Moreover, the testimony was clear that the student was progressing in his regular education program. The fact that the student had become upset on three occasions during the course of eight years due to his lisp was insufficient to prove that it had a significant, psychological impact on him. Thus, the student was not in present need of services under the IDEA or Section 504. However, the hearing officer noted that the student's self-consciousness could be indicative of future psychological problems, and ordered the district to perform a psychological evaluation of the student. Lastly, the hearing officer commented that speech therapy was a need which could be serviced through regular education and suggested that the district explore that possibility. (p. 578)

It was the district's position in this example of services being denied that the student had been able to progress effectively in school despite the presence of a frontal lisp, and that this progress precluded his being characterized as a child in need of special education services. The district felt that there were no Section 504 issues found in this case and that it was not responsible for correcting the student's speech impairment (Weymouth Public Schools, IDELR 21:578, 1994). However, despite the ruling in this case, the hearing officer was perplexed over the district's refusal to provide speech therapy through regular education and made the following statement:

A referral for special education should occur where all steps have been taken to ensure that the child's needs cannot be met through regular education. This premise does not limit or condition the rights to refer children for evaluations. It, however, dictates that efforts be made to meet a child's needs within regular education. Clearly speech therapy is a need that could be serviced through regular education. Weymouth should explore the feasibility of offering speech therapy through regular education not only to Daniel W. but to other similarly situated children. (p. 582)

This ruling supports the position in this study that speech therapy services should be met in regular education programs for students found ineligible for special education sponsored speech-language programs. Furthermore, the presence of a speech impairment should not automatically signal services under the IDEA. Alternative

programs and services should be made available for students who warrant services outside of special education.

In each of the aforementioned cases, the requisite adverse affects phrase was applied. The policy interpretation of this phrase, as it relates to speech impaired children, was issued by the OSERS in 1980 in response to an inquiry by ASHA (OSERS Policy Letter, EHLR 211:202, 1980). The policy was subsequently upheld by OSEP in response to an inquiry regarding speech therapy services and academic performance (OSEP Policy Letter, EHLR 16:82, 1989). The interpretation of policy stated that "It has been the Department's position that a child who is achieving commensurate with his/her grade level can still qualify as 'speech impaired' under this EHA-B definition" (OSEP Policy Letter, EHLR 16:82, 1989, p. 83).

Interpretations of the adverse affects phrase appear to lead professionals who make eligibility decisions in the direction of special education sponsored speech/language programs because of the ambiguous nature of the phrase. Perhaps if the phrase were applied as it reads, only those speech impaired students who were truly disabled would be served under the special education umbrella; and, all other students with speech impairments would be served in regular education programs. The IDEA supplies a definition of a speech or language impairment to mean "a communication

disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance" (34 CFR 300.7(b)(11), 1992). However, in answer to the question of what actually constitutes a communication disorder, Sandy Friel-Patti of the Texas Speech-Language-Hearing Association states "Maybe we're overidentifying. Maybe we need to reexamine our selection criteria" (cited in Goldberg, 1993, p. 39).

Eligibility Criteria

In addressing the next concern regarding criteria used to determine eligibility, accuracy in describing a student's speech/language impairment is paramount (Kansas State Department of Education, 1988). Decisions about eligibility are critical and depend largely on issues of assessment procedures, test selection, interpretation of evaluation data, and the interactions of a multidisciplinary team.

A key factor found in Part B regulations of the IDEA aims at ensuring that tests and other evaluation materials are provided and administered by trained personnel (34 CFR 300.532(3), 1992), and validated for the specific purpose for which they will be used (34 CFR 300.532(2), 1992). Additionally, placement decisions are to be made by a multidisciplinary group that includes persons knowledgeable

about the child, the evaluation data, and the placement options (34 CFR 300.533(3), 1992). These points are made to emphasize the responsibilities of a qualified speech-language pathologist in diagnosing and appraising a child's communication skills and determining the need for educational services. In a policy interpretation by OSERS (OSERS Policy Letter, EHLR 211:202, 1980), the following statements were issued regarding the requirement of professional judgment in establishing the existence of a speech/language impairment as a handicapping condition:

The basis for that judgment is the child's performance on formal and/or informal measures of linguistic competence and performance, rather than heavy reliance on the results of academic achievement testing. The impact of the child's communication status on academic performance is not deemed the sole or even the primary determinant of the child's need for special educational services. It is the communicative status - and professional judgments made in regard to assessment of communicative abilities - which has overriding significance. (p. 204)

Part B regulations stipulate protection in evaluation procedures in all areas related to the suspected disability, if appropriate: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor skills (34 CFR 300.352(f), 1992). These regulations also stipulate protection in placement decisions that would draw information from a variety of sources: aptitude and achievement tests, teacher recommendations, physical

condition, social or cultural background, and adaptive behavior (34 CFR 300.353(1), 1992).

Children suspected of needing special education and related services are to be assessed and considered on a case-by-case basis to determine if the speech-language disorder is adversely affecting their educational performance (OSERS Policy Letter, IDELR 18:538, 1991). Policies which effectively exclude or restrict a group are not allowed under Part B regulations of the IDEA. An example is the practice found in a school district in Georgia. In this particular case (OSERS Policy Letter, IDELR 18:538, 1991), a school district had established a policy of delaying services to children who presented developmental articulation errors until they had reached the maximum developmental age for a particular speech sound. The school district had taken the position that it would only serve children with educationally significant disorders and not serve those with developmental articulation errors. If the "s" speech sound was supposed to develop in a range of three to eight years of age, the school district had taken the position that they should not work with children until they were eight years old. The legality of the district's position resulted in the issuance of a policy statement (OSERS Policy Letter, IDELR

18:538, 1991) by the Assistant Secretary for OSERS, Robert Davila, that basically stated:

Under Part B, whenever there is a reason to suspect that a child has a speech impairment, including an articulation problem and the child may be in need of special education and related services, an LEA [Local Education Agency] is obligated to assess the child. The LEA cannot follow a general policy of waiting until a child is eight years of age before an articulation problem is identified and dealt with. State educational agencies (SEAs) and LEAs cannot implement the Part B definition of SI [Speech Impaired] in a manner that is more restrictive than the provisions of the Part B regulations, although SEAs and LEAs have some discretion in this matter. Refusing to evaluate a child for possible articulation problems until the child is eight years of age would be an example of a more restrictive procedure than is allowed under the Part B regulations. (p. 539)

According to Work (1989), the speech pattern of a five-year-old who substitutes a "th" for "s" with no other developmental weaknesses would not be considered unusual for this age, but would be considered acceptable on the basis that the deviation falls within the normal range when plotted on a bell-shaped curve. Again, this position is supported in due process hearings reported earlier in this study: West Orange County Consortium for Special Education, EHLR 505:104, 1983; City School District of the City of New York, EHLR 507:241, 1985; Trumann Public Schools, IDELR 18:790, 1992; Weymouth Public Schools, IDELR 21:578, 1994. Although states and local education agencies have some discretion in providing a free appropriate education to eligible children with disabilities, they must

provide service in conformance with Part B regulations of the IDEA rather than employ measures that are more restrictive (OSERS Policy Letter, IDELR 18:538, 1991). Given this fact, the use of the adverse affects phrase in the above examples supports the need for consistency in its application.

In the references just previously cited, the developmental articulation errors were not found to adversely affect the children's educational performance. The fact that such errors are developmental in nature means that as the children mature so should their articulation skills thus alleviating the need for intervention while monitoring their articulation development. As stated by Work, "Early intervention has its advantages, but early intervention with children who are within expected range of development, albeit with some speech deviations, may be an unwise use of our time and may do nothing more than give maturation a little nudge" (1989, p. 58). When there is no adverse impact on educational performance, the severity rating is mild, and the child has only maturational or developmental errors, choices still do exist (Brush, 1987). The young child who presents minor deviations in articulation and/or language skills, and, who is still in the maturational process should not be included in caseloads (Brush, 1987). An alternate view would be to

service these children in regular education programs based on the outcome of screening and assessment procedures. Additionally, these children are often underserved because they do not meet eligibility criteria for services under special education (Ludin & Clark-Thomas, 1989).

Serving students who present only one or two articulation errors that do not adversely affect educational performance continues to be an issue for debate in the profession as well as in local school districts according to Dublinske, Silverman and Paulus (cited in Crowe-Hall, 1991). Delaying services to these students until they are older and beyond the stage where these errors may have self corrected is applying measures that are restrictive and outside of special education law (OSERS Policy Letter, IDELR 18:538, 1991). This research does not suggest precluding services to students who present mild speech/language disorders. To the contrary, these students should be served to meet their speech/language needs, but in a regular education program, not in special education sponsored programs designed for truly needy students who demonstrate that their speech/language disorders are adversely affecting their educational performance. Studies by Silverman and Paulus; Mower, Wahl, and Doolan; and Crowe-Hall have shown that students with mild articulation disorders are viewed more negatively by their peers than

normal speakers (cited in Madison, 1992). It is, therefore, important to address the speech/language needs of these students before psychosocial problems develop, and to appropriately apply eligibility criteria in determining who receives speech/language services.

Guidelines offering consistency should prove useful in determining eligibility. Such guidelines could be in the form of severity rating scales whereby students are rated as presenting minor, mild, or moderate, or severe deviations in speech-language skills (Seagraves, 1980).

The use of chronological and developmental norms outlining ages of acquisition of speech/language skills should prove useful as well. Teacher input, parental input, observations of the student, clinical judgment, school records, language samples, and standardized test results represent several strategies that could be considered in determining eligibility for speech/language services. However, according to Work (1989), clinical judgment should be only a part of the evaluation process, with emphasis placed more on understanding test construction and basic statistical measures. In reviewing tests used in the field of speech-language pathology, McCauley and Swisher (1984) offered guidelines for analyzing the appropriateness of any given test by quantification of test results. Their rationale revealed

the ease that scores can be plotted as standard scores. When compared to normative data, these scores can determine whether a student is within one standard deviation of the norm. This, according to McCauley and Swisher (1984), becomes a more acceptable measure for determining eligibility for services. And once presented with this information, only students with speech/language disorders who show evidence of falling more than one standard deviation below the mean should be eligible for speech therapy services (Work, 1989).

In using a professional diagnosis or judgment, the decision makers should keep in mind the fact that special education services are needed only when students have disabilities that prevent them from making satisfactory educational progress in regular education (Fauquier County Public Schools, IDELR 20:579, 1993). Professional judgment allows for a wide range of possible interpretations of assessment results and may lead to wide disparities in eligibility across a school district. Gartner (1986) questions the skills that evaluators present in selecting, administering, and interpreting tests. However, if professionals are trained and provided with skills in decision making, and are given direction in interpreting district policies, perhaps the practice of using professional judgment would be more effective.

Professional judgment is only as good as the person's skills and qualifications supporting a particular decision.

When agreed-upon guidelines for eligibility exist within a school district, consistency in decision making will improve (Ludin & Clark-Thomas, 1989). A review of the literature revealed that the states of New Jersey (Binney, 1984), California (Boyan, 1984; Ludin & Clark-Thomas, 1989; Katsiyannis, 1990), and Michigan (Lockwood & Pistono, 1989) used standard deviations from the mean in determining eligibility for speech/language services. Students who scored within one standard deviation below the mean for their chronological age on at least two standardized tests measuring the same area of disability warranted a rating of mild; within one and one-half to two standard deviations warranted a rating of moderate; and two or more standard deviations below the mean warranted a severe rating. Other criteria that could be used in combination with these factors include percentile ranks, developmental norms, standard scores, and stanines. However, these choices are effective in states and localities only where criteria are available and used consistently.

