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Speech-Language Services in Public Schools: How Policy Ambiguity Regarding Eligibility Criteria Impacts Speech-Language Pathologists in a Litigious and Resource Constrained Environment

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Abstract

Public school districts must determine which students are eligible to receive special education and related services under the Individuals with Disabilities Education Act (IDEA). This study, which involves 39 interviews with speech-language pathologists and school administrators, examines how eligibility recommendations are made for one widely provided service: speech-language therapy. A key finding of this study is that the policy infrastructure guiding eligibility decisions has areas of significant ambiguity leading SLPs to face uncertainty about who should be found eligible for speech-language services. This ambiguity in policy opens the door for economic and legal factors to detrimentally influence the eligibility determination process resulting in high numbers of eligible students and correspondingly large SLP caseloads. Specifically, the litigious environment in which school districts operate puts SLPs on the defensive in the eligibility determination process. Further, speech-language therapy is increasingly utilized as a safety net given the lack of other resources available to academically struggling public school students. Finally, SLPs receive little administrative support or supervision further exacerbating their vulnerability to external pressures when making eligibility decisions. While focusing specifically on the eligibility decision process for speech-language services, this paper highlights issues that are likely applicable to how eligibility decisions for special education services are made more broadly.

What are the challenges faced by school-based teams charged with making special education eligibility decisions? Who gets services, who doesn't and how do we decide? Do the decisions result in an *effective* allocation of limited resources? This paper explores these critical by questions by exploring how eligibility decisions are made with respect to a service provided to over half of all students receiving any form of special education services: speech-language services. Nationally, speech-language pathologists (SLPs) provide services to approximately 1.2 million students identified as "speech-language impairment" under IDEA (Office of Special Education Programs, 2011) as well as to another approximately 2.4 million students with primary disabilities other than SLI (e.g., autism, specific learning disability, etc.) (American

Speech-Language-Hearing Association, 2002) together accounting for approximately 60% of all students receiving special education services.

While speech-language therapy is provided extensively, it is overwhelmingly delivered by SLPs with large caseloads. The average caseload of school-based SLPs nationally is 47 students while some SLPs have reported serving as many as 240 students (ASHA School Survey, 2012). To fully understand the implications of these high caseloads, it is useful to consider that given a six-hour instructional school day, a caseload of 47 implies that SLPs are able to provide just over a half-hour equivalent of individualized attention to each student per school week. Even though students are most often served in groups, this perspective underscores the lack of individualized attention SLPs are able to provide in terms of either planning or implementing interventions for students.

Researchers have found that large caseloads in special education generally correlate with less individualized treatment offered to students (Russ, Chiang, Rylance, & Bongers, 2001; Vance, Hayden, & Eaves, 1989). Further, recent research shows that treatment intensity is likely a key element for achieving impactful interventions for both speech (i.e. articulation) as well as language (i.e. vocabulary and syntax) disorders (Berninger, Vermeulen, Abbott, McCutchen, & Cotton, 2003; O'Connor, 2000;Warren, Fey, & Yoder, 2007; Gillam & Loeb, 2010).

This study focused on the factors that influence how SLPs determine student eligibility for speech-language services since eligibility determination is the gate keeping function that is a major driver of SLP caseloads. Through 39 interviews conducted with SLPs and school administrators in two large urban school districts as well as extensive document analysis, this research identifies a number of policy, economic, legal, and managerial factors that together lead to the high eligibility rates which impact SLP caseloads.

Methods

Research Sites
Two school districts were examined in this study that will subsequently be referred to by their pseudonyms: Alona and Balboa. Due to the sensitive nature of the information shared, both school districts were highly concerned about confidentiality. Therefore, only summary statistics and non-identifying information are shared.

Alona and Balboa both serve large student populations and are based in urban metropolitan areas. Their populations are similar with respect to the following criteria: a) district size, b) socio-economic status (as indicated by the percentage of students eligible for free and reduced price lunch), c) diversity, and d) students qualifying for special education as a percentage of total student population, and e) graduation rates. In both districts the percentage of 8th graders who performed at or above the NAEP "Basic" Level on the Reading section was well below average (65% in Alona, 56% in Balboa, 76% nationally) and the percentage of students who spoke a language other than English at home was well above the national average (41% in Alona, 67% in Balboa, 21% nationally). Both districts also have caseloads that are similar to or slightly above the national average (47 in Alona, 55 in Balboa) as well as identify as sizable percentage of

students receiving special education identified as speech-language impaired (21% in Alona, 14% in Balboa, 19% nationally). See Table 1 for exact district characteristics.