It is assumed that states have in place eligibility criteria and procedures for serving students with speech/language needs. Is there an underlying philosophy of labeling all students with speech/language needs as

disabled, thereby serving them under Part B of the IDEA? If so, are students being incorrectly identified as disabled in order to receive needed services when their communication disorders do not adversely affect their educational performance? Are these students being used to generate reimbursements under Part B regulations such that, in order to include them in caseloads, speech/language pathologists have to make a strong connection between their speech/language impairment and their educational performance?

According to ASHA and its Ad Hoc Committee on Service Delivery in the Schools, "High caseloads can be a result of the fact that special education students generate federal funds" (ASHA, 1994, p. 34). In other words, are speech-language pathologists told that in order to enroll the non-disabled communication disordered students in special education services, they have to build a case for these students by establishing a link between the students' communication disorders and their educational performance? In doing so, are we encouraging students to believe that something is wrong with them when we enroll them in special education sponsored programs (Freedman, 1995)? Are we saying to the students with minor or mild communication needs that something is wrong with them that requires remediation in a special education sponsored speech-

language program? Students who wear eyeglasses are not enrolled in special education because of their visual disorders (Lockwood & Pistono, 1989), so why should students with minor or mild speech-language disorders be enrolled in special education sponsored speech-language programs?

Gartner (1986) points to the referral and evaluation process as weak areas that contribute to the mislabeling of students for special education services. He cites the evaluator's training and tendency to support the person making the referral in finding the student as having a disabling condition and thus eligible for special education. In a study of the special education evaluation process by Ysseldyke et al (cited in Gartner, 1986), evaluators were found to function under the assumption that it is their charge to find out what is wrong with a student referred for testing because the teacher believes something is wrong. Their study revealed the following:

(v)ery many non-handicapped students are being declared eligible for special education services. When we provided decision-makers with test information about students, and when all data indicated normal test performance, more than half of the decision-makers declared the normal students eligible for special education services. (p.73)

Special education services should be reserved for the truly disabled. Conversely, regular education programs

should be available for students who are found ineligible under the IDEA.

Alternate Programs

As an anti-discrimination statute, Section 504 of the Rehabilitation Act of 1973 (PL 93-112, 1973) is a mandate that provides coverage for students with disabilities who may not be eligible for services under the IDEA (Office for Civil Rights (OCR), IDELR 18:229, 1991). This law defines a handicapped individual as "any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment" (34 CFR, 104.3(j)(1), 1992, p. 2). The purpose of this law is to prohibit discrimination based on a person's disability and to assure accessibility of programs that receive financial assistance from the federal government. Accordingly, Section 504 (34 CFR, Sec. 104.4(a), 1992) provides that:

No qualified handicapped person shall, on the basis of handicap, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance. (p. 2)

Students who do not qualify for special education services under state or federal law but who present disabilities are to be served under Section 504 regulations which parallel regulations of the IDEA (Slenkovich, 1991).

These parallel areas include identification and location procedures, a free appropriate public education, evaluation procedures, procedural safeguards, and other rights in addition to those given in the regulations of the IDEA, according to Guernsey (cited in Katsiyannis & Conderman, 1994), and a zero-reject policy according to Turnbull (1993).

Services under Section 504 have expanded beyond providing only physical accommodations such as building wheelchair ramps and providing accessible buses for students with disabilities. Students are now receiving assistance in curriculum areas when they are found ineligible for special education services under Part B of the IDEA (Staff, 1992). While Section 504 receives no funding from the federal government, states have continued to work with local education agencies in providing instructional accommodations for students such as allowing more time for taking tests, providing preferential seating for the hearing impaired, and allowing students to dictate homework (Staff, 1992).

School superintendents and building administrators are responsible for executing Section 504 within a school district. This law protects all disabled students regardless of whether they qualify for services under the IDEA or whether they require special education (First &

Curcio, 1993; Ballard, Ramirez, and Zantal-Wiener, 1989). If a student is suspected of needing special accommodations or related services, the district is obligated to develop and have in place, a plan for providing services. The student has to be evaluated and the determination for services has to be made by a group of persons knowledgeable about the student. Eligibility decisions and services to be provided are to be documented and periodically reviewed. Parent notification is required regarding the identification, evaluation, and placement of the student. Parental safeguards in the form of due process procedures are to be made available should the parents disagree with the school district. However, the school district is not required to make major modifications in programs in order for the student to participate in the education process (First & Curcio, 1993).

A review of the literature revealed examples of Section 504 eligibility. An appropriate education was defined by its monitoring agency, the Office of Civil Rights (OCR), as "'regular or special education and related aids and services' designed to meet the child's individual educational needs as adequately as the needs of non-disabled children are met" (OCR Policy Letter, IDELR 18:229, 1991, p. 229). A student identified as disabled under Section 504 may receive special education services

when found ineligible for special education services under the IDEA. However, in a ruling by OCR (OCR Policy Letter, IDELR 20:864, 1993), the following explanation was provided regarding eligibility:

Depending on the severity of their disabling condition, students who do not meet IDEA eligibility criteria may or may not fit within the definition of Section 504 eligibility. Section 504 eligibility is not automatically bestowed on a student who is referred for a special education evaluation and who is subsequently determined not to be IDEA eligible. (p. 864)

It was the intention of Congress when it enacted the Education for All Handicapped Children Act (Public Law 94-142) and Section 504 of the Rehabilitation Act that the two laws be broadly applied and liberally construed, and for the laws and regulations to reinforce and reciprocate each other (Horowitz & Davidson, 1984). Policies under Section 504 require local education agencies to provide a statement assuring nondiscrimination on the basis of a handicap as well as require specific referral, evaluation, and placement procedures for students thought to have a disability (Katsiyannis & Conderman, 1994). This mandate offers a broad-based definition of a disabled person that applies the term "limits a major life activity" to include students with speaking and hearing disorders.

In their study on Section 504 policies and procedures, Katsiyannis and Conderman (1994) found that fewer than half of the fifty states and the District of Columbia have

developed such guidelines since the law was enacted in 1973. The reasons for the lack of guidelines include the fact that states are indirectly responsible for Section 504 mandates, that local education agencies are responsible for developing their own policies, that Section 504 is extremely complex, and that OCR monitors Section 504. If local education agencies are left with the responsibility for developing their own policies, inconsistencies are inevitable.

Outcomes and concerns

A review of the literature revealed confounding use of the phrase adversely affects a child's educational performance. The Office for Special Education Programs in the federal government has issued policy statements defining educational need as applied to speech/language services when the child exhibits no other handicapping condition. These statements issued by OSERS (OSERS Policy Letter, EHLR 211:202, 1980 illustrate this point:

The extent of a child's mastery of the basic skill of effective oral communication is clearly includable within the standard of educational performance set by the regulations. Therefore, a speech/language impairment necessarily adversely affects educational performance when the communication disorder is judged sufficiently severe to require the provision of speech pathology services to the child.

The process for determining a child's disabilities and need for educational services is described in the regulations. These evaluation and placement procedures contemplate that the diagnosis

and appraisal of communicative disorders as handicapping conditions would be the responsibility of a qualified speech-language pathologist. (p. 203)

The impact of the child's communicative status on academic performance is not deemed the sole or even the primary determinant of the child's need for special educational services. It is the communicative status - and professional judgments made in regard to assessment of communicative abilities - which has overriding significance.

In the event that the speech-language pathologist establishes through appropriate appraisal procedures the existence of a speech/language impairment, the determination of the child's status as a 'handicapped child' cannot be conditioned on a requirement that there must be a concurrent deficiency in academic performance. (p. 204)

A review of the literature revealed two states that offer dual programs (non-special education sponsored and special education sponsored speech-language programs) for students with speech/language disorders: California and New York. Other states offering speech/language services to students found ineligible for services under the IDEA are identified and reported in Chapter 4. Program guidelines, eligibility criteria, and the application of the adverse affects phrase are reported for identified states serving students with speech/language needs in non-special education sponsored programs.

CHAPTER 3

METHODS AND PROCEDURES

Introduction

This chapter presents the methods and procedures used for the purpose of collecting and analyzing data in answering the research questions. It includes a discussion of the instruments used, descriptions of the respondents, statistical procedures, and methods of data collection and analysis.

Instrumentation

A survey instrument containing twelve questions was developed for state education agency personnel responsible for statewide public school speech-language programs. The questionnaire requests at the outset that state education agency personnel submit copies of their state's (1) statutes and regulations for special education services, and (2) guidelines and procedures for non-special education sponsored and special education sponsored speech-language programs.

The first five questions sought relevant information regarding programs for students found ineligible for special education sponsored speech/language services when their communication disorders do not adversely affect their

educational performance. Question six asked for specific enrollment data for both non-special education sponsored and special education sponsored speech/language programs. Question seven inquired about funding sources for non-special education sponsored speech-language programs. Questions eight and nine focused on why such programs were made available and whether respondents preferred the programs. Question ten sought to learn the caseload size for speech-language pathologists and whether non-special education speech/language impaired students were included in the caseload count. Questions eleven and twelve asked about formal regulations and guidelines, and for the year in which the non-special education sponsored speech-language program was implemented. These questions were designed to seek information about alternate programs serving students with speech/language needs who are found ineligible for special education sponsored speech-language programs.

A separate survey instrument containing eighteen questions was developed for speech-language pathologists working in urban and rural public school settings. Question one asked whether respondents have read copies of their state's statutes, regulations, and guidelines governing speech-language programs. Questions two through six focused on the use of the term adversely affects a

child's educational performance in their local school districts, whether non-special education sponsored speech-language services are offered, types of speech/language needs that are met in the non-special education sponsored speech-language program, reasons why such programs are offered and, if not offered, if they feel a need exists for such programs. Questions seven through nine sought to identify specific criteria used at the local level to determine eligibility for services and who determines eligibility. Questions 10 through 12 addressed caseload size and enrollment data. Questions 13 and 14 sought to determine if severity rating scales and standard deviations are used in determining eligibility for services. Question 15 inquired about the availability of additional appropriations or reimbursements to local school districts for serving the non-special education speech-language population. Question 16 asked if the local program director supports serving this population. Question 17 asked respondents to indicate their preferred method of caseload selection. Question 18 asked respondents to rank order service delivery models used in their programs.

Respondents

Eight state education agency personnel responsible for statewide public school speech-language programs served as respondents in this study. Additionally, one speech-

language pathologist employed in an urban setting and one speech-language pathologist employed in a rural setting served as respondents from each participating state.

Initially, 51 state directors of special education from the 50 states and the District of Columbia were surveyed regarding speech-language services offered in the public schools in their respective states. Forty-nine state directors of special education and the director from the District of Columbia responded to the survey. Of this number (N=50), nine states and the District of Columbia were identified as offering alternate speech-language programs for students found ineligible for services under the IDEA. Eight states were chosen to participate in this study and state education agency personnel responsible for statewide public school speech-language programs were chosen as respondents. The remaining state, Hawaii, and the District of Columbia were not chosen because they are state school systems with no individual school districts.

Speech-language pathologists (N=16) employed in urban (n=8) and rural (n=8) settings served as respondents in this study. The urban respondents were chosen from school districts with enrollment figures of 12,500 to 18,600 students. However, urban respondents in two sparsely-populated states were employed in school districts with enrollment figures of 3,600 to 10,000 students. Rural

respondents were chosen from school districts with enrollment figures of 2,500 to 3,500 students.

Individual schools in either urban or rural setting met the following criteria to be included in this study: an elementary school serving students in kindergarten through grades five or six, and an enrollment of 350 to 750 students.

Urban schools were identified as being in nonmetropolitan areas with urban populations of 20,000 or more people and adjacent to metropolitan areas according to Stern (1994). Rural schools, on the other hand, were characterized as being in nonmetropolitan areas not adjacent to metropolitan areas.

Sources of data used to locate schools and speech-language pathologists included the following: a national data bank service, a national education directory, state education directories, and state education department personnel.

Procedures

A letter of inquiry was mailed in September 1994 to each state director of special education in each of the 50 states and the District of Columbia to ascertain if dual speech-language programs exist for serving (a) students found eligible under the IDEA and (b) students found ineligible under the IDEA. The questions presented

included the following: In serving students with speech/language needs, does your state make a distinction between speech-language impairments that adversely affect a child's educational performance and those that present only barriers to communication? Does your state offer alternate speech/language services to students who have minor or mild communication disorders and found ineligible for special education services under Part B of the IDEA? If alternate services exist, does your state use formal regulations and guidelines for implementing these services? Does your state provide additional appropriations or reimbursements to school districts offering alternate services to students with speech/language impairments?

This method of data collection (pre-survey) was used to determine which states to include in the survey. Once determined, survey instruments in the form of questionnaires were designed for the purpose of continuing the study.

The sample of state education agency personnel responsible for statewide public school speech-language programs (N=8) were provided instructions for completing the questionnaire. Copies of their state statutes, regulations, and guidelines were requested along with the completion of the questionnaire. Specific eligibility criteria were requested to determine how decisions are made

regarding enrolling students in non-special education sponsored and special education sponsored speech/language programs. Enrollment data reflecting the number of students served in each program were requested from the state education agency personnel.

Respondents employed at the local level (N=16) were provided instructions for completing the questionnaire. Demographic information requested focused on position title, total years of experience in the field of speech-language pathology, highest level of education achieved, whether certified by ASHA, and the levels of student population served. Questions presented pertained to the availability of alternate programs, eligibility criteria used, methods of caseload selection, caseload sizes, and service delivery models used.

The eight states selected to participate in this study provided information on the availability of programs outside of special education for students with speech/language disorders who are found ineligible for special education services because their communication disorders do not adversely affect their educational performance. Additional information was reported regarding eligibility criteria used in each speech-language program (non-special education sponsored and special education sponsored). This study also focused on formal regulations

and guidelines governing speech-language programs that are in use by each state.

Data Collection

A cover letter, questionnaire, and return label were mailed from Virginia Polytechnic Institute and State University on January 10, 1995 to the state education agency personnel responsible for statewide public school speech-language programs (See Appendix A). A follow-up cover letter, questionnaire, and mailing label were mailed to six non-respondents on February 3, 1995 (See Appendix B). A reminder postcard was sent to five non-respondents on February 16, 1995 seeking their return of the questionnaire and copies of their state statutes, regulations, and guidelines for non-special education sponsored and special education sponsored speech-language programs. All non-respondents (N=3) were telephoned on February 24, 1995 to seek 100% participation.

A cover letter, questionnaire, return envelope, and two packets of herbal tea were mailed to speech-language pathologists on January 14, 1995 from Virginia Polytechnic Institute and State University (See Appendix C). A follow-up cover letter (See Appendix D), questionnaire, return envelope, and two packets of herbal tea were mailed to three non-respondents March 3, 1995, and then to two non-

respondents April 10, 1995. Subsequently, one non-respondent was contacted by telephone May 30, 1995.

Research Questions and Data Analysis

The survey instruments were designed to answer the following research questions:

1. What programs are available for students with speech/language disorders who are found ineligible for special education services because their communication disorders do not adversely affect their educational performance?

2. What specific criteria are used to determine eligibility in special education sponsored speech/language programs, and non-special education sponsored speech/language programs?

3. What formal regulations and guidelines are used in providing speech/language services in special education sponsored programs, and non-special education sponsored programs?

Limitations of the Study

This research study is limited by disagreements that continue to surround the phrase adversely affects a child's educational performance and its relationship to academic performance in the classroom. The Office of Special Education and Rehabilitative Services issued a statement in May 1980 in response to an inquiry by ASHA to the effect

that the impact of a child's communication status on academic performance is not deemed the sole, or even the primary, determinant of a child's need for special education services (OSERS Policy Letter, EHRLR 211:202, 1980). In addition, the response stated that the communication status along with professional judgments made in regard to assessments and communicative abilities bear an overriding significance in determining a child's need for special education services.

A review of the literature revealed that even when the adverse affects phrase is given serious consideration, a child's need for speech/language services under the IDEA must be sufficiently severe to require such services (OSERS Policy Letter, EHRLR 211:202, 1980). Additionally, the effect of a child's handicap must bear weight on performance in any area of education that is impacted by the handicap be it in an academic or non-academic area. In other words, educational performance should include the impact of the disability on the everyday functioning of a child (Long Beach Unified School District, EHRLR 506:274, 1984).

Despite the above interpretations, the presence of a speech/language disorder does not necessarily require services under the IDEA as evidenced in disputes brought in due process hearings in California, Arkansas, Georgia, and

Massachusetts (West Orange County Consortium for Special Education, EHLR 505:104, 1983; Trumann Public Schools, IDELR 18:790, 1992; Catoosa County Board of Education, IDELR 20:729, 1993; Weymouth Public Schools, IDELR 21:578, 1994), respectively. These findings in due process hearings point out conflicts that continue to exist in interpreting Federal regulations.

Chapter 4 presents data obtained from state education agency personnel responsible for statewide public school speech-language programs (N=8), speech-language pathologists employed in urban school settings (n=8), and speech-language pathologists employed in rural school settings (n=8). The results of data analysis are presented in tables and text.

CHAPTER 4

RESULTS AND DATA ANALYSIS

Introduction

This chapter presents data on the availability of speech-language programs serving students found ineligible for services under the IDEA. The results of this study are expressed in terms of data provided by (1) state education agency directors (SEADs) responsible for speech-language programs in public schools and (2) practicing speech-language pathologists (SLPs) in urban and rural public school settings.

Demographic and background data of SLPs are provided. Other data obtained from the survey instruments include the following for available programs: (1) reasons why programs are made available, (2) types of speech-language needs met, (3) eligibility criteria used to determine placement, and (4) regulations or guidelines used in serving students found ineligible for special education services under federal law. Data from SEADs are presented separately from data obtained from SLPs employed in the field.

Data from State Education Agency Directors

Demographic Data. Eight SEADs responsible for speech-language programs in public schools served as participants

for this study based on the responses of a pre-survey instrument developed to identify states that offer speech-language services outside of special education programs. States identified and used in this study were the following: California (CA), Connecticut (CT), Illinois (IL), Massachusetts (MA), New York (NY), North Dakota (ND), Ohio (OH), and Vermont (VT).

All of the states provided copies of their guidelines for speech-language programs along with the completed questionnaire except for OH. (Guidelines are being revised and are unavailable.) A copy of Ohio's regulations for special education programs was provided instead. Follow-up letters by mail and fax, and telephone calls were used in order to obtain 100% participation.

Available Programs. All eight respondent SEADs indicated that regular education programs are available for students with speech-language impairments who are found ineligible for special education services. Some of these programs carry specific titles and others are known simply as general education programs. See Table 1 for specific titles.

Determination of Eligibility for Speech-Language Services in Programs Outside of Special Education. Eligibility for non-special education sponsored speech-language services is made by a multidisciplinary team in

Table 1

Titles of Non-IDEA Speech-Language Programs

<u>State</u>	<u>Title</u>
California	General Education Program
Connecticut	Non-Special Education Services
Illinois	Regular Education Speech-Language Services
Massachusetts	Regular Education Service
New York	Speech-Language Improvement Service
North Dakota	Regular Education Intervention
Ohio	At-risk/Non-Identified Program
Vermont	Local Remedial Program

each LEA as reported by SEADs. The SLP is a member of this team along with the building principal, classroom teacher, and other support services personnel as needed.

Types of Communication Disorders Serviced. Six (75%) respondents reported disorders of articulation, language, fluency, and voice as being serviced in speech-language programs outside of special education. Two states (IL and OH) reported no information on types of needs that are met in these programs.

Criteria Used to Determine Adverse Affects of Communication Disorder on Child's Educational Performance. Five (63%) of the eight SEADs reported the importance of the adverse affects phrase in determining eligibility for special education sponsored speech-language services. Connecticut reported that their criteria are under development and will reflect less of a reliance on test results and more on descriptive assessments that include portfolio assessment, classroom observation, and curriculum analyses. New York State examined the appropriateness of the resources of the regular education program for students that include the following services: educationally related support services, speech-language improvement services, and remedial instruction. The state of Ohio reported no information.

Criteria Used to Determine That the Communication Disorder Presents Only Barriers to Communication. Seven (88%) of the SEADs reported a commonality of answers. They agreed that a student's ability to progress effectively in the regular education classroom despite the communication disorder is a key to determining eligibility for services. The state of Vermont reported that no criteria are presented in their rules or procedures for speech-language services.

Enrollment Data for Speech-Language Programs. Respondents were asked to provide data on the enrollment of speech-language impaired students in special education programs and in programs outside of special education. Six (75%) respondents reported enrollment figures for special education sponsored speech-language programs that ranged from 1700 to 69,020 students per state. Two states (OH and CA) reported that this information is unknown or offer no information, respectively.

Only one (13%) state (NY) reported enrollment data for the non-special education sponsored speech-language category of service. There were 23,042 students receiving assistance during the 1993-94 school year in New York State. The remaining states reported that this information is unknown (n=4), not collected or tracked (n=2), or provided no information (n=1). See Table 2.

Table 2

Student Enrollment in Speech-Language Programs in 1993-94

State	Number of Students	
	IDEA Speech- Language Program	General Education Speech-Language Program
California	NR	Unknown
Connecticut	28,205	Data Not Tracked
Illinois	69,020	Unknown
Massachusetts	25,000	Unknown
New York	33,488	23,042
North Dakota	4,062	Unknown
Ohio	Unknown	NR
Vermont	1,700	Data Not Collected

NR = No Response

Funding Sources for Speech-Language Programs Outside of Special Education. Seven (88%) of the respondents reported either state and/or local funding sources for the non-special education sponsored speech-language programs. Illinois reported that they have no information on this.

Reasons Why Speech-Language Programs Outside of Special Education Were Made Available. Five (63%) states responded to this question by offering the following: to remediate problems outside of special education, to alleviate the overidentification of students in special education programs, to assist students identified with minor/mild speech difficulties, to assist classroom teachers in program planning for all students, to offer better communication skills to all students, to serve students not eligible for special education, to strengthen regular education programs, cost effectiveness, and the severity of the speech impairment does not adversely affect educational performance. Three (37%) respondents offered no information. See Table 3.