Data Sources
The data for this study was collected during the 2010-2011 school year.

Documents
This study involved collecting and analyzing publicly available statistics on the districts, district special education training manuals, SLP training materials, independent reports commissioned by each district to evaluate special education services and publicly disclosed information on special education litigation faced by these districts.

Interview data
39 interviews were conducted with both SLPs and administrators. All interviews were digitally recorded and transcribed by the author. Specifically, 14 administrators (8 from Alona, 6 from Balboa) and 25 SLPs participated in interviews (12 from Alona, 13 from Balboa) for this study. Interviews ranged from 20 minutes to two hours. The interviews included questions focused on the participants' understanding of IDEA eligibility criteria, interaction between SLPs and other educators, as well as the referral and assessment process.

Purposeful sampling was used to select the SLP participants for the study (Bogdan & Biklen, 1998; Maxwell, 2006). In order to explore variation, half of the SLPs had less than five years experience (6 in Alona, 7 in Balboa) and half had ten or more years of experience (6 in Alona, 6 in Balboa). Further, the sample was evenly divided between SLPs who worked primarily at the elementary, middle and high school level (Elementary SLPs= 9, Middle School SLPs=8, High School SLPs=8). Within these grade levels, the sample was evenly divided between Alona and Balboa. All of the SLPs held masters degrees in speech- language pathology.

As interviews were conducted over the course of the 2010-2011 school year, the data collected from participating SLPs began to converge suggesting that the sample's size and diversity had likely achieved saturation in terms of uncovering most perceptions that might be important for addressing the research question (Glaser & Strauss, 1967). The researcher did not know any of the participants personally, no incentives were offered to participate in the study, and all participants consented to participate in study.

Data Analysis
Analysis occurred concurrently with data collection through brief interpretive essays as well as longer memos on salient points, such as re-evaluation procedures or the impact of litigation. Following data collection, all transcripts were entered into a coding and sorting qualitative research software application. Codes were developed using both open coding and codes derived from the study's literature-based conceptual framework (Maxwell, 2006; Strauss & Corbin, 1998). Using the coding scheme as a starting point, the researcher generated narrative summaries (Seidman, 2006) to further explore patterns in how participants understand and implement eligibility criteria as well as the pressures they face.

Soundness

This study complemented extensive interviews with substantial document analysis to triangulate findings on the field with prescribed policies and procedures (Fielding & Fielding, 1986, Maxwell, 2006; Patton, 2002). In addition, each of these methods relied on a diversity of sources.

The SLP interview participants were stratified by experience to isolate aspects of policy implementation that were independent of SLP skill. Since the SLP participants identified for this study worked with a variety of student populations (elementary, middle and high school levels), the researcher was able to follow the evaluative process for speech therapy as students receiving services progress through K-12. Interviews were also conducted with administrators to cross-check the perspectives of practicing SLPs as well as to understand how documented policies and procedures are enforced in practice. Special education policy and training documents analyzed for this study were sourced from both district and state level educational authorities.

The author is an experienced pediatric SLP with over 7 years of experience in public school settings. This allowed the researcher to establish credibility (Lincoln & Guba, 1985) with interview participants and gather data over the course of the school year that was varied enough to provide a revealing picture (Holloway, 1997). The author, mindful of personal bias, ensured analyst triangulation by involving multiple researchers in reviewing the research process throughout this study (Lincoln & Guba, 1985; Patton, 2002). This group of researchers, who served as the researcher's ad-hoc dissertation committee at Harvard University, included experts in qualitative data analysis, speech-language development, and special education policy.

Results

Policy Ambiguity

> *"As a veteran SLP, I help train new SLPs to the district and one of the things we review is eligibility. I am always shocked when I see that the state education code and IDEA policy with respect to eligibility criteria is one page. Just one page! It makes it seem quite clear on paper and yet the discussion is seemingly endless in reality. There is no one-way to answer it. I can give you a profile for one kid and I can give you three therapists that will give you three different answers. It's particularly difficult in this district, in part because it's so big and there are a wide variety of therapists' options. There is no cut and dried case ever. Our supervisor will say we just follow state law but there is so much complexity around determining eligibility." – Balboa SLP*

According to federal policy [IDEA 2004, § 602(3)(A)], SLPs need to answer three questions when determining student eligibility: 1) does the student have a speech-language impairment? 2) Is this impairment adversely impacting the student's education, and 3) is specialized education instruction necessary? According to SLP interviews, the process of determining if a student meets these three criteria is not straightforward and each of these three criteria is subject to significant interpretation.