Agreement With State Offering Speech-Language Programs Outside of Special Education. Six (75%) respondents agreed with their state's policy of providing non-special education sponsored speech-language services. Their comments included the following remarks: (1) Most SLPs

Table 3

Why Non-IDEA Speech-Language Programs are Made Available

Responses by SEADs	State							
	CA	CT	IL	MA	NY	ND	OH	VT
To serve students not eligible for special education				x				
To alleviate over-identification of students in special education programs				x				
To strengthen regular education programs				x				
Cost effectiveness		x						
To remediate problems outside of special education		x						
To offer better communication skills		x					x	
To assist students identified as having minor/mild speech difficulties					x			
Severity of speech difficulties do not adversely affect educational performance					x			
To assist classroom teachers in program planning for all students						x		

would prefer to get out from under all of the paperwork required for IDEA students. We have no guidelines for non-IDEA students, hence no paperwork is required. (2) It is encouraging to see students receiving needed assistance in regular education. (3) The non-IDEA program is one on a continuum of services as the first and the least restrictive level of direct intervention. (4) There is satisfaction in knowing that local districts have remedial programs for children when they are not eligible for special education. Two (25%) respondents offered no information. See Table 4.

Caseload Size. Six (75%) respondents indicated caseload sizes for SLPs in their state that range from 20 to 80 students per SLP. Two (25%) respondents, CT and MA, reported that the information is not available. Massachusetts indicated that caseload size varies according to the LEA.

Only two (25%) states (MA and OH) reported including students outside of special education in the caseload count of SLPs. Four (50%) states: CA, IL, NY, and ND reported that these students are not included in caseload counts. The state of CT reported that some school districts count these students while others do not. Vermont reported that these students are counted on the local level but not on the state level.

Table 4

Survey Responses by SEADs of Non-IDEA Speech-Language Programs

Survey Item	State							
	CA	CT	IL	MA	NY	ND	OH	VT
Agree service is available	-	Y*	Y*	Y*	Y*	-	Y*	Y*
Funding sources are available	Y	Y	-	Y	Y	Y	Y	Y
Formal regulations/ guidelines are available	N	Y	N	N	Y	Y	Y	N
Eligibility criteria are available	Y	Y	Y	Y	Y	Y	Y	N

Y = Yes

N = No

- No Response Offered

* Comments Offered

Use of Formal Regulations and Guidelines in Speech-Language Programs Outside of Special Education. The respondents (N=8) were evenly divided in reporting that formal regulations and guidelines are in place for non-special education sponsored speech-language services. The states of CT, NY, ND, and OH have formal guidelines; the remaining states do not: CA, IL, MA, and VT.

Year Non-Special Education Sponsored Speech-Language Programs Were Implemented. Seven (88%) states reported the year that these services were implemented while one state (IL) provided no information.

Data From Speech-Language Pathologists

Demographic Data. Fifteen respondent SLPs (94%) employed in the public schools in either urban or rural settings returned their survey questionnaire by mail. One non-respondent SLP in an urban setting was interviewed by telephone in order to achieve a 100% success rate. The SLPs were surveyed to determine if school districts in the eight states purported to have non-special education sponsored speech-language programs actually offered these services to students found ineligible under special education law.

All SLPs employed in either urban or rural settings were asked to furnish the following: (1) the title of their position, (2) the total years of experience in the

field of speech-language pathology, and (3) the highest level of education achieved. Also, they were asked to check (1) the type of ASHA certification they held or none (if applicable), and (2) the level of student population they serviced. All of the respondent SLPs used the position title of Speech-Language Pathologist. Their experience in the field ranged from seven to twenty-eight years with an average of 17.2 years. Fourteen SLPs (88%) held masters degrees, nine (56%) held certification from ASHA, and all were employed at the elementary school level. See Table 5 for a comparison of urban and rural demographic data.

Familiarity with State Statutes, Regulations, and Guidelines. The SLPs were surveyed to ascertain if they were familiar with their state statutes, regulations, and guidelines that address special education services and speech-language programs. They were asked if they had read the pertinent documents. Fourteen (88%) of the respondents replied that they have read each of the documents. Two SLPs employed in rural settings indicated that they have read none of the documents. See Table 6.

Speech-Language Disorders That Adversely Affect Educational Performance and Those That Present Only Barriers to Communication. When asked if the local school district makes a determination whether speech-language

Table 5

Demographic Characteristics of SLPs

Characteristics	Urban (<u>n</u> = 8)	Rural (<u>n</u> = 8)	Percentage* of Total (<u>N</u> = 16)
Regions Represented			
New England	3	3	38%
Middle Atlantic	1	1	13%
Midwest	2	2	25%
West North Central	1	1	13%
Pacific	1	1	13%
Years of Experience			
1-10 years	2	0	13%
11-20 years	4	4	50%
21-30 years	2	4	38%
Highest Degree Achieved			
Bachelor's	1	1	13%
Master's	7	7	88%
ASHA Certification			
Yes	4	5	56%
No	4	3	44%

*Numbers may not add to 100% due to rounding.

Table 6

Frequency of SLPs Who Reported Reading State Statutes, Regulations, and Guidelines Governing Speech-Language Services

Documents Read	Urban (<u>n</u> = 8)		Rural (<u>n</u> = 8)	
	Yes	No	Yes	No
Statutes/Regulations for Special Education Services	8	0	6	2
Guidelines for Speech-Language Services	8	0	6	2

disorders adversely affect educational performance, 14 (88%) of the SLPs indicated in the affirmative. Two SLPs employed in rural settings indicated that their school districts do not make this determination. See Table 7.

Available Services for Students Found Ineligible Under Special Education Law. When asked if LEAs offer non-special education sponsored speech-language services to students found ineligible under Part B of the IDEA, ten (63%) SLPs indicated that their LEAs do so. Of this number (n=10), six (60%) SLPs employed in rural settings responded affirmatively. See Table 8.

The ten (63%) SLPs who responded affirmatively to their LEAs offering speech-language services to students ineligible for special education programs gave a variety of reasons for these services being made available. Their statements included the following: (1) to reduce the caseload; (2) pressure from parents and classroom teachers (n=2); (3) avoids use of labeling students; (4) to meet the needs of all students whether identified with a disabling condition or not labeled; (5) mild, simple speech-language problems do not seem to warrant extensive paperwork (n=2); (6) services made available because of an increasing number of students who are deficient in one of two speech sounds or one particular language skill that does not adversely

Table 7

LEAs That Distinguish Between Speech-Language Impairments that Adversely Affect Educational Performance and Those that Present Only Barriers to Communication

Region Represented	Urban (<u>n</u> = 8)		Rural (<u>n</u> = 8)	
	Yes	No	Yes	No
New England	3		3	
Middle Atlantic	1		1	
Midwest	2			2
West North Central	1		1	
Pacific	1		1	
Total	8	0	6	2

*Sample = 2 LEAs per state

Table 8

LEAs That Offer Speech-Language Services to Students Found Ineligible Under the IDEA

Region Represented	Urban (<u>n</u> = 8)		Rural (<u>n</u> = 8)	
	Yes	No	Yes	No
New England	1	2	2	1
Middle Atlantic	1		1	
Midwest	2		1	
West North Central		1	1	1
Pacific		1	1	
Total	4	4	6	2

*Sample = 2 LEAs per state

interfere with academic growth; and (7) to meet the needs of individual students (n=2).

These ten (63%) SLPs further indicated the types of speech-language needs that are met in non-special education speech-language programs. The disorders identified include the following: (1) non-organic speech-language disorders such as articulation; (2) developmental articulation errors such as "f" for "th" substitutions and lisps; (3) classroom language skills; (4) all needs met: articulation, language, dysfluency, voice (n=3); (5) mild articulation, language, or auditory problems; (6) simple articulation problems, very mild language delays; (7) primarily articulation and language; and (8) most kindergarten speech-language needs such as phoneme-specific articulation problems, some language-based problems.

The SLPs (n=6) who responded negatively to the question regarding the availability of programs for students found ineligible under the IDEA were asked if they felt there was a need for these services in their local school districts. Five (83%) indicated affirmatively that a need exists and stated the following reasons: (1) some students do not score low enough to qualify for special education but need services; (2) speech-language problems could affect a person's future employment choices; (3) Often we 'fudge' to find an adverse affect. It would be

more professionally ethical to be honest and yet still be able to serve students with mild impairments; (4) children could easily be dealt with before compounding educational and social-emotional issues develop as a result; and (5) The speech-language impairment may impact on the overall well-being of a student including, but not limited to, his self-esteem and others' perception of him as an individual. The school has a responsibility to service the whole child.

The one SLP who responded negatively to the need for an alternate program for students found ineligible under special education law responded by stating the following: "If the speech-language difficulty is not adversely affecting their education growth, it should not be a school issue. There are private agencies that would serve non-handicapped speech-language issues in our community."

Criteria Used to Determine the Adverse Affect of a Communication Disorder on a Child's Educational Performance. In examining criteria used to determine the adverse affect of the communication disorder on educational performance, some standard factors were present among 15 (96%) SLPs: cut-off scores on test results, severity rating scales, standard deviations, intelligibility, stimulability, developmental age norms, chronological age, language sampling, teacher input, classroom performance, observations, parental input, social-emotional development,

academic skills, grades, IQ, home environment, student interview, and multidisciplinary team discussions. See Table 9.

Other criteria given were individual student assessment, whether the speech/language disorder is serious enough to cause social problems, whether the student can effectively communicate within the academic setting, and whether one or more basic skill areas are affected. Only one SLP reported that no specific criteria are used, but placement decisions are made on a case-by-case basis.

Criteria Used to Determine That a Child's Speech-Language Disorders Present Only Barriers to Communication.

The SLPs (n=10) who responded affirmatively to their LEA having a program in place serving students found ineligible under federal special education law reported criteria similar to those used in determining eligibility for special education sponsored speech/language services. The following standard factors were found among SLPs (n=9) who reported having criteria for determining eligibility in speech-language programs outside of special education: test results, standard deviations, intelligibility, stimulability, severity rating scales, developmental age norms, chronological age, teacher input, classroom performance, observations, parental input, social-emotional development, grades, academic skills, home environment,

language sampling, student interviews, and multidisciplinary team input. See Table 9.

Nine (90%) of the above ten SLPs reported the following additional criteria: students with mild impairments; students with developmental articulation errors that do not affect intelligibility; students who can still progress nicely in the regular education setting; students with communication differences; students who score within the normal range on measures of speech-language skills; and students who score within one standard deviation of the mean on formal tests.

Only one of the ten SLPs reported having no specific eligibility criteria available. Students with minor communication disorders were eligible for services in the non-special education sponsored speech-language program.