Does the student have a speech-language impairment?

The process of determining whether a student meets the criteria for having a speech or language impairment is not clear-cut. Research has demonstrated that language is a remarkably complex

set of behaviors which is not easily described and cannot be simply quantified with one set of numbers (Fillmore, Kempler, & Wang, 1979; Dale, 1980), While standardized tests exist to assist SLPs in identifying speech and language disabilities, a growing body of research shows that a student's standardized score on a language measure cannot by itself determine whether that student has a speech-language disability (American Speech-Language-Hearing Association (ASHA), 2004; McFadden, 1996; Spaulding, Plante & Farinella, 2006). Within the field of speech-language pathology, language assessment is considered both an inexact science as well as somewhat of an art; meaning that there is no threshold at which a student is clearly considered speech-language impaired (Aram, Morris, & Hall, 1993; Records & Tomblin 1994). Determining eligibility, according to one SLP in Alona, involved some degree of "making judgment calls."

The issue of clearly diagnosing a speech-language disorder is further complicated by the fact that, according to official policy, SLPs in Alona and Balboa are both supposed to ensure that the "determinant factor" behind a student's poor language performance is not "lack of instruction" or "limited English proficiency." The vast majority SLPs interviewed for this study reported that it was challenging to decisively eliminate any one of these factors as a possible driver behind a student's challenges in the area of speech and language. The large majority (n=20) of interview respondents stated they felt that this challenge led them to over-identify students for services, at least initially. For example, one Alona SLP summarized this challenge and her response to it by stating:

> Sometimes the issue might be environmental or lack of stimulation at home. Officially we are supposed to rule those out as factors, but it is hard to tell. You can't go back in time and see if a child had adequate language stimulation as a toddler. I'd rather err on the side of caution and find them eligible. It's better to have a higher caseload than not include students who might potentially benefit but I know other SLPs who might not include these students.

This perspective is consistent with research showing that poor instruction and limited language exposure lead to poor language performance in students that appears to be quite similar to the deficient language skills exhibited by students with "intrinsic" or "real" disabilities. Students who have poor language skills for either of these reasons are often considered functionally disabled (Fletcher, Francis, Shaywitz, Lyon, Foorman, Stuebing, et al., 1998; Burns, Griffin, Snow, 1999) and are often prescribed some of the same intervention techniques.

Is the impairment adversely impacting their education?
Secondly, there is ambiguity about how to best determine if impairment is adversely impacting a student's educational performance (Dublinske, 2002). The meaning of the phrase "adverse effect on educational performance" has been debated and has been interpreted in a variety of ways in public schools. While many districts interpret this phrase to imply that only students with academic difficulties are eligible for speech-language services (Dublinske, 2002), the Office of Special Education and Rehabilitative Services (OSERS) offered a policy letter of interpretation to ASHA in 2007 stating that an interpretation which "denies needed services to speech or language impaired children who have no problems in academic performance is unreasonably restrictive and is inconsistent with the intent of IDEA". With regards to students exhibiting speech disorders without concomitant academic difficulties, SLPs reported varying opinions. While some SLPs did not provide services to students with mild articulation disorders when they

"were doing fine in school" others did provide services when they felt that the students' articulation difficulties had a "large social impact".

Even with students who are struggling academically, it is hard to determine if a speech-language impairment is the driving factor. This question was particularly complex given that 35% and 44% of 8th grade students scored *below* the "Basic" level on the Reading portion of the National Assessment of Educational Progress (NAEP) in Alona and Balboa respectively. Presumably, all of these students scoring below the "Basic" level likely struggle in an area addressed by SLPs (e.g. narrative comprehension, vocabulary, and literacy) and yet neither school district comes even close to providing over a third of their students with speech-language therapy. SLPs found it challenging to determine when poor academic performance was driven by a speech-language disorder. One SLP in Alona summarized this quandary in the following way:

> If they paid more attention in class, read more books, tried harder academically, would it improve their language skills? Yes, it would. Is it truly a speech-language disability that drives their educational struggles or is it low motivation? When I ask myself, 'Is their disability impacting them educationally?' I really don't know.

SLPs reported that it was often difficult to exit students from speech-language services when they continued to struggle academically and this led many students to remain on SLP caseloads for long periods of time.