Determination of Eligibility for Services. The SLPs were surveyed to ascertain who determines eligibility for speech/language services in special education sponsored and non-special education sponsored programs. Information was asked to be reported in terms of job titles. All SLPs (N=16) reported that their position is relevant in determining student eligibility for special education speech-language programs. Twelve (75%) SLPs reported the use of a multidisciplinary team effort that included a combination of any of the following participants: parents,

Table 9

List of Eligibility Criteria Used by SLPs

IDEA Speech-Language Services	Non-IDEA Speech-Language Services
cut off scores	cut off scores
severity rating scales	severity rating scales
standard deviations	standard deviations
intelligibility	intelligibiity
stimulability	stimulability
developmental age norms	developmental age norms
chronological age	chronological age
language sampling	language sampling
IQ	(not given)
teacher input	teacher input
classroom performance	classroom performance
academic skills	academic skills
grades	grades
observations	observations
parents' input	parents' input
home environment	home environment
social-emotional development	social-emotional developmental
student interviews	student interviews
multidisciplinary team input	multidisciplinary team input
individual student assessment	mild impairments
more than one basic skill area affected	exhibit communications differences
effective communication in classroom	exhibit developmental articulation errors that do not affect intelligibility
impact of communication disorder on social development	benefit from regular education despite communication disorder
	score within normal range on measures of speech-language
	score within one standard deviation of the mean

SLP, principal, psychologist, classroom teacher, special education teacher, parent representative/advocate, school nurse, Chapter 1 teacher, special education coordinator, special services support professionals (occupational therapist, physical therapist), and any other specialist responsible for assessing students.

Four (25%) SLPs listed themselves as the only person responsible for determining eligibility in special education sponsored speech/language programs.

Of the ten (63%) SLPs who reported that their LEAs offer non-special education sponsored speech/language services to students, seven (70%) reported a team effort in determining eligibility for this service. The team composition reported is characteristically smaller than that used in determining eligibility for special education sponsored speech-language services. Team participants included the SLP and various combinations of the following: classroom teacher, principal, school nurse, parents, and support specialists as needed (occupational therapist, physical therapist, psychologist).

Only three (30%) of the ten SLPs reported that they alone determine eligibility for services in the non-special education sponsored speech-language program.

Caseload Size. Respondents were asked to report the caseload size for SLPs in their district and in their

state, whether non-special education speech-language disordered students are counted in the caseload count, and the number of students served in the special education sponsored speech-language program and in the non-special education sponsored speech-language program for the 1993-94 school year.

Thirteen (81%) SLPs reported caseload sizes for their LEAs but only four (25%) of these SLPs indicated caseload sizes for their states. The maximum caseload size for either the LEA or the state ranged from 30-80 students.

Of the ten (63%) SLPs who reported that their LEAs offer speech-language services to students found ineligible for special education services, only 3 (30%) SLPs reported that these students are counted in their caseloads.

All sixteen respondents reported the number of speech-language impaired students in their special education sponsored program for the 1993-94 school year. The caseloads ranged from a low of 10 students to a high of 93 students.

The ten (63%) SLPs whose LEAs offer speech-language services to students found ineligible under the IDEA reported caseloads ranging from 5 to 40 students. In one LEA, the SLP's caseload count was higher in the non-IDEA category than for the IDEA category.

Use of Severity Rating Scales to Determine Eligibility. Only seven (44%) of the total (N=16) SLPs reported using severity rating scales in determining eligibility for services. The remaining nine (56%) SLPs do not use these scales in determining eligibility. See Table 10.

Five (31%) SLPs in the total (N=16) group reported using severity rating scales to determine amount and frequency of services offered.

Use of Standard Deviations in Determining Eligibility. When asked if standard deviations are used, fourteen (88%) of the total (N=16) group of SLPs responded affirmatively. See Table 10. Their explanations for using standard deviations include the following: (1) required by the state, (2) coincide with other test results, (3) recommended for placement and dismissal, (4) objective, (5) consistent with eligibility requirements, (6) students scoring within one standard deviation are not eligible for special education, (7) two standard deviations mark the difference between a weakness and a true deficit, and (8) used in measuring language skills and not alone.

Reimbursements to LEAs for Serving Students with Speech-Language Disorders Outside of Special Education. An overwhelming majority of SLPs (N=15) indicated that their states do not provide additional funding or reimbursements

Table 10

Frequency of Types of Eligibility Criteria Used by SLPs in Caseload Selections

	Urban (<u>n</u> = 8)		Rural (<u>n</u> = 8)	
	Yes	No	Yes	No
Severity Rating Scales	4	4	3	5
Standard Deviations	7	1	7	1

for serving students outside of special education. Only one SLP in a rural setting reported that the state provides appropriations to the LEA for serving students with speech/language disorders in non-IDEA programs. That SLP is one of the ten (63%) SLPs whose LEA provides services for students with speech/language disorders outside of special education.

Program Director Support for Speech-Language Services Outside of Special Education. Ten (63%) SLPs indicated that their program director supports serving students with speech/language disorders in non-special education sponsored programs. Of the remaining six (37%) SLPs, five indicated that their program directors do not support these services, and one SLP responded with an "I don't know." See Table 11.

An interesting fact uncovered in this analysis is that one of the ten (63%) SLPs does not have this service offered in the local school district, but reported that the program director supports offering such a service. That SLP stated: "We are currently being challenged with this issue and are working toward developing guidelines and/or programs that would accommodate non-special education speech-language impaired students in our district."

Conversely, one of the ten (63%) SLPs reported earlier as having a program in place serving students with speech-

Table 11

Frequency of SLPs Who Reported LEA' Program Director's Support For Enrolling Students in Non-IDEA Speech-Language Program

Region Represented	Urban (<u>n</u> = 8)		Rural (<u>n</u> = 8)	
	Yes	No	Yes	No
New England	1	2	2	1
Middle Atlantic	1		1	
Midwest**	2		1	
West North Central		1	1	
Pacific		1	1	
Total	4	4	6	1

*Sample = 2 LEAs per state

**One rural respondent = I Don't Know

language disorders outside of special education (indicated here as one of the five SLPs above) reported that the program director in that school district does not support offering this service although it exists.

Clinical Judgment vs Quantitative Test Results.

Speech-language pathologists were asked to indicate their preference for using either clinical judgment (CJ) or quantitative test results (QTR) in the decision-making process of caseload selection. Nine (56%) SLPs indicated their preference for using QTR, six (38%) prefer CJ, and one (1%) did not indicate a preference but reported using both. See Table 12.

Service Delivery Models Used. Respondents were asked to rank order the service delivery model used in the special education sponsored speech-language program, and in programs serving students outside of special education if applicable. Ten (63%) of the total (N=16) SLPs reported the pullout method of service delivery as the model most frequently used in their special education sponsored speech-language programs. The consultation model and the classroom based model were the second most frequently used service delivery methods (used by six (38%) SLPs each). The consultation model was listed as the least frequently used service delivery method by ten (63%) SLPs.

Table 12

Frequency of Types of Eligibility Criteria Preferred by SLPs in Caseload Selections

Type Preferred	Urban (<u>n</u> = 8)	Rural (<u>n</u> = 8)
Clinical Judgment	3*	3
Quantitative Test Results	4	5

*No preference indicated by one respondent

Six (60%) of the ten (63%) SLPs whose LEAs offer non-special education sponsored speech-language services reported the pullout model of service delivery as the most frequently used method. The second most frequently used model, as reported by seven (70%) of the ten (63%) SLPs, was the consultation method. The least most frequently used model as reported by five (50%) of the ten (63%) SLPs was the classroom-based model of service delivery.

CHAPTER 5

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Introduction

The availability of speech-language programs in the United States serving students outside of special education was examined in this study. This chapter presents the findings together with summary, discussion, conclusions, and recommendations for further research.

Findings

Available Programs. Eight states (CA, CT, IL, MA, NY, ND, OH, and VT) were identified as offering speech-language services to students found ineligible for special education programs under the IDEA because their communication disorders do not adversely affect their educational performance. The adverse affects phrase is found to be used by each of the states reporting the availability of non-special education services.

It is noted that these non-special education sponsored speech-language programs are not uniformly known by any particular name. They are, however, recognized as being outside of special education services. They are generally thought of as regular or general education programs. The state of New York uses the title "Speech and Language

Improvement Services" (SLIS) to formally identify this non-special education service.

These services are part of regular education programs and are funded through state and/or local dollars. The states of NY and CT reported that these programs are cost effective. NY reported that students who are able to maintain their placement in regular education through its SLIS program save the education system the annual cost of special education services.

Connecticut and Ohio reported that these speech-language programs were in existence prior to the enactment of the Education for All Handicapped Children's Act (PL 94-142). California, New York, and North Dakota implemented these programs in the 1980s, while Massachusetts and Vermont reported start-up dates of the early 1990s.

Of interest to this study was the finding that, although these programs are available, they are not mandated by the states for implementing in LEAs. They are optional programs that are available for LEAs to use if they choose. The SLPs employed in public schools in urban and rural settings who serve as co-respondents reported the availability of these services. One SLP employed in an urban setting stated that these services are "not legal."

Why Programs Were Made Available. According to these research findings, non-special education sponsored speech-

language programs were made available to remediate students' minor or mild communication disorders that did not adversely affect their educational performance. Students were found to have speech-language impairments that were of a severity that did not warrant special education services, but did warrant the services of the SLP. Such programs strengthen regular education efforts by bringing together the SLP and the regular classroom teacher in serving the needs of students with communication disorders.

Co-respondents in this study reported the importance of communication skills in the lives of students and the importance of offering speech-language services to students who do not meet eligibility requirements for special education. The two types of speech-language programs (special education sponsored and non-special education sponsored) are designed to meet the needs of individual students.

Types of Speech-Language Needs Met. Reported communication disorders included minor and mild articulation, language, fluency, and voice problems that do not adversely affect educational performance. Both groups of respondents used terms such as "non-organic," "developmental," "mild," "milder," "very mild," and

"simple" to describe the types of needs that are addressed in programs available outside of special education.

Eligibility Criteria. The application of the adverse affects phrase is commonly used in determining a student's eligibility for special education sponsored speech-language services as reported by SEADs and SLPs. All eight states provided eligibility criteria in their regulations and guidelines for speech-language services under the IDEA. Individual assessment, test results, standard deviations, severity ratings, intelligibility, stimulability, developmental age norms, chronological age, language sampling, teacher observation and input, classroom performance, academic skills, grades, IQ, parental input, and social-emotional development are some of the reported criteria used in determining eligibility in each state according to the SLPs. The SEADs reported that eligibility in speech-language programs outside of special education is based on whether the student is able to function successfully in the regular education program despite the presence of a communication disorder.

Massachusetts considered the relationship between the student's communication disorder and the ability to progress effectively in regular education as a means to determine eligibility. Prior to the revision of their regulations in 1992, Massachusetts had a very open-ended

law that allowed the multidisciplinary team to find any student eligible for special education services. Because of this provision, many students were classified as having special education needs and were inappropriately placed in special education programs. The high numbers of students enrolled in MA special education programs caused the leadership to examine their eligibility criteria. This effort resulted in the rewriting of their state's special education regulations (J. Burton, personal communication, May 24, 1995).

Both groups of respondents reported the use of multidisciplinary teams to determine eligibility for speech-language services outside of special education. The state of New York required that the building administrator determine the appropriateness of regular education remedial services. In either case, the SLP was part of the team effort and was consulted in New York.

Formal Regulations and Guidelines. The states of Connecticut, New York, North Dakota, and Ohio reported using formal regulations and guidelines in their non-special education sponsored speech-language programs. The state of New York provided an in-depth, separate set of regulations and guidelines for its speech-language program outside of special education. Connecticut and North Dakota addressed their non-special education speech-language

services in their special education sponsored speech-language services manual. Ohio reported using formal regulations and guidelines but stated that they are under revision and unavailable.