Is specialized instruction, in the form speech-language therapy, necessary for a student to make progress?

Lastly, the task of determining whether speech-language therapy is necessary for students to progress in their education is multifaceted. This eligibility criterion is especially challenging to interpret given the overlap between SLP interventions and the educational program delivered by other educators in schools (Ukrainetz, 2003). For students with issues specific to speech (such as articulation disorders, stuttering etc.), it is generally clear that SLPs are best suited to address these issues. However, for students with mild-moderate language disorders as well as for students with severe language disorders, the areas that SLPs focus on in therapy are similar to issues targeted by both general education and special education teachers. A recent position statement by the ASHA on the role and responsibilities of SLPs in school settings (ASHA, 2010) discussed the immense variety of language skills that are related to literacy acquisition and academic language where SLP intervention is thought to be appropriate. For example, syntax, morphology, social-language skills, phonemic awareness, print concepts, word decoding, spelling, narrative comprehension, and writing composition are all skills that can be potential targets for SLPs in school settings but are also areas that are addressed by other educators.

One SLP in Balboa explained, "Many of my students have speech-language goals in the area of vocabulary development and grammar. These are areas also worked on by English teachers as well as other special education teachers. Do they need speech-language therapy specifically?" With regards to students with severe language disabilities (such as non-verbal students with autism), over half of the SLPs (n=15) included in this study felt that direct speech-language therapy was not *always* appropriate because many such students were already in a "language rich

classroom designed for severely impaired students" and therefore could have their "language needs met in the classroom". However many SLPs (n=10) felt that they were uniquely positioned to address severe language difficulties and that it was insufficient to rely on special education teachers to meet those needs.

SLPs also found it difficult to determine when speech-language services were no longer necessary for students. Many students with language disabilities, by their very nature, will likely have life-long struggles with language (Stothard, Snowling, Bishop, Chipchase & Kaplan, 1998) but SLPs questioned whether speech-language therapy should be continually provided. One SLP from Alona stated, "They might meet a goal in one area but there are always new goals to be working on so we may be working with these students for many years." When SLPs did consider dismissal for these students, most often it was not because all possible goals in the domain of language were achieved but because it just seemed like "it was time" for the student to move on from speech-language services. In the words of an Alona SLP:

> I say if they have been in it for a long time, maybe when they get to 8th grade, it might be time for them to remain in the classroom because it is so important to be in class. I ask: 'how long is it that this student has been getting speech?' If they've had it since 2nd or 3rd grade I tell the IEP team that maybe it's time for the student to stay in the classroom because their needs really can be addressed in the classroom.

Litigious Environment and Parental Pressure
"The district says we should always exit students who are not making progress but you learn when it's not worth it to go there. When it's better to give that child the extra time in speech-language services, even when it's not appropriate, in order to keep up a good rapport with the family versus having the family pursue due process which could cost the district thousands and thousands of dollars." – Balboa SLP

While the eligibility criteria for speech-language services are arguably ambiguous, the rights given to parents of special education students and the reality of litigation against school districts are quite clear. IDEA gives broad rights to parents that empower them to exercise significant influence in all decisions regarding the education of their children. Without parental consent, school districts cannot assess students or implement any specialized services. The district is responsible for providing all educational services that students with disabilities require and parents must agree to the educational program the district is offering. If parents disagree with any part of the IEP, then that aspect of the IEP cannot be implemented. Further, parents have the right to seek mediation or due process hearings if an agreement cannot be reached at an IEP meeting.

Like many other large urban school districts (i.e. Corey v. Board of Education of City of Chicago) both Alona and Balboa public schools are involved in multi-year multi-million dollar lawsuits regarding the adequacy of special education services. Further, both districts are involved in a large number of due process hearing each year in which parents disagree with the schools districts' proposed special education programs for their children. This study found that both ongoing lawsuits and the continued threat of new litigation or due process hearings strongly

influenced how SLPs made eligibility decisions despite the fact that not every IEP meeting became contentious.

SLPs in both districts were anxious not to be involved in situations where students' parents felt that their children did not receive adequate services. This led some SLPs to feel they should err on the side of caution by identifying more rather than fewer students. SLPs mentioned that their school districts have been subjected to scrutiny as a result of high-profile lawsuits and that their respective state departments had examined their implementation of special education programs. One SLP in Balboa said, "You hear of trouble in cases where a student should have been identified but they were not but rarely do you hear of litigious cases where the student got speech-language services but they didn't need it." Similarly in Alona an SLP stated, "Most often our school system has been criticized for not getting kids the services they need, not wrongly providing services. If the case seems ambiguous, I'd rather find them eligible than ineligible."

SLPs noted that the broad influence granted to parents under IDEA and the threat of litigation made their jobs challenging with regards to assessing eligibility in cases where parents disagreed with their recommendations. SLPs in both Alona and Balboa reported that their district had a culture of largely deferring to parent demands particularly when judging how long to continue to provide speech-language services to a student. For example, a SLP in Alona stated, "Parents have the final say and usually the district has a history of caving to their desires" while a SLP in Balboa stated, "The district is known for giving in to parent demands." The SLPs in both districts described how this attitude towards parent demands often resulted in them providing speech-language services for longer than they would independently recommend. For example an SLP in Alona explained how parent dissent made it difficult for her to dismiss students at the high school level, " If I could discharge kids, I would. I do ask parents when the annual reviews come up…. but parents are loath to give up the services because they know what they've gone through to get them. Legally you can't discharge a child, if their mother says no.
An SLP in Balboa explained why it is challenging to exit students with severe disabilities. She stated that she often has to be in the position of telling parents that their children are not making progress and therefore she recommends dismissal:

> Children with mental retardation are a hard group. Parents will really hold on to those services even when they are not helping them. I've worked with older students who were still receiving speech therapy when they exited the system at age 21 or 22. A lot of time parents feel, how do I say this, feel legally entitled to services. They are like my kid has speech, he has always had speech, and how can you say he doesn't need speech anymore? For example, I had this boy with Down syndrome and his parents would not let me dismiss him even though at that point he had been getting speech for like 14 years. I mean he had limitations but there was not much else we could do. It's really driven by the parents; if they say no to exiting them then we have to keep them.

SLPs questioned the wisdom of a system that gave so much control to parents to dictate services without requiring any financial commitment from the parents. One SLP in Balboa stated:

> It's kind of crazy parents have so much control because all of us know if they had to pay for it, they would not be pushing so hard for it. It's like they feel entitled to get unlimited

services and it can go on forever. Speech is not meant to be provided for a lifetime. This sounds horrible to say but some of us have talked about how it could make sense to go towards an HMO model. I wish families were given the opportunity to have something like 3 years of speech therapy over their educational lifetime and, after that, if they want more it is for a fee. We are just not meant to be working on the same issues for years.

If parents push for continued services despite the SLPs' recommendations, SLPs noted that the "path of least resistance" was to acquiesce. The large majority (n=23) of SLPs could recall a time that they "acquiesced to parental demands" regarding either student eligibility or the amount of speech-language services to be included in the IEP in order to avoid confrontation or litigation. In most cases, SLPs reported that disagreeing with a parent actually creates extra hassle, necessitates the involvement of an administrator, creates additional paperwork, and increases the likelihood that SLPs will need to get involved with a due process hearing.

Lack of General Academic Supports

> *"One of the things that is also happening, and I think it's a result of the budget cuts, is that we are seeing fewer and fewer students being removed from speech therapy. What happens is the schools don't have other resources available to them or other program to offer to students... they are becoming more and more dependent on these mandated related services... The principal will say to us that I don't have anything else to offer this child. If we don't offer speech to this student, then this child will fail. So speech has become a safety net in many ways. By middle and high school many students could and should be decertified in theory from speech services but the speech services are continuing because there is nothing else to give them." – Alona SLP*

Like many school districts, both Alona and Balboa must educate students with a wide range of educational needs on limited budgets with access to few extra resources to help struggling students. Program such as afterschool enrichment programs and academic tutoring for struggling students are often being trimmed in response to budget cuts. Similarly, as a result of budget constraints both Alona and Balboa have large class sizes that further cut into the time and attention that teachers have to devote to individual students. Further, like other school districts across the country, Alona and Balboa face increasing pressure to ensure that all students reach high academic standards. For example one SLP in Alona noted that, "Many schools had to stop offering academic interventions services so they started to refer to speech instead so that the students can get extra help." This quote exemplifies the theme noted across interviews that there is a practice of providing speech-language services to students struggling academically because there are few other resources that districts have to offer to these students.