California, Illinois, Massachusetts, and Vermont indicated that no formal regulations and guidelines are used. However, it is noted that in the guidelines addressing special education sponsored speech-language services, the states of California and Massachusetts provided cursory information for serving students outside of special education. The manuals provided from Illinois and Vermont did not address serving students outside of special education.

Summary and Discussion

Availability of Programs. While all eight states reported available programs serving students with speech/language disorders outside of special education, except for Massachusetts, at least one SLP in each state, reported not having a program available. Both urban and rural respondents in MA indicated that this service is not available in their LEAs. However, in the case of the SLP employed in the urban setting, there appears to be a program in place, but it is not reflected in any formal title. The SLP in the urban school setting in MA made the following comment: "Although we do not offer official non-

special education programs for service delivery, most SLPs offer some type of assistance to children who are having difficulty whether it be on a consultation, classroom-based, parental involvement, or pullout model." Any of the aforementioned service delivery options can be used in working with either the disabled or the non-disabled student with communication disorders. However, using one of these options with the non-disabled student in the context of the regular education program prevents mislabeling the student as disabled, which is apparently what the SLP in the urban setting in MA was doing without an official name for the service.

The SLP employed in the rural setting in MA offered the following comment in answer to the question regarding available services: "We are currently being challenged with this issue and we are working toward developing guidelines and/or a program that would accommodate non-special education speech-language impaired students in our district." In this case, the school district appeared to realize that not every student who presents a communication disorder needs to go through a comprehensive identification process and special education classification in order to receive needed speech-language services.

In three other states (NY, OH, VT), each SLP employed in either urban or rural setting reported that non-IDEA

services are available in their LEAs. This reflects the importance in those LEAs to serve students with speech-language needs even when programs outside of special education are not mandated by the state. Urban and rural SLPs in the remaining states of California, Connecticut, Illinois, and North Dakota are split according to urban and rural work settings in offering available speech-language services. The SLPs in urban settings in the states of California, Connecticut, and North Dakota reported that these non-IDEA services are unavailable while those SLPs in rural school districts in these states reported available services. Conversely, in Illinois, available services were reported in the urban setting but not in the rural setting. Regardless of the setting, the majority of SLPs in this study reported that their school districts offer speech-language services outside of special education.

All eight SEADs reported that these non-IDEA programs are funded through state and/or local dollars because they are part of the regular education program. However, all SLPs, except for the one in rural New York, reported that their state does not provide additional funding for programs outside of special education. Can the assumption be made that this information is not provided to SLPs? Those states that reported using formal regulations and guidelines could have funding issues addressed within their

documents. And, in the case of the SLP in rural New York, the formal regulations and guidelines used in the alternate speech-language program provided very adequate coverage on the subject of funding.

Available programs have existed for some time in the states of Connecticut (1961), Ohio (prior to 1973), California (1983), New York (1986), North Dakota (1987), Vermont (1990), and Massachusetts (1993). No information on date of implementation was provided from the state of Illinois.

Why Programs Were Made Available. Speech-language services in the schools pre-date the enactment of the EAHCA (Public Law 94-142). In the early years following the implementation of Public Law 94-142, students with speech-language disorders were moved from existing programs and classified as speech-language impaired and served in special education speech-language programs. Serving these students in this way appeared to have created an overidentification of students in special education sponsored speech-language programs.

In the mid-80s, a movement to serve students with mild learning problems in regular education classroom provided the impetus to serve students with minor or mild speech-language disorders in regular education programs. This movement, known as the Regular Education Initiative (REI),

advanced to address how students with mild disabilities are served according to Will (cited in Council for Exceptional Children, 1987). Pressure from parents seeking services for their children outside of special education impacted upon school districts and the various power structures to offer speech-language services to students found ineligible for services under the IDEA.

Co-respondents in this study reported that students with minor or mild speech-language disorders are served in these available programs. They further emphasized the importance of serving all students in schools by meeting their needs in both special education and regular education programs.

Types of Speech-Language Needs Met. Students with disorders of articulation, language, fluency, and voice who obtain severity ratings which render them ineligible for special education services are reported by both SEADs and SLPs as being enrolled in non-special education sponsored speech-language programs. These students who present minor or mild communication disorders should not have to be labeled as disabled and served in special education programs in order to receive needed remedial services. Without the availability of alternate speech-language services, many non-disabled students may be misidentified by being placed in the speech-language disability category

for special education services. Currently, and as indicated in this study, most states appear to have no other way to provide services than through the speech-language impaired label because programs outside of special education are unavailable.

When SLPs working in school districts without available non-special education sponsored speech-language programs were asked if they feel a need exists for these programs, 83% respond affirmatively. Their reasons given included that these students exhibit minor or mild communication disorders that should be addressed before other issues compound the speech/language problem. Co-respondents characterized the disorders addressed in programs outside of special education as developmental in nature and of non-organic origins.

Eligibility Criteria. All SEADs reported the use of the adverse affects phrase in determining eligibility for special education services. However, the key criterion used by all eight states in determining eligibility for speech-language services outside of special education is that the communication disorder cannot interfere with the student's ability to benefit from regular education. Given this information, do states either overidentify or underidentify students with speech-language impairments for services?

An SLP in a rural setting in this study reported having to "fudge" to enroll students who apparently do not qualify for services under the IDEA and expressed guilt in having to do this. In this example, eligibility criteria appear to be inconsistently applied or nonexistent. Variability may be present in interpreting test results, guidelines, and who should be served. To recognize that a student exhibits minor articulation errors that do not adversely affect educational performance and then apply the fudge factor in order to create a speech/language impairment, sends the wrong message to others that the services of the SLP are unessential. On the other hand, if alternate speech/language services are in place, this SLP would not have to concoct a speech/language impairment in an effort to service the student.

According to indications by SEADs and SLPs, the multidisciplinary team is responsible for determining eligibility for service. If the team does not use specific, formal criteria in making decisions, inconsistent applications of criteria are sure to cause problems in the decision-making process. Sometimes, despite guidelines being in place for eligibility decisions, SLPs make a case for enrolling particular students because alternate programs are not available.

The SLP may be faced with issues influencing referral and identification procedures to the extent that the student's speech/language disorders are distracting to the classroom teacher who is unable or unwilling to work with the student in a collaborative/consultative manner with the SLP in the regular education classroom. The classroom teacher applies pressure to enroll the student in formal special education sponsored speech-language services. Instead of using test results and other components of the assessment process, the SLP is pressured to make the determination on whether the student has a speech/language impairment. More than likely in this scenario, the SLP makes a case to add the student to the formal special education caseload for speech/language services. The two examples above appear to occur often in public schools.

Formal Regulations and Guidelines.

Each of the eight states (CA, CT, IL, MA, NY, ND, OH, VT) have implemented formal regulations and guidelines for speech-language services offered under the IDEA. However, Ohio's document was under revision and unavailable for the purposes of this study.

Specifics for enrolling students with communication disorders in special education programs are outlined in the documents provided by each state. These regulations and guidelines serve as resources for identifying, assessing,

planning and providing speech-language services for students who are found eligible for special education services because their speech-language impairment adversely affects their educational performance. Each document stressed the importance of establishing that a disability exists, that it adversely affects the student's educational performance, and that needed special education and related services are documented. Massachusetts is identified as a non-categorical state in its provision of special education services. The purpose of its guidelines are stated in the following way: "The guidelines are meant to ensure that students who are disabled and need special education services are identified and receive special education services, and that those students who are not disabled are not identified as needing special education services" (Massachusetts Department of Education, 1994, p. 4). This statement does not circumvent providing services to students found ineligible under special education law. To the contrary, these students are served in regular education programs according to J. Burton (personal communication, May 24, 1995). The statement is included in the regulations and guidelines to address the overidentification of students enrolled in special education prior to state revisions (Massachusetts Department of Education, 1994).

Connecticut, North Dakota, and Ohio provided little information in their guidelines on implementing speech-language services offered outside of special education. The state of New York presented well-defined information in its document for anyone seeking to learn more about available services for students with non-disabling communication disorders. As stated before, regulations and guidelines in Ohio are under revision and unavailable.

The remaining four states (CA, IL, MA, VT) indicated that they do not use formal regulations and guidelines in providing speech-language services to students found ineligible under the IDEA. Only cursory information regarding serving students outside of special education is provided in their documents outlining regulations and guidelines for special education speech-language services.

Conclusions

The conclusions drawn from this study of the availability of speech-language programs serving students with communication disorders outside of special education are presented on the basis of the research questions stated earlier.

1. What programs are available for students with speech/language impairments who are found ineligible for special education services because

their communication disorders do not adversely affect their educational performance?

This study identified eight states (CA, CT, IL, MA, NY, ND, OH, VT) that offer non-special education sponsored speech-language services to students found ineligible for services under federal special education law because their communication disorders do not adversely affect their educational performance. Without these services or programs, serious consideration should be given regarding the implications for those students who exhibit communication disorders. Are these students likely to be labeled as students with disabilities in order to receive needed services? What happens to those students who present minor or mild communication disorders? Do they become the underidentified group who are left untreated? Or, do they have to go outside of the public school setting to receive services at a cost to their families?

States offering alternate speech-language services in the regular education program should observe an improvement in the validity of the speech-language impaired classification used in special education disability categories. Criteria and guidelines can be improved, but they can not force valid placements in either special education sponsored or non-special education sponsored speech-language programs. Perhaps when SLPs examine more

closely the Federal definition of a communication disorder by applying the adverse affects phrase and discover that services can be offered to students one program or the other, validity in placement decisions will be preserved.

2. What criteria are used to determine eligibility for speech/language services in special education sponsored programs and non-special education sponsored programs?

This study drew attention to two different statements in use by states when determining eligibility in each of the speech-language programs offered: special education and non-special education sponsored.

In special education sponsored speech-language programs, the key statement is the adverse affects phrase as it relates to the communication disorder. The student must be identified as presenting a speech/language disorder that adversely affects educational performance in order to receive needed services. A multidisciplinary team makes the determination that special education services are warranted based on the outcome of assessment information, and that these services are provided through an Individualized Education Program.

States identified with alternate speech-language programs were found to rely on the student's ability to function effectively in the regular education program

despite the communication disorder. If the student was found able to remain in the regular education program, the multidisciplinary team was responsible for determining that the speech/language service be provided.

3. What formal regulations and guidelines are used in providing speech/language services in special education sponsored programs and non-special education sponsored programs?

Formal regulations and guidelines in special education sponsored speech-language programs are in use and provided by SEADs. These documents delineate the requirements needed to offer and implement special education services.

Only some of the states identified as offering speech-language services outside of special education indicated that formal regulations and guidelines are used. Even in these cases, only cursory information was provided and is located within the document outlining special education services. A separate set of guidelines was found in only one state: New York. These regulations and guidelines were more than adequate in describing non-special education sponsored speech-language programs for students whose communication disorders present only barriers to communication as opposed to adversely affecting educational performance.