This pattern of using speech-language therapy as staff augmentation not only seemed to impact teachers and administrators, who might pressure SLPs to take on additional students, but also seemed to impact the mindset of SLPs themselves. Some SLPs explained that they felt that speech-language services might not be the best intervention for students struggling academically but explained that they would feel guilty about not including these students in their therapy program because they knew they were the only ones likely to help them. For example, one SLP in Balboa stated, "I feel guilty if I don't take on referrals in some cases, like the kids might fall

through the cracks. It's better to get them in to give them extra help rather than just let them fail school." In Alona an SLP stated:

> I think what happens a lot of the time is that kids are thrown into speech-language services because we don't know how else to help child. Sometimes I get a student and I'm like, why are they receiving speech? They don't necessarily need the service, or maybe they might need a different kind of help but it's not necessarily speech. I think sometimes they are assigning kids to speech-language services for not the best reasons. I think sometimes they use it as a Band-Aid when they don't have other options.

The fact that SLPs noted speech-language interventions being used as a general education support parallels an issue facing special education generally.

Thin Supervisory Structure

"Many of the IEP meetings are difficult and many issues come up with respect to speech-language service. We only have a SLP administrator attend if it is absolutely necessary but in general it is best if you can handle it yourself as the administrators have limited time. I have been to IEPs with high-profile legal issues that have involved parents who have hired both advocates and lawyers. Even for these cases, I have never had one of my supervisors be at my IEPs. Sometimes you wish they were there but they are not." – Alona SLP

Both school districts in this study are organized in such a manner that there is relatively little administrative support to guide and supervise SLPs. The ratio of speech-language supervisors to SLPs is 1:60 in Alona and 1:90 in Balboa Public Schools. In contrast, there is one principal for approximately 30 classroom teachers in Alona and Balboa, similar to many school districts nationwide. Further speech-language supervisors are necessarily based in a central office location rather than the school building where SLPs work. This lean managerial structure does not allow administrators to frequently interact with SLPs on an individual basis or to go over specific cases unless the SLP brings the case to the supervisor's attention. SLPs in both Alona and Balboa reported seeing their supervisors at large group monthly meetings but mentioned that their direct interactions with them were relatively rare. In Balboa one SLP stated "I only have a one to one discussion with an administrator if there is a problem." Occasionally SLPs stated that it would be "helpful" to have more administrative guidance particularly when they face difficult cases or feel pressured by parents to provide more speech-language therapy than they feel is appropriate but they feel that administrators' availability and therefore support is "limited."

The administrators interviewed did not acknowledge the challenges associated with the eligibility determination process that SLPs described. The primary administrator overseeing speech and language services in Balboa stated, "We follow state and federal regulations in determining eligibility decisions" and in Alona the administrator stated, "Our practices are guided by federal policy." These statements made the process seem relatively straightforward with little room for subjective interpretation. When probed further, administrators said they "really could not comment" on how eligibility decisions varied from SLP to SLP or how factors like parental pressure play a role. Generally, administrators were reluctant to discuss the

eligibility determination process for speech-language therapy and expressed confidence in their interpretation of policy and the districts' eligibility procedures.

The perspective of administrators differed from that of SLPs who viewed the eligibility process as much more complex. One Balboa SLP stated, "I know our supervisor says we just follow state law but it's so much more complex than that in practice. You need to consider second-language learning issues, how to deal with students who make slow progress, and many other factors. That happens on a case by case basis by SLPs." In some cases SLPs perceived the lack of supervisory support as an indication that their supervisors trusted their judgment. One SLP stated, "We have a lot of flexibility with entering and exiting students from speech therapy. The decision is in our hands. Our supervisor certainly does not have time to go over each individual case with us but rather trusts our judgment." An SLP in Balboa stated, "They trust us to use our own professional judgment. I think everyone truly believes they are doing what is right but I don't think things are consistent." On the other hand, some SLPs perceived administrators' thin supervision approach not simply as a matter of trust but as an unavoidable practical reality. In Balboa one SLP stated that, "I'm sure if there were more time and resources the administrators might be more present but it's obvious to us that time is limited so we try to stay off their radar when possible."

Both administrators and SLPs felt that their district is over identifying students for speech language services. For example, an administrator in Alona described that, "Speech therapy is a service that is used far too frequently. A student starts with speech as a service as a preschooler and it remains on their IEPs throughout their school career. Declassification, sadly, is minimal". In Balboa, administrators also strongly implied that too many students receive speech-language services and felt that students' language needs should be met in other ways rather than through direct services from SLPs. One administrator from Balboa stated, "Communication and language [skill development] is something that needs to happen consistently across the school day. Having an SLP checking for understanding after a student participates in a reading lesson is great, having a teacher do it is an even better means for language development. One hour a week of speech therapy is not the solution for facilitating language."

It is interesting that SLPs report erring on the side of caution and identifying more students even as most reported facing pressure from administrators to keep speech-language student "numbers" down and exit students. In Alona one SLP noted, "We know they are trying to get us to wean students off speech therapy as they move into high school but in reality it is so hard to do." Similarly in Balboa, an SLP stated, "We know we need to be thinking about exiting as students reach middle and high school. It's hard though. They still are scoring so low on standardized tests." It may be that administrators claim to want more students exited from speech but they may also want to avoid legal issues. Further, due to organizational factors, administrators have little time and resources to supervise or guide SLPs.

Discussion

This study found that policy ambiguity opens the door for other factors identified in this report to exert influence on the eligibility determination process. SLPs reported that it was not clear who was speech-language impaired, when these impairments were educationally relevant, and when

speech-language services were actually necessary in many cases. If policy ambiguity was the only issue, SLPs could be either more conservative *or* more liberal in identifying students for services. However, the context in which SLPs operate matters.

Neoinstitutional theorists reject the notion that individuals make rational choices purely based on their own conceptions of efficiency, and instead, they emphasize how important it is for individual choices and actions to be considered within the context of an institution as a whole (Meyer, 2006; Spillane & Burch, 2006; Powell & DiMaggio, 1991). In discussing how street-level bureaucrats allocate services to the public, Weatherley and Lipsky (1977) state that the "demand for their services will always be as great as their ability to provide these services" because "organizational resources are chronically and severely limited in relation to the tasks they are asked to perform" (p. 5). It is unsurprising then that there is strong demand for speech-language therapy when one considers the context in which this service is delivered: speech-language therapy is a free legally protected service offered in a public school setting which is chronically short of resources to help struggling students. When SLPs are faced with policy ambiguity, the three other factors identified in this report (legal pressures, lack of general academic supports, and thin supervisory structure) can be seen as contextual factors impacting eligibility decisions.

Legal pressures are a key element of the institutional context. Under IDEA parents have broad rights to be key decision makers in their students' special education plan and research has shown that much of the enforcement of federal special education law is mediated through lawsuits against states and districts as well as through due process hearings (Hehir, 2005; Katsiyannis, Losinski & Prince, 2012). Further major lawsuits against school districts have been a driving factor in special education implementation. For the most part, these legal pressures push SLPs to be more liberal in making eligibility decisions. SLPs reported that parents generally want more, rather than less support for their children. The major on-going lawsuits facing Alona and Balboa are also largely focused on these districts providing too few resources for special education. Faced with ambiguity in interpreting eligibility criteria for services, SLPs in this study reported finding it challenging to stand up to insistent parents who disagree with their negative eligibility decisions. SLPs tend to make eligibility decisions "defensively" by erring on the side of caution in order to avoid potential litigation and also to be compliant.

The lack of general education supports for struggling students is another key attribute of the institutional context. School districts are an inherently resource constrained environment so it makes sense for all avenues to be pursued in order to find supports for struggling students. SLPs found it hard to push back on school administrators or teachers for "throwing students into speech therapy because they don't know what else to do" since it is usually possible to interpret the policy in a manner which finds students eligible for services when they are struggling academically. Research shows that special education is often used to support students who are struggling academically who may not be clearly "disabled" but may face academic struggles for a variety reasons related to economic disadvantage or lack of exposure to high quality instruction (Hehir, 2002; Oswald, Coutinho & Best, 2002; Parrish, 2002). For example, Hehir (2012) recently conducted research demonstrating that students from low-income backgrounds are *over*-represented in special education, even though there is no reason to believe that these groups should exhibit higher rates of disabilities than the population at large. In a study focused on

special education implementation in Massachusetts, Hehir et al (2012) found that districts with a larger percentage of low-income students, on average, identified a larger percentage of their students under special education categories such as specific learning disability, speech-language impairment, and other health impaired (where the criteria for diagnosis was considered subjective) whereas the rates of identification were more consistent for disability categories where the underlying cause of the disability was readily apparent (i.e. hearing impairment, orthopedic impairment, visual impairment).