Recommendations

The following recommendations are offered:

1. States that offer alternate speech-language programs outside of special education should have separate documents outlining policies and guidelines for these services.
2. States should track the number of students served in non-special education sponsored speech-language programs to observe the occurrence of increases in this service or decreases in IDEA services.
3. States should make available eligibility criteria to a clearinghouse for the purpose of easy access for those seeking this information.
4. States should mandate that eligibility criteria be consistent and applied uniformly across all school districts within the state.
5. States should mandate that non-special education sponsored speech-language services be implemented in all LEAs as part of the regular education program.
6. States should provide appropriations to LEAs in support of this regular education effort.

Recommendations for Further Study

1. Conduct a larger study of SLPs in each state that is more representative of the population to determine if alternate speech-language programs exist.
2. Conduct a study of LEAs to determine the extent that Section 504 of the Rehabilitation Act is used to service students with speech-language disorders who are found ineligible under the IDEA.
3. Conduct a study seeking specific operational criteria for determining who is IDEA eligible and who is not.
4. Conduct a study to determine the relationship between state guidelines and LEA practices.
5. Conduct an in-depth study examining issues that influence SLPs in deciding who receives speech-language services.
6. Conduct a cost analysis study comparing IDEA sponsored and non-IDEA sponsored speech-language programs.
7. Conduct a study to determine what happens when parents and the LEA disagree over speech-language services for students found ineligible for services under the IDEA.

8. Conduct a study to determine procedures to be used when speech-language services are not rendered under the IDEA.

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APPENDIX A



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January 10, 1995

Ms. Carolyn Isakson
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Dear Ms. Isakson:

Thank you for your reply to my initial survey conducted last Fall that was designed to identify states that offer alternate speech-language services to students found ineligible for special education services under Part B of the IDEA. As a follow up, I am conducting a final survey of state education agency personnel responsible for statewide speech-language services in the public schools in selected states.

This letter is a request for your responses to the questions on the following pages regarding speech-language services offered in the public schools in Connecticut. I am also requesting copies of your state's statutes, regulations, and guidelines governing speech-language programs.

My dissertation topic is "Availability of speech-language programs serving students found ineligible for special education services under the Individuals with Disabilities Education Act."

Your rapid response to this survey will expedite my research efforts and will be appreciated. Completing my dissertation research depends on how timely you return your responses to me. I am respectfully requesting that you return this information to me by February 2, 1995. If you would like to provide your responses via a telephone call, please indicate on the enclosed postcard a date and time that I may call you. I thank you for your time.

Enclosed, please find a self-addressed stamped postcard, a questionnaire, and an address label for your convenience.

Thank you for your attention and consideration.

Sincerely,

Dee Stunson
Doctoral Candidate
Virginia Tech

When you return this questionnaire, please send copies of your state's "statutes and regulations" for each non-special education-sponsored and special education-sponsored speech-language program; "guidelines" for each non-special education-sponsored and special education-sponsored speech-language programs; and any formal speech-language "procedures" distributed to local education agencies.

Please answer the following questions:

1. What programs are available for students with speech-language impairments who are found ineligible for special education-sponsored speech-language services because their communication disorders do not adversely affect their educational performance?

2. Who determines eligibility for services in each non-special education-sponsored speech-language program in the public schools in your state? Please list by job title.

3. What types of speech-language needs are met in the non-special education-sponsored speech-language program(s) in your state?

4. What specific criteria are used to determine the adverse effects of a communication disorder on a child's educational performance?

5. What specific criteria are used to determine that a child's speech-language impairment presents only a barrier to communication, i.e., presents a communication difference as opposed to a communication disorder?

6. Number of children enrolled in speech-language programs in the public schools in your state during the 1993-94 school year:

Special education-sponsored _____
Non-special education-sponsored _____

7. What is/are the funding source(s) for non-special education-sponsored speech-language program(s) in the public schools in your state?

8. In your view, why was/were the non-special education-sponsored speech-language program(s) made available in your state?

9. Do you agree with your state offering non-special education-sponsored speech-language programs for students with speech-language needs who are found ineligible for speech-language services under Part B of the Individuals with Disabilities Education Act?

YES _____ NO _____

Why? _____

10. What is the caseload size for public school speech-language pathologists in your state? _____

Are non-special education speech-language impaired children included in the speech-language pathologist's caseload count in the public schools in your state?

YES _____ NO _____

11. Are formal regulations and guidelines used in servicing speech-language impaired children enrolled in non-special education-sponsored speech-language programs in the public schools in your state?

YES _____ NO _____

If YES to question 11, please forward copies of your state's

- (a) statutes and regulations for each non-special education-sponsored and special education-sponsored speech-language program
- (b) guidelines for speech-language programs
- (c) formal speech-language procedures distributed to local education agencies

12. In what year was/were the non-special education-sponsored speech-language program(s) implemented in the public schools in your state?

ADDITIONAL COMMENTS:

Thank you for your cooperation in completing this questionnaire. I appreciate the time you took and the attention you gave to provide me with accurate information in order to produce reliable results.

Please return the completed survey, and regulations/guidelines to the following address:

Dee Stunson
College of Education
202 East Eggleston Hall
Virginia Tech
Blacksburg, Virginia 24061-0302 OR use enclosed address label.

APPENDIX B



Division of Administrative and Educational Services

College of Education
E. Eggleston Hall, Blacksburg, Virginia 24061-0302
(703) 231-5642 Fax: (703) 231-7845

February 3, 1995

Ms. Carolyn Isakson
Consultant, Speech-Language Pathology
Connecticut State Department of Education
25 Industrial Park Road
Middleton, Connecticut 06457

Dear Ms. Isakson:

Recently, I requested your responses to the questions on the following pages regarding speech-language services offered in the public schools in Connecticut. To date, I have not received your reply and am sending you another form, again requesting your responses and copies of your state's statutes, regulations, and guidelines for speech-language programs and services.

Thank you for your reply to my initial survey conducted last Fall designed to identify states that offer alternate speech-language services to students found ineligible for special education services under Part B of the Individuals with Disabilities Education Act. As a follow up, I am conducting a final survey of state education agency personnel responsible for speech-language programs in selected states for my dissertation research project.

My dissertation research topic is "Availability of speech-language programs serving students found ineligible for special education services under the Individuals with Disabilities Education Act."

Your rapid response to this survey will expedite my research efforts and will be appreciated. Completing my dissertation research depends on how timely your return you responses and requested materials to me, as I desperately need the information in order to conduct the study and to graduate. Therefore, I am respectfully appealing to you for the return of this information to me by February 24, 1995. I thank you very much for your cooperation and time.

Enclosed please find a questionnaire and address labels for your convenience.

Thank you for your attention and consideration in this matter.

Sincerely,

Dee Stunson
Doctoral Candidate, Virginia Tech

When you return this questionnaire, please send copies of your state's "statutes and regulations" for each non-special education-sponsored and special education-sponsored speech-language program; "guidelines" for each non-special education-sponsored and special education-sponsored speech-language programs; and any formal speech-language "procedures" distributed to local education agencies.

Please answer the following questions:

- 1. What programs are available for students with speech-language impairments who are found ineligible for special education-sponsored speech-language services because their communication disorders do not adversely affect their educational performance?

- 2. Who determines eligibility for services in each non-special education-sponsored speech-language program in the public schools in your state? Please list by job title.

- 3. What types of speech-language needs are met in the non-special education-sponsored speech-language program(s) in your state?

- 4. What specific criteria are used to determine the adverse effects of a communication disorder on a child's educational performance?

- 5. What specific criteria are used to determine that a child's speech-language impairment presents only a barrier to communication, i.e., presents a communication difference as opposed to a communication disorder?

6. Number of children enrolled in speech-language programs in the public schools in your state during the 1993-94 school year:

Special education-sponsored _____
Non-special education-sponsored _____

7. What is/are the funding source(s) for non-special education-sponsored speech-language program(s) in the public schools in your state?

8. In your view, why was/were the non-special education-sponsored speech-language program(s) made available in your state?

9. Do you agree with your state offering non-special education-sponsored speech-language programs for students with speech-language needs who are found ineligible for speech-language services under Part B of the Individuals with Disabilities Education Act?

YES _____ NO _____

Why? _____

10. What is the caseload size for public school speech-language pathologists in your state? _____

Are non-special education speech-language impaired children included in the speech-language pathologist's caseload count in the public schools in your state?

YES _____ NO _____

11. Are formal regulations and guidelines used in servicing speech-language impaired children enrolled in non-special education-sponsored speech-language programs in the public schools in your state?

YES _____ NO _____

If YES to question 11, please forward copies of your state's

- (a) statutes and regulations for each non-special education-sponsored and special education-sponsored speech-language program
- (b) guidelines for speech-language programs
- (c) formal speech-language procedures distributed to local education agencies

12. In what year was/were the non-special education-sponsored speech-language program(s) implemented in the public schools in your state?

ADDITIONAL COMMENTS:

Thank you for your cooperation in completing this questionnaire. I appreciate the time you took and the attention you gave to provide me with accurate information in order to produce reliable results.

Please return the completed survey, and regulations/guidelines to the following address:

Dee Stunson
College of Education
202 East Eggleston Hall
Virginia Tech
Blacksburg, Virginia 24061-0302 OR use enclosed address label.

APPENDIX C



Division of Administrative and Educational Services

College of Education
E. Eggleston Hall, Blacksburg, Virginia 24061-0302
(703) 231-5642 Fax: (703) 231-7845

January 14, 1995

The Speech-Language Pathologist
W. B. Sweeney Elementary School
Oak Hill Drive
Williamantic, Connecticut 06226

Dear Madam or Sir:

This letter is a request for your responses to the questions on the following pages regarding speech-language programs in the public schools in your school district. I am conducting a small survey of speech-language pathologists in rural and urban school districts in selected states to gather data for my dissertation research project.

My dissertation research topic is "Availability of speech-language programs serving students found ineligible for special education services under the Individuals with Disabilities Education Act."

You have been selected as one of two speech-language pathologists in your state to participate in this survey. Your rapid reply to this survey will expedite my research efforts and will be appreciated. Completing my dissertation research depends on how timely you return your responses to me, as I need the information in order to conduct the study and graduate. Therefore, I am respectfully appealing to you for your return of this information to me by February 10, 1995. I thank you very much for your time.

Enclosed please find a questionnaire, a self-addressed stamped envelope for your convenience, and two packs of herbal tea for your enjoyment.

Thank you for your consideration and attention.

Sincerely,

Dee Stunson
Doctoral Candidate
Virginia Tech

CT -U

Please complete the following questionnaire regarding speech-language services offered in your local school district.

IDENTIFICATION:

Position Title of Person Completing This Survey_____

Total Years of Experience in Field of Speech-Language Pathology_____

Highest Level of Education Achieved_____

ASHA Certification: SpL_____ Aud_____ Both_____ None_____

Level of Student Population You Service (check all that apply): Preschool_____

Elementary_____ Middle/Jr. High_____ High School_____

Date:_____

1. Have you read a copy of your state's
 - (a) statutes and regulations that address speech-language programs?
YES _____ NO _____
 - (b) guidelines for speech-language programs?
YES _____ NO _____

2. In serving students with speech-language needs, does your local school district make a distinction between speech-language impairments that *adversely affect a child's educational performance* and those that present *only barriers to communication*?
YES _____ NO _____

3. Does your local school district offer non-special education-sponsored speech-language services to students who present speech-language impairments and found ineligible for special education services under Part B of the Individuals with Disabilities Education Act?
YES _____ NO _____

4. If YES to question 3, in your view, why was/were the non-special education-sponsored speech-language program(s) made available in your state?