Both of these issues are likely exacerbated by the lack of supervision and guidance from the administrators given the high SLP to administrator ratio. Weatherley and Lipsky (1977) surmise that the work objectives specified by administrators for street level bureaucrats are "usually vague and contradictory" and therefore it is difficult to generate "valid work performance measures" (p.2). They call the work of street-level bureaucrats "constrained but not directed" (p.3). This perspective helps inform why administrators interviewed did not acknowledge the challenges associated with the eligibility determination process that SLPs described. The thin supervisory structure, by design, puts SLPs in the role of interpreting ambiguous policy criteria and managing parental pressures for all but the most contentious cases.

Conclusion

This study found that the ambiguity inherent in the policy infrastructure allows external factors to detrimentally influence the eligibility determination process for speech-language services. This research, particularly the use of neo-institutional theory and street-level bureaucracy as explanatory lenses, suggests that it is not sufficient to place blame on individuals who are working in difficult and demanding positions. This study found that school districts are clearly under intense pressure to implement IDEA as faithfully and fairly as possible. Given the litigious nature of special education, simply putting more pressure on SLPs or on school districts to "do things better" is not enough. Pressured to "do things better" without accompanying policy changes could possibly lead to superficial changes but meaningful reform requires policy changes that either improve and strengthen the eligibility criteria for speech-language services to ameliorate ambiguity or alter the contextual factors which influence policy implementation. What could such reforms entail?

This research suggests that policy should acknowledge that language is tightly related to literacy and professionals other than SLPs address many elements of language. It might be helpful for district-level policy to be explicit with respect to the fact that language is an area addressed by a team of educators and identify specific roles and responsibilities with respect to language instruction for special education teachers and SLPs in order to best leverage their respective strengths.

Further, unfettered legal rights for parents can end up undermining the clinical judgment of SLPs in making eligibility decisions. While parents are uniquely positioned to advocate for their children, ultimately schools must institute procedures that allow student services to be largely driven by the expertise of appropriate professionals. Additionally, reforms must take into account that schools have limited resources. It may be that one student may benefit marginally from speech-language therapy but the resources dedicated to that student could have a greater impact

on another student who may be able to get more individualized attention. SLPS are best positioned to make such judgments but are unable to consistently act on their judgments unless there is a way to consider cost-benefit analysis as part of eligibility decisions.

Finally, any serious reform effort needs to consider the resource constraints faced by district administrators charged with supervising the provision of speech-language resources. Meaningful support and guidance for SLPs could facilitate more consistency in the eligibility determination process and allow SLPs to make decisions primary based on student need as intended by IDEA.

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Table 1. *Key Characteristics of Research Sites*

District	Alona	Balboa	National
Large K-12 enrollment	> 55,000	>55,000	There are 77 districts nationally with over 55,000 students[1]
Diverse student population	12% White (s.d.=19%) 73% African American, Hispanic, Asian, Other	9% White (s.d.=17%) 91% African American, Hispanic, Asian, Other	~ 56% White ~ 44% African American, Hispanic, Asian, Other[2]
% of students eligible for free and reduced price lunch	77% (s.d=20%)	77% (s.d.=22%)	48%[1]
High School Graduation Rate	60% (s.d.=21%)	65% (s.d.=29%)	78%[3]
% of 8th graders with Reading Scores or above the "*Basic*" Level on the NAEP	65%	56%	76%[4]
% of students who speak a language other than English at home	41%	67%	21%[5]
% of total enrollment identified for special education	14%	12%	11%[i]
Percentage of students receiving special education identified as speech-language impaired	21%	14%	19%[ii]
SLP caseload size	47	55	47[iii]

Note: Where available, standard deviations (s.d.) are shown in parentheses. Standard deviations are calculated across the population of schools in the district.

[1] Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics (2010), *U.S. Numbers and Types of Public Elementary and Secondary Schools From the Common Core of Data (2010) (NCES 2012-325)*.
[2] Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *Status and Trends in the Education of Racial and Ethnic Groups (2010) (NCES 2010015)*.
[3] Source: U.S. Department of Education, *National Center for Education Statistics, Common Core of Data* (CCD)
[4] Source: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, *National Assessment of Educational Progress (NAEP), various years, 2002–2011 Reading Assessments*.
[5] Source: U.S. Department of Commerce Economics and Statistics Administration, U.S. Census Bureau (2013), *Language Use in the United States: 2011*
[6] Source: U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, (2012). *Thirty-first Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act*.
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[8] Source: American Speech-Language-Hearing Association. (2010). *2010 Schools Survey report: SLP caseload characteristics*.