5. If *YES* to question 3, what types of speech-language needs are met in the non-special education-sponsored speech-language program(s) in your local school district?

6. If *NO* to question 3, do you feel there is a need for non-special education-sponsored speech-language programs in your local school district?

YES _____

NO _____

Why? _____

7. What specific criteria are used in your local school district to determine the adverse effects of a communication disorder on a child's educational performance?

8. What specific criteria are used in your local school district to determine that a child's speech-language presents only a barrier to communication, i.e., presents a communication difference as opposed to a communication disorder?

9. Who determines eligibility for services in (a) each non-special education-sponsored speech-language program in your local school district?

Please list by job title: _____

and in (b) the special education-sponsored speech-language program?

Please list by job title: _____

10. What is the caseload size for public school speech-language pathologists in your local school district? _____ state? _____
11. Are non-special education-sponsored speech-language impaired children included in the caseload count in your local school district?
 YES _____ NO _____
12. How many students were enrolled in speech-language programs in your caseload during the 1993-94 school year?
 Special education-sponsored _____
 Non-special education-sponsored _____
13. In the process of selecting students to be included in your caseload, are severity rating scales (mild-moderate-severe) used in determining eligibility?
 YES _____ NO _____
 Why? _____

14. In the process of selecting students to be included in your caseload, are measures of standard deviations from the mean used in determining eligibility?
 YES _____ NO _____
 Why? _____

15. Does your state provide additional appropriations/reimbursements to local school districts for serving the non-special education speech-language population of students?
 YES _____ NO _____
16. Does your program director support enrolling students whose speech-language needs present only barriers to communication in the non-special education-sponsored speech-language program(s) in your local school district?
 YES _____ NO _____

17. In the decision-making process for caseload selection, which do you prefer to use?

(Check only one)

Clinical judgment _____ Quantitative test results _____

Why? _____

18. Which of the following service delivery models do you use in servicing students with speech-language impairments in your caseload?

Please rank order the following service delivery models according to frequency of use with the number "1" representing the most frequently used model. Use N/A (Not Applicable) for any that do not apply.

Special education-sponsored

Non-special education-sponsored

_____ Classroom Based

_____ Classroom Based

_____ Collaborative/Consultation

_____ Collaborative/Consultation

_____ Pullout

_____ Pullout

_____ Self-contained Program

_____ Self-contained Program

ADDITIONAL COMMENTS:

If some answers require clarification, are you willing to participate in a follow-up telephone interview? If so, please indicate a day and time that would be convenient for you.

Day _____ Time _____ Telephone _____

Thank you for your cooperation in completing this survey. I appreciate the time you took and the attention you gave to provide me with accurate information in order to produce reliable results.

Please return the completed survey instrument to me as soon as possible.

Dee Stunson
College of Education
202 East Eggleston Hall
Virginia Tech
Blacksburg, Virginia 24061-0302

APPENDIX D



Division of Administrative and Educational Services

College of Education
E. Eggleston Hall, Blacksburg, Virginia 24061-0302
(703) 231-5642 Fax: (703) 231-7845

March 3, 1995

The Speech-Lanaguage Pathologist
Hyde Elementary School
125 Alta Vista Street
Watsonville, California 95076

Dear Madam or Sir:

Recently, I requested your responses to the questions on the following pages regarding speech-lanaguage services offered in the public schools in your local school district. To date, I have not received your reply and am sending you another questionnaire, again requesting your reponses. I am coducting a small survey of speech-lanaguage pathologists in rural and urban school districts in selected stats to gather data for my dissertation research project and wold very much appreciate your state's participation.

My dissertation research topic is "Availability of speech-language programs serving students found ineligible for special education services under the Individuals with Disabilities Education Act."

Your rapid response to this survey will expedite my research efforts and will be appreciated. Completing my dissertation research depends on how timely you return your responses and requested materials to me, as I desperately need the information in order to conduct the study and to graduate. Therefore, I am respectfully appealing to you for the return of this information to me by March 31, 1995. I thank you very much for your cooperation and time.

Enclosed please find a questionnaire, a self-addressed stamped envelope for your convenience, and two packs of herbal tea for your enjoyment.

Thank you for your consideration and attention.

Sincerely,

Dee Stunson
Doctoral Candidate, Virginia Tech

CT -U

Please complete the following questionnaire regarding speech-language services offered in your local school district.

IDENTIFICATION:

Position Title of Person Completing This Survey_____

Total Years of Experience in Field of Speech-Language Pathology_____

Highest Level of Education Achieved_____

ASHA Certification: SpL_____ Aud_____ Both_____ None_____

Level of Student Population You Service (check all that apply): Preschool_____

Elementary_____ Middle/Jr. High_____ High School_____

Date:_____

1. Have you read a copy of your state's

(a) statutes and regulations that address speech-language programs?

YES_____ NO_____

(b) guidelines for speech-language programs?

YES_____ NO_____

2. In serving students with speech-language needs, does your local school district make a distinction between speech-language impairments that *adversely affect a child's educational performance* and those that present *only barriers to communication*?

YES_____ NO_____

3. Does your local school district offer non-special education-sponsored speech-language services to students who present speech-language impairments and found ineligible for special education services under Part B of the Individuals with Disabilities Education Act?

YES_____ NO_____

4. If YES to question 3, in your view, why was/were the non-special education-sponsored speech-language program(s) made available in your state?

5. If *YES* to question 3, what types of speech-language needs are met in the non-special education-sponsored speech-language program(s) in your local school district?

6. If *NO* to question 3, do you feel there is a need for non-special education-sponsored speech-language programs in your local school district?

YES _____

NO _____

Why? _____

7. What specific criteria are used in your local school district to determine the adverse effects of a communication disorder on a child's educational performance?

8. What specific criteria are used in your local school district to determine that a child's speech-language presents only a barrier to communication, i.e., presents a communication difference as opposed to a communication disorder?

9. Who determines eligibility for services in (a) each non-special education-sponsored speech-language program in your local school district?

Please list by job title: _____

and in (b) the special education-sponsored speech-language program?

Please list by job title: _____

10. What is the caseload size for public school speech-language pathologists in your local school district? _____ state? _____
11. Are non-special education-sponsored speech-language impaired children included in the caseload count in your local school district?
 YES _____ NO _____
12. How many students were enrolled in speech-language programs in your caseload during the 1993-94 school year?
 Special education-sponsored _____
 Non-special education-sponsored _____
13. In the process of selecting students to be included in your caseload, are severity rating scales (mild-moderate-severe) used in determining eligibility?
 YES _____ NO _____
 Why? _____

14. In the process of selecting students to be included in your caseload, are measures of standard deviations from the mean used in determining eligibility?
 YES _____ NO _____
 Why? _____

15. Does your state provide additional appropriations/reimbursements to local school districts for serving the non-special education speech-language population of students?
 YES _____ NO _____
16. Does your program director support enrolling students whose speech-language needs present only barriers to communication in the non-special education-sponsored speech-language program(s) in your local school district?
 YES _____ NO _____

17. In the decision-making process for caseload selection, which do you prefer to use?

(Check only one)

Clinical judgment _____ Quantitative test results _____

Why? _____

18. Which of the following service delivery models do you use in servicing students with speech-language impairments in your caseload?

Please rank order the following service delivery models according to frequency of use with the number "1" representing the most frequently used model. Use N/A (Not Applicable) for any that do not apply.

Special education-sponsored

Non-special education-sponsored

_____ Classroom Based

_____ Classroom Based

_____ Collaborative/Consultation

_____ Collaborative/Consultation

_____ Pullout

_____ Pullout

_____ Self-contained Program

_____ Self-contained Program

ADDITIONAL COMMENTS:

If some answers require clarification, are you willing to participate in a follow-up telephone interview? If so, please indicate a day and time that would be convenient for you.

Day _____ Time _____ Telephone _____

Thank you for your cooperation in completing this survey. I appreciate the time you took and the attention you gave to provide me with accurate information in order to produce reliable results.

Please return the completed survey instrument to me as soon as possible.

Dee Stunson
College of Education
202 East Eggleston Hall
Virginia Tech
Blacksburg, Virginia 24061-0302

APPENDIX E

DaFAYNE STUNSON
5010 TALL OAKS DRIVE
BLACKSBURG, VIRGINIA 24060
703/953-1231

EDUCATION:

- 1995 - Current, Doctoral Candidate, Special Education Administration and Supervision, Virginia Polytechnic Institute and State University, Blacksburg, Virginia.
- 1994 - Certificate of Advanced Graduate Studies, Special Education Administration and Supervision, Virginia Polytechnic Institute and State University, Blacksburg, Virginia.
- 1987 - Certificate of Advanced Study, Educational Administration, State University of New York at Brockport.
- 1972 - Master of Science, Speech Pathology, Murray State University, Murray, Kentucky.
- 1968 - Bachelor of Science, Speech Pathology, Tennessee State University, Nashville, Tennessee.

EXPERIENCE:

- 1991-1992: Instructor, Department of Communication Sciences and Disorders, Radford University, Radford, Virginia 24142
- 1978-1991: Speech-Language Pathologist,, Corning-Painted Post Area School District, Painted Post, New York 14870.
 - 9/87-8/87: Administrative Intern, Pupil Personnel and Special Education Services, Corning-Painted Post Area School District, Painted Post, New York 14870.
 - 6/87-8/87: Administrative Intern, Headstart/Pre-K Program, Corning-Painted Post Area School District, Painted Post, New York 14870.

Da FAYNE STUNSON - VITA

- 1977-1978: Speech-Language Pathologist, Murray City School District, Murray, Kentucky 42071.
- 1974-1975: Instructor, Department of Special Education, Murray State University, Murray, Kentucky 42071.
- 1972-1974: Speech-Language Pathologist, Trigg County School System, Cadiz, Kentucky 42211.
- 1970-1972: Secretary, Center for Alcohol Education, Murray State University, Murray, Kentucky 42071.
- 1969-1970: Speech-Language Pathologist, School City of Gary, Indiana.

PRESENTATION:

Contributor of language work published in college textbook entitled Teaching Reading to Children by Lawrence E. Hafner, MacMillian Publishing Company, 1982, second edition.

Conductor and/or implementor of workshops for parents and teachers relative to speech-language action, literacy, and parental involvement in speech-language development.

GRANT WRITING:

Wrote successful renewal and expansion grant proposals totaling \$187,200 for Headstart/Pre-K, Corning City School District, Painted Post, New York 14870.

Wrote successful mini-grant for \$500 involving parents as partners in the speech-language development of children, Corning City School District, Painted Post, New York 14870.

Da FAYNE STUNSON - VITA

CERTIFICATION:

Virginia License, Speech-Language Pathologist
Permanent New York State Certification, School District
Administrator
Permanent New York State Certification, Teacher of Speech
and Hearing Handicapped
Certificate of Clinical Competence in Speech Pathology,
American Speech-Language-Hearing Association

MEMBERSHIP:

Speech-Language-Hearing Association of Virginia
American Speech-Language-Hearing Association
Council for Exceptional Children
Phi Delta Kappa

PERSONAL DATA:

Date of Birth: July 17, 1946
Married: Two children, one grandchild
Health: Excellent

REFERENCES: Available upon request.

Fayne Stunson